

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#1.10</b>	<b>#1.1</b>	<b>Mission Statement</b>

All employees of the Kent Police Department conduct their work under the guiding principles set forth by the department's vision and mission statements.

**Vision:**

The Kent Police Department is committed to providing the highest level of law enforcement service and improving the lives of its community members.

**Mission:**

To aggressively fight crime while serving with compassion.

**Values:**

Service, Professionalism, and Integrity

**Principles:**

Accountability, Respect, Inclusion, and Innovation

Effective:	10/20/14
Revised:	4/13/18
Kent PD	1.10
WASPC	1.1
Previous Kent PD Policy	New

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#1.20</b>	<b>#1.2</b>	<b>Goals and Objectives</b>

The Kent Police Department establishes goals and objectives annually. Suggestions are identified by staff and are sent to the Chief of Police, via the chain of command, for updating, final approval, and implementation. The Support Services Assistant Chief is responsible for disseminating established goals and objectives to all department personnel.

Effective:	10/23/95
Revised:	7/1/14
Kent PD	1.20
WASPC	1.2
Previous Kent PD Policy	31.2.1/31.2.2

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#1.30</b>	<b>N/A</b>	<b>Authority and Responsibility</b>

In order for the Kent Police Department to function properly, responsibilities given to employees must be accompanied with the necessary authority. The Chief of Police, through the use of the command structure, distributes responsibility and authority through all levels of the department. At every level of the department, employees are given the authority to make decisions necessary for effective performance of their job function.

Each employee is accountable for their use or failure to use their delegated authority in meeting the responsibilities of their position. Employee accountability is measured through the use of the performance evaluation process.

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Kent PD	1.30
WASPC	N/A
Previous Kent PD Policy	4.3.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#1.40</b>	<b>N/A</b>	<b>Performance Award Systems</b>

The Kent Police Department realizes the value of recognizing exceptional service and/or actions of its employees and citizens who distinguish themselves while assisting the Kent Police Department.

### **Department Awards Program**

Department-issued awards are coordinated through the Awards Committee. The Awards Committee chairman will be the Assistant Chief of Police/Investigations Division, or designee, and the committee will be made up of six representatives: two commissioned representatives from the patrol division, one commissioned representative from the investigations divisions, one representative from the corrections facility, one representative from administration and one non-commissioned representative. The Awards Committee Chair will appoint the committee members for two-year terms. The patrol and investigations representatives will be appointed on even years while the corrections, administration and the non-commissioned employee representatives will be appointed on odd years. The terms of committee appointments begin on January 1<sup>st</sup> of the assigned term. A Vice-chair will be selected from the committee to act in the absence of the chair. The Vice-chair will be assigned on a yearly basis.

Any employee who observes or is otherwise made aware of an act that warrants recognition may make award nominations. All requests for awards shall be submitted on the Award Nomination form. This form will be submitted through the chain of command to the Awards Committee for evaluation. To process award nominations in a timely manner, the Awards Committee will convene in person or by email within 21 days of receipt of an award nomination. The Awards Committee must have at least four members to review the Awards Nomination form and a majority vote on the award recommendation. The Chair will cast the deciding vote in case of ties. Upon review of the documentation, the Awards Committee will submit recommendations to the Chief of Police for final approval. The nominating employee will receive notification from the Awards Committee Chair, or designee, as to the outcome of the nomination.

If a member of the Awards Committee is under consideration for an award, they will be excused from the Award Committee while the award is under consideration. An ad hoc member may be appointed by the Committee Chair or designee, to the Award Committee in place of the member who is under consideration for the award.

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Kent PD	1.40
WASPC	N/A
Previous Kent PD Policy	13.1.2

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#1.40</b>	<b>N/A</b>	<b>Performance Award Systems</b>

Award titles include, but are not limited to, the Medal of Honor, the Medal of Valor, the Chief's Award of Duty and Sacrifice, the Lifesaving Medal, the Chief's Award for Professional Excellence, Chief's Award for Distinguished Service, the Chief's Award of Exceptional Duty, Chief's Award for Devoted Service, Chief's Award of Valor, the Chief's Award for Citizen Commendation, and a Letter of Commendation. The Medal of Honor awards will be presented at a formal awards ceremony. All other awards will be presented at an awards ceremony conducive with the employee's wishes. The Awards Committee Chair or designee shall make arrangements and notifications for presentations and ensure appropriate documentation is provided to the Human Resources Department Director for inclusion in the employee's personnel file.

In the event of a posthumous award, the award will be given to the next of kin. The next of kin normally is construed to mean one of the following: Widow or widower, eldest son or daughter, parent, or eldest brother or sister.

The Awards Committee Chair will also maintain an Awards Nomination case file. This file will contain all Award Nomination forms, the supporting documentation, and the results of the nominations. The Awards Committee Chair can also arrange for the award to be published in the local paper, posted on KentNet, City website, and social media pages.

Any Kent Police Department employee is eligible for the Medal of Honor, the Medal of Valor, the Chief's Award of Duty and Sacrifice, the Lifesaving Medal, the Chief's Award for Professional Excellence, the Chief's Award for Distinguished Service, the Chief's Award of Exceptional Duty, the Chief's Award for Devoted Service, and a Letter of Commendation.

### **Award Nominations for Life-Saving/Life-Threatening Incidents**

Award nominations relating to life-saving or life-threatening incidents should be submitted with the following information:

1. Detail what direct action was taken to save or protect a life.
2. Describe in detail any danger that existed in attempting the lifesaving action.
3. Explain any injuries sustained by the person attempting the lifesaving action.
4. Date, time, and location of the incident.

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<b>#1.40</b>	<b>N/A</b>	<b>Performance Award Systems</b>

5. Names of the parties involved and/or witnesses.

### **Award Nominations for Project/Investigation/Job Performance**

Award nominations relating to a specific project, investigation, or exceptional job performance should be submitted with the following information:

1. Detail the specific action meriting an award.
2. Impact of the action to the department and/or others.
3. Whether the actions were required by the individual's position.
4. Training the individual has received to perform the action(s).
5. Whether this type of performance is consistent and, if so, how long the individual has been performing at this level.

Additional documentation such as witness statements, letters of recommendations, photographs, news articles, etc., should be attached to the Award Nomination form.

Any Kent Police Department employee is eligible for the Medal of Honor, the Medal of Valor, the Lifesaving Medal, Chief's Award for Distinguished Service, the Chief's Award for Devoted Service, the Chief's Award for Professional Excellence, and a Letter of Commendation.

### **Medal of Honor**

The Medal of Honor is the highest award presented by the department. It shall be awarded only in those exceptional cases where employees perform an act of heroism that is above and beyond the normal call of duty and is performed at extreme risk of personal safety.

The award shall consist of the Medal of Honor medal and a commendation bar. The commendation bar will be Navy blue with five gold stars. The recipient will also receive a plaque with the recipient's name and description of the individual's action that resulted in the award. A letter will be placed in the person's personnel file.

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Kent PD	1.40
WASPC	N/A
Previous Kent PD Policy	13.1.2

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#1.40</b>	<b>N/A</b>	<b>Performance Award Systems</b>

### **Medal of Valor**

The Medal of Valor is the second highest award presented by the Department. It is awarded to any employee for performance of an act within the normal course of duty where the employee endangers himself or herself through the effecting of the arrest of a dangerous felon or in preventing a serious crime.

This award is different from the Medal of Honor by the degree to which the employee's life is in danger or by the potential significance of the employee's actions taken. The award shall consist of the Medal of Valor medal and a commendation bar. The commendation bar is seven stripes. The four smaller stripes are white, and the three larger stripes are navy blue. The recipient will also receive a plaque with the recipient's name and description of the individual's action that resulted in the award. A letter will also be placed in the person's personnel file.

### **Chief's Award of Duty and Sacrifice**

While directly affecting an arrest, apprehension of a suspect, or protecting the public, fellow officers, or self from a dangerous subject, the officer while on duty sustains serious physical injury (which requires hospitalization) or death as a result of direct hostile action by the suspect/dangerous subject. While contemplating an award of this decoration, the key issue that the awards committee must take into consideration is the degree to which the suspect caused the injury.

Any officer who gives his or her life or is gravely disabled in the line of duty are also eligible for this award.

Not more than one award will be made for more than one wound or injury received at the same instant from the same projectile force, or explosion.

The award shall consist of the Duty and Sacrifice medal and a commendation bar. The commendation bar will be purple in color. The recipient will also receive a plaque with the recipient's name and description of the individual's action that resulted in the award. A letter will also be placed in the person's personnel file. Posthumously awards will be presented to the next of kin.

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Kent PD	1.40
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Previous Kent PD Policy	13.1.2

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<b>#1.40</b>	<b>N/A</b>	<b>Performance Award Systems</b>

### **Lifesaving Medal**

Awarded to any employee who performs life-saving actions or who applies techniques including CPR or deployment of an AED that results in the saving of human life. This award is reserved for those incidents where it can be shown that the individual survived long enough to be released from the hospital and would not have lived except for the direct actions of the employee.

The award shall consist of the Life Saving medal and a commendation bar. The commendation is five stripes. The center stripe will be navy blue. The center stripe will be flanked on either side by two red stripes. The two outside stripes will be white. The recipient will also receive a plaque with the recipient's name and description of the individual's action that resulted in the award. A letter will also be placed in the person's personnel file.

### **Chief's Award of Professional Excellence**

This award is presented to persons who perform specific instances of high-level performance. Examples would include specific investigations, completion of a difficult project, etc.

The award shall consist of an appropriate plaque with the recipient's name and describing the unit's and/or individual's performance and letter to be placed in the person's personnel file.

### **Chief's Award for Distinguished Service**

This award is presented to persons who consistently perform at an exemplary level above what is normally required or expected over a long period of time. This is general in nature rather than for one specific outstanding act.

This award shall consist of an appropriate plaque with the recipient's name and description of the unit's/individual's action that resulted in the award. A letter will be placed in the persons personnel file.

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Kent PD	1.40
WASPC	N/A
Previous Kent PD Policy	13.1.2



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<b>#1.40</b>	<b>N/A</b>	<b>Performance Award Systems</b>

### **Chief's Award of Exceptional Duty**

This award is presented for excellence in police work, or outstanding performance of duties under unusual, complicated, or hazardous conditions. This award shall consist of an appropriate plaque with the recipient's name and description of the unit's/individual's action that resulted in the award. A letter will be placed in the person's personnel file.

### **Chief's Award for Devoted Service**

This award will be presented to an officer or civilian employee in good standing who terminates employment with the Kent Police Department, if that employee has a minimum of five years of service.

This award shall consist of an appropriate certificate or plaque with the recipient's name and length of service. Employees serving 10 years or less will receive a certificate; those employees serving more than 10 years will receive an engraved plaque. This award can be given by the Chief or Assistant Chiefs without going through the Awards Committee.

This award may also be enhanced when an employee retires from the department with 20 or more years of service. Besides the plaque, the employee shall receive a department badge noting that they are a retired officer. They may also purchase their department duty pistol with two magazines and their uniform badges. The receipt of the pistol and badges are a discretionary gesture by the Chief of Police and is incumbent on the employee having retired in good standing.

### **Chief's Award of Valor**

This award is presented to any outside agency law enforcement employee or any citizen who jeopardizes their own safety to assist Kent Police Department personnel in the performance of a hazardous act.

This award shall consist of an appropriate plaque with the recipient's name and describing the individual's performance.

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Kent PD	1.40
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Previous Kent PD Policy	13.1.2

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<b>#1.40</b>	<b>N/A</b>	<b>Performance Award Systems</b>

### **Chief's Award for Citizen Commendation**

This award is presented to any outside agency law enforcement employee, any fire department employee, volunteer, or any citizen who enhances the safety of the citizens of Kent, or for an outstanding contribution to the City of Kent or the Kent Police Department. This award shall consist of a certificate with the recipient's name and describing the individual's performance.

### **Letter of Commendation**

A letter of commendation will be awarded to an individual for an outstanding job-related performance, which is not covered under the above awards.

The award shall consist of a certificate describing the individual performance. A copy of this certificate will be placed in the person's personnel file if they are a city employee.

This award can be authorized by any Command Staff member without going through the Awards Committee. The award will be signed by both the Chief and the Assistant Chief of the division of the awardee.

### **Wearing of Awards**

Uniform personnel are requested to wear their commendation bars on their uniform shirt for normal duty hours. They are required to wear them while in Class A uniform. The commendation bars will be positioned on the right side above their nameplate. The commendation bar will be placed on the uniform in the order of ranking priority (Medal of Honor, Medal of Valor, Duty and Sacrifice medal, Lifesaving medal). The award commendation bar order will begin from the wearer's left (closest to the heart) and move to the right.

Uniform personnel that are commended twice for the same award will have a gold star attached to the commendation bar. They are allowed to wear awards presented to them from other Police or Fire agencies. Those awards will be ranked below the Lifesaving medal in order of priority. Non-uniform employees have the option of wearing their award at any time.

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Kent PD	1.40
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Previous Kent PD Policy	13.1.2

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#2.10</b>	<b>#2.1</b>	<b>Oath of Office</b>

Each sworn member of the Kent Police Department, prior to assuming sworn status, will take and abide by an oath of office. The oath is administered by the Mayor or designee, and requires the police officer to uphold the Constitution and laws of the United States and the State of Washington. In addition, the oath requires officers to obey the rules and regulations of the Kent Police Department.

In addition to the Oath of Office, each employee of the Kent Police Department must abide by a Canon of Ethics established by a committee of employees from throughout the police department. This canon states:

"I believe that Law Enforcement is an honorable profession. As part of the Law Enforcement community, I recognize the importance of putting forth my best efforts to serve the public.

Because I value human life, I treat all people with respect and dignity. Regardless of my own bias or prejudices, I will remain impartial when performing my duties.

I will serve with pride, honesty, and be self-disciplined. I am accountable for my decisions and actions.

I will fulfill my responsibilities in the discharge of my duties. I resolve to be firm but compassionate, tough but fair, and keep myself strong in body and mind to meet the challenges I face daily".

Effective:	10/23/95
Revised:	12/30/15
Kent PD	2.10
WASPC	2.1
Previous Kent PD Policy	1.1.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#2.20</b>	<b>#2.2</b>	<b>Statutory Authorization</b>

### **Legally Mandated Authority**

The U.S. Constitution, the Washington State Constitution, and the Revised Codes of Washington (RCW) define the scope and limits as it pertains to the enforcement of laws and ordinances and rights that an individual possesses against unlawful government action.

The Washington State Constitution, Article XI, Section 11, grants municipalities the authority to exercise all powers of local self-government, and to adopt and enforce within their limits such as local police, sanitary, and other similar regulations as are not in conflict with general laws.

The RCW, Chapter 10.93.070, lists the circumstances when a general authority Washington peace officer may enforce the traffic or criminal laws of this State.

Each police officer of the Kent Police Department has the authority to enforce federal, state, and local laws. The Constitution of the United States, the Washington State Constitution, the Revised Code of Washington (RCW), and the Kent City Code (KCC) define the scope and limits of law enforcement authority. Kent Police Officers strictly adhere to the scope and limits of their authority as defined by these laws. This authority includes the power of arrest.

### **Discretion**

Discretionary power is the power of free decision or latitude of choice within certain legal bounds. When exercising this power it is imperative officers take into consideration the goals and objectives of the police department. They need to also look to the best interests of the public they serve, any mitigating circumstances, and the severity of the situation at hand.

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Revised:	11/23/15
Kent PD	2.20
WASPC	2.2
Previous Kent PD Policy	1.2.1/4.3.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#2.30</b>	<b>#2.3</b>	<b>Arrests</b>

All persons detained or arrested by Kent Police Officers will be afforded full use of their constitutional rights and will be treated professionally.

### **Arrest Warrants**

Felony arrest warrants issued by the King County Superior Court are valid within the United States.

Misdemeanor arrest warrants issued through any district or municipal court are valid state-wide. Arresting officers will verify extradition requirements on all warrants.

### **Arrest Without a Warrant**

In accordance with RCW 10.31.100, Kent Police officers having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. An officer may also arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the officer, except as provided in subsections (1) through (16) of RCW 10.31.100.

### **Search Incident to Arrest**

Once a person is arrested, there is a diminished expectation of privacy of his or her person, which may include personal possessions immediately associated with the arrestee's person or an area or item within the arrestee's immediate control. An arrestee may be searched for weapons, contraband, and fruits and instrumentalities of the crime. Refer to Kent PD Policy #2.50 for additional search and seizure information.

### **Reports**

The arresting officer completes a suspect arrest intake form and medical intake form for every person arrested and booked into the Kent Corrections Facility.

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Kent PD	2.30
WASPC	2.3
Previous Kent PD Policy	1.2.1/1.2.5/26.1.3

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#2.30</b>	<b>#2.3</b>	<b>Arrests</b>

The officer completes a field interrogation report for warrant arrests for other agencies.

### **Juveniles**

The Kent Corrections Facility does not accept custody of juvenile offenders. The arresting officer transports arrested juveniles to the King County Youth Center for processing.

At the arresting officer's request, the corrections staff can fingerprint and photograph juveniles arrested for a felony or a gross misdemeanor. During this process, juveniles must be sight and sound separated from adult inmates.

### **Fingerprints**

Corrections staff takes fingerprints each time a person is booked into the Kent Corrections Facility.

The required number of fingerprint cards is as follows:

1. Any new charge arrest, booked: Will be printed on the Identix fingerprinting machine and the fingerprints will be dispatched to King County AFIS for identification. One disposition sheet will be printed out per charge and forwarded to CKCF administration.
2. Any warrant arrest, booked: Will be printed on the Identix fingerprinting machine and the fingerprints will be dispatched to King County AFIS for identification. One disposition sheet will be printed out per charge and forwarded to CKCF administration.

### **Photographs**

Corrections staff takes a photograph each time a person is booked into the Kent Corrections Facility.

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Kent PD	2.30
WASPC	2.3
Previous Kent PD Policy	1.2.1/1.2.5/26.1.3

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#2.40</b>	<b>#2.4</b>	<b>In-Custody Situations</b>

To protect the constitutional rights of persons suspected of criminal activity, police officers follow these procedures:

- Officers shall not coerce or obtain involuntary confessions from persons suspected of criminal activity.
- Whenever persons are in custody, at a minimum, advisal of the right to counsel is required as soon as feasible after arrest under criminal court rule. [CrR 3.1 for superior court, and CrRLJ 3.1 for municipal court] Officers are encouraged to make an advisal of full Constitutional rights, according to the Miranda Warnings located on the back of the officer's code book form, whenever persons are in custody and there is intent to ask questions that may illicit an incriminating response.
- If in doubt about a suspect being in "custody" and planning to question the suspect, advise the suspect of his or her full Constitutional rights.

Once suspects have invoked their right to counsel, all interviews will end until they have an opportunity to consult with an attorney.

After consulting with an attorney, a suspect may request contact with the investigating officer. Before re-contact, a suspect is to be re-advised of his or her Constitutional rights.

Once a person is arrested, the person shall be brought before the court of proper jurisdiction without unnecessary delay.

Pre-trial publicity could prejudice a fair trial. Therefore, the Public Information Officer (PIO) or designee will generally release information regarding major criminal investigations.

Officers of the Kent Police Department can make non-custodial contacts with citizens. These contacts may differ from the lawful detention of a "Terry Stop" in that citizens are not required to remain at the scene with the officer.

Refer to Kent PD Policy #2.50 for language governing in-custody search and seizure requirements.

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Kent PD	2.40
WASPC	2.4
Old Kent PD Policy	1.2.3/23.2.3

Kent PD	WASPC	Title
#2.50	#2.5	Search and Seizure

In a number of circumstances, Kent Police Officers have the authority to conduct searches and make seizures without a warrant. Quick summaries of some of these circumstances are provided below for general informational purposes. Case law interpreting the constitutional protections that apply to warrantless searches and seizures is complex and fact-specific. If an officer has any doubt as to whether a warrantless search or seizure is authorized, voluntary consent or a warrant should be obtained. Questions in a particular circumstance should be directed to the officer's on-duty supervisor or to a prosecutor for the City of Kent or King County.

### **Search by Consent**

- The consent must be "voluntary."
- The consent must be granted by a party having the authority to give consent.
- The search must be limited to the scope of the consent granted.
- The consent to search can be revoked at any time.

### **Stop and Weapons Frisk**

Stop and weapons frisk searches fall within one of the exceptions to the warrant requirement as set forth in the 4th Amendment to the U.S. Constitution and Article 1, Sec. 7 of the Washington State Constitution. To conduct a weapons frisk, an officer must be able to articulate the specific circumstances that existed to cause the officer to have reasonable fear for his or her safety.

### **Vehicle Searches**

Consent or a warrant is the preferred means for a vehicle search. Generally, however, if a person is arrested either in a vehicle or after recently exiting, the passenger compartment may only be searched incident to arrest of either the driver or a passenger if the arrestee is unsecured and within reaching distance of the passenger compartment at the time of the search. This exception only applies when the number of vehicle occupants is more than the number of officers on scene. If the suspect is the owner of the vehicle or has control of the vehicle,

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<b>#2.50</b>	<b>#2.5</b>	<b>Search and Seizure</b>

he/she must remain at the scene during the search process.

The officer may not unlock and search any locked container, locked glove box, engine compartment, or vehicle trunk without a search warrant.

### **At the Scene of a Crime**

While there is no warrant exception for crime scene searches, when responding to a homicide or serious assault scene, officers may:

- Make warrantless entry when officers reasonably believe a dead body or injured person will be found. A suspected dead body may still be alive and entry is justified under the Community Caretaking/Emergency Doctrine.
- Examine the body itself.
- Search the premises for other victims or suspects.
- Seize any evidence in plain view while inside the residence pursuant to any of the above permissible activities.

### **Public Safety, Emergency Circumstances**

- The Emergency Doctrine allows warrantless entry.
- The need to protect or preserve life, avoid serious injury, or protect property in danger of damage justifies an entry that would otherwise be illegal.
- Officers will render aid to individuals in danger and protect their property and premises. Motivation for entry triggers the assertion of the Emergency Doctrine.

### **Vehicle Impoundment, Inventory of Contents**

A vehicle may be impounded and its contents inventoried in order to make note of items of value for the registered owner. The purpose of an inventory search is to

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Previous Kent PD Policy	1.2.4/1.2.5

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<b>#2.50</b>	<b>#2.5</b>	<b>Search and Seizure</b>

protect the property of the owner or occupant, to protect officers from false claims of theft, and to protect police officers and the public from potential danger. An inventory search must be restricted to the areas necessary to fulfill the purpose of the search. Such inventory searches must be conducted in good faith and cannot be used as a pretext for a search for evidence of a crime.

If there is probable cause to believe the vehicle was used in the commission of a crime or contains evidence of a crime, the prosecuting attorneys for both King County and the City of Kent recommend the use of a search warrant.

### **Other Warrantless Situations Authorized**

- Search incident to lawful arrest.
- Geographic scope of the area where arrest occurred (wingspan/lunge areas).
- Plain view.
- Protective sweep of a residence.

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property and observations of activities and property located within open public areas.

### **Officer Expectations During Search/Seizure**

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of the police department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

Although conditions will vary and officer safety and other exigencies must be

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Previous Kent PD Policy	1.2.4/1.2.5

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#2.50</b>	<b>#2.5</b>	<b>Search and Seizure</b>

considered in every search situation, the following guidelines should be followed whenever circumstances permit:

1. Members of the police department will strive to conduct searches with dignity and courtesy.
2. Officers should explain to the person being searched the reason for the search and how the search will be conducted.
3. Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
4. In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.

When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practical to summon an officer of the same sex as the subject, the following guidelines should be followed:

- Another officer or a supervisor should witness the search.
- The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing, or clothing that could not reasonably conceal a weapon.

Officers are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search.
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys).

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Kent PD	2.50
WASPC	2.5
Previous Kent PD Policy	1.2.4/1.2.5

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#2.50</b>	<b>#2.5</b>	<b>Search and Seizure</b>

- What, if any, injuries or damage occurred.
- All steps taken to secure property.
- The results of the search, including a description of any property or contraband seized.

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented, and that current legal requirements and department policy have been met.

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Revised:	11/23/15
Kent PD	2.50
WASPC	2.5
Previous Kent PD Policy	1.2.4/1.2.5

Kent PD	WASPC	Title
#2.60	#2.6	Strip and Body Cavity Searches

### **Strip Searches**

A strip search is defined as having a person remove or arrange some or all of his or her clothing so as to permit an inspection of the genitals, buttocks, anus, or undergarments of the person or breasts of a female person. Confidential informants are searched by consent. Non-consensual and warrantless strip searches are governed by RCW 10.79.130, which provides:

Individuals in custody may be strip searched without a warrant if there is reasonable suspicion to believe that there is evidence, contraband, weapons, or items concealed on their body that constitute a threat to the security of the correctional facility.

**-OR-**

If there is probable cause to believe that there is criminal evidence concealed on their body, but it is not a threat to the security of the correctional facility. The nature of the crime that the subject is arrested for should dictate if a strip search is necessary.

**-OR-**

There is a reasonable suspicion to believe that a strip search is necessary to discover a health condition requiring immediate medical attention.

Reasonable suspicion is deemed to be present when the person to be searched has been arrested for a violent offense (as defined in RCW 9.94A.030); an offense involving escape, burglary, or the use of a deadly weapon; or an offense involving possession of a drug or controlled substance under Ch. 69.41, 69.50, or 69.52 RCW.

Strip searches will be conducted in an area that affords privacy and is not visible to the general public or facility population. Strip searches will be conducted by an officer of the same sex, except in an emergency including controlling a violent

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Kent PD	2.60
WASPC	2.6
Previous Kent PD Policy	1.2.8

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#2.60</b>	<b>#2.6</b>	<b>Strip and Body Cavity Searches</b>

offender. The searching officer will document the reason for the strip search and the results of the search in a case report or corrections incident report.

### **Body Cavity Searches**

A body cavity search means the touching or probing of a person's body cavities, whether or not there is actual penetration of a body cavity. The authority for conducting a body cavity search is provided by RCW 10.79.080.

A body cavity search requires the securing of a search warrant prior to the search. This warrant must be issued by a Superior Court judge. This search will be done by a physician, registered nurse, or physician's assistant and who is trained in the proper medical process. The search will be documented by a law enforcement officer in a case report. The case report will include the warrant, all authorizations, and any supporting documents to include the name and sex of the person(s) conducting or observing the search, as well as the time, date, location, and a description of the search and an inventory of the item(s) located.

Effective:	10/23/95
Revised:	11/23/15
Kent PD	2.60
WASPC	2.6
Previous Kent PD Policy	1.2.8

Kent PD	WASPC	Title
#2.70	#2.7	Arrest and Detention of Foreign Nationals

Pursuant to international law, certain diplomats and their family members and servants have varying levels of immunity from arrest and detention. Most of these privileges and immunities are not absolute, and law enforcement officers retain their fundamental responsibility to protect and police the orderly conduct of persons in the United States.

It is the policy of the Kent Police Department that all rights required under these laws and agreements be rendered to all diplomats, consular officers, and foreign nationals. Information will be provided to foreign nationals who may be arrested or detained, and appropriate consular notifications shall be made.

### **Definitions**

Consul - A consular officer serving as an official representative of a foreign government. Consuls enjoy only limited immunities as opposed to diplomatic officers, who enjoy unlimited immunity.

1. Consular officers are generally identified by one of the following titles: Consul General, Deputy Consul General, Consul, and Vice Consul.
2. Limited immunity extends only to consular officers for their official acts and generally not to their families, staff, or servants. Only a court with subject matter jurisdiction over the crime can decide whether a given set of circumstances constitutes an official act triggering the immunity. Thus, a consular officer may be charged with a crime and required to appear in court, but then may also assert an affirmative defense that the actions complained of arose in connection with the performance of official acts.
3. Consular officers may be arrested and detained pending trial only if the offense is a felony and if the arrest is made pursuant to a decision by a competent judicial authority (i.e., a warrant). While they can be prosecuted for misdemeanors, they remain at liberty pending trial.

Effective:	10/23/95
Revised:	11/23/15
Kent PD	2.70
WASPC	2.7
Previous Kent PD Policy	22.1.3/1.1.4

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#2.70</b>	<b>#2.7</b>	<b>Arrest and Detention of Foreign Nationals</b>

4. Consular officers are subject to being cited for civil infractions.

Diplomat - Diplomats are entitled to diplomatic immunity, broadly defined as the freedom from local jurisdiction accorded to duly accredited diplomatic officers, their families, staffs, and servants. Although a diplomat may be entitled to immunity, that immunity may be waived by the sending state upon request of the U.S. Department of State, who advises it requests waivers of immunity in every case where the prosecutor advises that, but for the immunity, charges would be pursued.

1. Diplomatic officers are generally identified by one of the following titles: Ambassador, Minister, Minister Consular, Consular, First Secretary, Second Secretary, Third Secretary, and Attaché.
2. Persons enjoying diplomatic immunity may not be handcuffed (except in extraordinary circumstances), arrested, detained, prosecuted for any civil or criminal offense, neither their property (including vehicles) nor residences may be entered or searched, and they enjoy complete immunity from the obligation to provide evidence as witnesses and cannot be required to testify.
3. Family members forming part of the household of diplomatic agents enjoy precisely the same privileges and immunities as do the sponsoring diplomatic agents.

Foreign National - Any citizen of another country, excluding diplomats and consuls, who are in the United States on a temporary basis, either legally or illegally. This includes tourists, students, and aliens. It also includes those holding an Alien Registration Card (green card). They are subject to arrest and detention.

Honorary Consul - A person, often a foreign national, who has limited duties to assist diplomatic officials. They have no claim of diplomatic immunity.

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Kent PD	2.70
WASPC	2.7
Previous Kent PD Policy	22.1.3/1.1.4



Kent PD	WASPC	Title
#2.70	#2.7	Arrest and Detention of Foreign Nationals

### **Notification Procedure**

If an officer has to investigate an incident involving a foreign official and the individual claims diplomatic immunity, the officer should immediately notify the on-duty supervisor of the claim and acquire from the individual his or her passport and the identification card issued to the individual by the U.S. Department of State's Office or the U.S. Mission to the United Nations, as applicable, which is the only authoritative identity document for diplomats, officials, and consular officers. A brief statement of the bearer's diplomatic status and level of immunity from arrest, detention or criminal jurisdiction is printed on the reverse side of the identification card. However, police officers should be aware that newly arrived diplomatic and consular staffs may not yet have these official identity documents and the U.S. Department of State's Office of Protocol should be contacted for verification. The passport will also help the officer identify the individual's country.

The first step is to verify the status of the individual. Telephonic contact shall be made with the U.S. Department of State at (202) 647-1985 or (206) 647-1727 during normal business hours, or at (571) 345-3146 or 1-(800)-217-2089 after hours. The U.S. Department of State will help officers verify an individual's status and whether the individual's consulate needs to be contacted. The individual may be detained at the scene until his or her status can be confirmed.

In most instances, a foreign national's consul may need to be contacted regarding the detention or arrest of a foreign national. Once a foreign national is arrested or detained, the foreign national must be informed "without delay" of his or her right to communicate with his or her consul, and if the foreign national requests, his or her consul must be notified of the arrest or detention. However, many sending state countries have agreements with the U.S. that the consul must be notified, regardless of the foreign national's wishes. A notification list is kept in the Records Unit and at the City of Kent Corrections Facility to assist in contacting the various consulates in which mandatory notification is required. Mexico is not currently on the mandatory notification list. If questions arise regarding consular notification, the U.S. Department of State may be contacted at (202) 647-4415 during normal business hours or at (202) 647-1512 after normal business hours. If the individual is from a country that does not

Effective:	10/23/95
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Kent PD	2.70
WASPC	2.7
Previous Kent PD Policy	22.1.3/1.1.4

Kent PD	WASPC	Title
#2.70	#2.7	Arrest and Detention of Foreign Nationals

require notification, the officer shall notify the individual's consul if the individual requests the officer to do so.

If verification confirms the individual does have diplomatic immunity, handcuffs cannot be used unless the individual poses an immediate threat to safety, and the individual may not be arrested or detained. Once all pertinent information is obtained, the individual must be released. All contacts with foreign officials shall be documented and a copy of the report sent to the United States Department of State by fax or mail as soon as possible. **NOTE:** Consular documents, records, and correspondence are inviolable and may not be searched or seized.

If a member of the police department investigates the death or serious injury of a foreign national, the officer must ensure notification is made to the individual's consular officer as soon as possible.

### **Traffic Incidents**

If the incident is traffic related, issuance of a notice of infraction does not constitute an arrest or detention and is permitted. However, the individual may not be compelled to sign the infraction notice and may not be arrested for refusing to sign.

If the incident is a serious traffic case, telephonic contact with the U.S. Department of State is urged and recommended. In a DUI investigation, regular police department procedures should be followed, but the individual cannot be handcuffed or compelled to give a breath sample. A copy of the citation and any other documentation regarding the incident should be forwarded to the U.S. Department of State as soon as possible. For "must appear" offenses, the U.S. Department of State uses the citation and any report as the basis for requesting an "express waiver of immunity" from the individual's sending state.

Once the investigation is complete, the individual shall be released. If the individual is incapable of driving, efforts shall be made to have them transported to their final destination. This can be by taxi, calling family or staff, or if the officer is in a position to, giving the individual a ride. Those individuals with full diplomatic immunity and their property may not be

Effective:	10/23/95
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Kent PD	2.70
WASPC	2.7
Previous Kent PD Policy	22.1.3/1.1.4

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#2.70</b>	<b>#2.7</b>	<b>Arrest and Detention of Foreign Nationals</b>

searched or seized. A diplomat's vehicle is not subject to search or impound but may be towed a reasonable distance to keep the vehicle from impeding traffic or creating a safety hazard. This same immunity does not extend to the consul, whose vehicles may be towed, impounded, and booted in accordance with local procedures, though the U.S. Department of State should be notified.

### **Communications**

If a foreign national is detained, he or she is entitled to communicate with his or her consular officer. Access to a consular officer shall be provided to the foreign national, whether by phone, in writing, or through visitation. All contacts shall be documented to ensure protocol is followed.

### **Documentation**

All incidents involving the arrest of a foreign national or detention of a diplomat or consul shall be documented in a police case report. The on-duty supervisor is responsible for approving the reports and forwarding them through the chain of command for notification purposes. If the incident is noteworthy, notification procedures shall be followed as the incident is investigated. Copies of these reports shall be forwarded to the research and development analyst as proof for accreditation.

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Kent PD	2.70
WASPC	2.7
Previous Kent PD Policy	22.1.3/1.1.4

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#2.80</b>	<b>N/A</b>	<b>Alternatives to Arrest</b>

### **Legally Mandated Authority**

The U.S. Constitution, the Washington State Constitution, and the Revised Codes of Washington (RCW) define the scope and limits as it pertains to the enforcement of laws and ordinances and rights that an individual possesses against unlawful government action.

The Washington State Constitution, Article XI, Section 11, grants municipalities the authority to exercise all powers of local self-government and to adopt and enforce within their limits such as local police, sanitary, and other similar regulations as are not in conflict with general laws.

The RCW, Chapter 10.93.070, lists the circumstances when a general authority Washington peace officer may enforce the traffic or criminal laws of this State.

### **Discretion**

Discretionary power is the power of free decision or latitude of choice within certain legal bounds. When exercising this power it is imperative officers take into consideration the goals and objectives of the police department. They need to also look to the best interests of the public they serve, any mitigating circumstances, and the severity of the situation at hand.

### **Alternatives to Arrest or Pre-Arrest Confinement**

In the absence of a clear and specific threat to the community, victim, or suspect, police officers are encouraged to seek alternatives to physical arrest with incarceration.

Officers will exercise arrest powers in felony situations. Depending on the offense, and in some cases with prosecutorial approval, certain felony arrestees may be released pending filing of formal charges, after the arrestees have been interviewed.

Upon the arrest of a misdemeanor offender, an officer has the option of issuing a misdemeanor citation and making a field release if the offense is not designated by statute or department directive as a crime that mandates a physical arrest be made.

Effective:	10/23/95
Revised:	11/23/15
Kent PD	2.80
WASPC	N/A
Previous Kent PD Policy	1.2.6

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#2.80</b>	<b>N/A</b>	<b>Alternatives to Arrest</b>

### **Pre-Trial Release**

Many arrest situations can be successfully resolved without immediate incarceration. Officers can release an arrestee after the booking process under the following conditions:

- The crime is a misdemeanor or felony crime against property.
- The suspect's profile poses no threat to the victim, community, or self.
- The suspect does not pose a high risk of fleeing the area.
- State law allows release without incarceration or arraignment.
- If it is a felony case and requires further investigation before filing formal charges.

Effective:	10/23/95
Revised:	11/23/15
Kent PD	2.80
WASPC	N/A
Previous Kent PD Policy	1.2.6

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#2.90</b>	<b>N/A</b>	<b>Custodial Interrogation of Juveniles</b>

Officers will advise juveniles in custody of their constitutional and juvenile rights prior to interviewing them. If possible, an officer will advise a juvenile's parent or guardian of the officer's intent to question the juvenile. Additionally, in questioning a juvenile, officers will:

- Limit the number of officers in the interview to two.
- Limit the interview to a prudent amount of time.

Any officer questioning a juvenile offender or suspect should explain:

- The department's procedures in dealing with juvenile offenders.
- The juvenile justice system process.

This information should also be provided to the juvenile's parents or guardians.

If it is necessary to conduct a non-custodial interview of a juvenile student on school premises, officers will follow these guidelines:

1. Before interviewing the juvenile student on school premises, the officer will attempt to contact the student's parent or guardian to explain the nature of the incident. If the parent requests to be present, the officer will delay the interview for a reasonable amount of time until the parent's arrival.
2. Upon the officer's arrival at the school, the officer will contact the principal or assistant principal and explain the nature of the interview. The principal or assistant principal will have the student called to the office. The officer will conduct the interview in the presence of the principal or the principal's designee.
3. If feasible, the investigating officer should attempt to coordinate interviews of juveniles on school premises with an on-duty School Resource Officer or School Safety Staff Member.

Effective:	10/23/95
Revised:	11/4/14
Kent PD	2.90
WASPC	N/A
Previous Kent PD Policy	23.2.3

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#2.90</b>	<b>N/A</b>	<b>Custodial Interrogation of Juveniles</b>

4. If unusual circumstances require a change from the above guidelines, the officer will contact the shift supervisor.

Effective:	10/23/95
Revised:	11/4/14
Kent PD	2.90
WASPC	N/A
Previous Kent PD Policy	23.2.3

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#2.100</b>	<b>N/A</b>	<b>Use of Discretion</b>

One of the most important and powerful tools an officer possesses is the ability to use discretion. Discretion can be a very valuable tool when used effectively, but it can also be abused.

The Kent Police Department is aware that officers use discretion when dealing with situations. Before deciding how to best handle a given situation, officers should consider:

- A. The seriousness of the crime or infraction.
- B. The age of the suspect.
- C. Alternatives to enforcement. Consider whether arrest is in the best interest of the community.
- D. Spirit of the law.

Officers are permitted to use discretion in handling traffic offenses and some misdemeanor crimes. However, officers will not be permitted to use discretion when dealing with those crimes which mandate by law a physical arrest.

Effective:	10/23/95
Revised:	11/23/15
Kent PD	2.100
WASPC	N/A
Previous Kent PD Policy	1.2.7



<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#2.110</b>	<b>N/A</b>	<b>Enforcement of Immigration Laws</b>

The purpose of this policy is to establish guidelines for sworn personnel regarding the enforcement of immigration laws.

The enforcement of the nation's immigration laws is primarily the responsibility of the federal government. Accordingly, the Kent Police Department shall not undertake immigration-related investigations and shall not inquire into the immigration status of persons encountered during police operations *except as described below*. This prohibition does not preclude the Kent Police Department from entering into agreements with the federal government to work with federal immigration officials, nor does it prevent the Kent Police Department from providing assistance to federal immigration officials when such assistance is necessary to protect the safety of officers or the public during an emergency.

### **Inquiries into Immigration Status:**

A person's right to file a police report, participate in police-community activities, or otherwise benefit from police services is not contingent upon citizenship or immigration status. Consequently, officers shall not question any person about his or her citizenship or immigration status or inform federal immigration authorities of the whereabouts or behavior of any immigrant or foreign visitor, unless that person:

1. Is physically arrested and not eligible for release on a summons;
2. Has been convicted of any felony, regardless of whether that felony involved violence;
3. Is reasonably suspected of involvement in terrorism and/or subversive activities;
4. Is reasonably suspected of participating in an organized venture to bring or fraudulently assimilate undocumented foreigners into the country;
5. Is reasonably suspected of participating in criminal street gang activity;
6. Is involved in a serious public safety incident or situation and it has been determined that there is a potential threat to the public.
7. The person's immigration status is an element of a state criminal offense, and the officer has reasonable grounds to believe the person has committed the offense.

Officers shall not request passports, visas, "green cards," or travel documents in lieu of, or in addition to, driver's licenses and similar standard forms of identification. Such documents shall only be requested when standard forms of identification are unavailable, or when the officer is proceeding under the conditions described above.

Effective:	12/21/16
Revised:	3/28/17
Kent PD	2.110
WASPC	N/A
Previous Kent PD Policy	New

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#2.110</b>	<b>N/A</b>	<b>Enforcement of Immigration Laws</b>

### **Physical Arrest and Booking:**

An officer shall obtain approval by a supervisor when feasible prior to arrest in any case in which the person's citizenship or immigration status was a factor in the arrest. If approval cannot be obtained prior to the arrest, the officer shall confer with a supervisor immediately after the arrest. In all cases, an officer shall obtain approval by a supervisor prior to booking a person whose citizenship or immigration status was a factor in the arrest or booking.

No person shall be physically arrested and booked in order to determine their legal status in the country if they would otherwise have been eligible for release on a summons. Additionally, no other person, including a victim or other person reporting a crime, nor any witness to a crime, shall be questioned regarding their status in this country absent a lawful physical arrest and booking of such person for a crime or one of the other conditions enumerated above.

When any person is physically arrested and will be booked on a felony, their country of citizenship should be ascertained as required by the Vienna Convention and entered into the "Citizenship?" data field of the King County Superform. If the person who has been arrested is a foreign national (someone who is not a citizen of the United States), the Vienna Convention is triggered and officers are required to follow procedures for Arrest and Detention of Foreign Nationals (Policy 2.70). Further inquiries into the arrestee's immigration status shall only be permitted as provided by this policy.

Effective:	12/21/16
Revised:	3/28/17
Kent PD	2.110
WASPC	N/A
Previous Kent PD Policy	New

Kent PD	WASPC	Title
#3.10	#3.1	Use of Force

Law enforcement officers often handle situations where control must be exercised to make arrests and to protect the public safety. Control may be achieved through verbal persuasion, warnings, and the use of physical force. Physical force should only be used for defense or to control the actions/behavior of another person, when such actions/behaviors create a perceived risk of injury to any person or damage to property of another, or to overcome the active resistance to a lawful order. All use of force by Kent officers will be in compliance with RCW 9A.16.020.

Officers of the Kent Police Department will use only that force that is objectively reasonable to effect a lawful arrest, defend themselves or others from violence, restore order or to otherwise accomplish police duties according to law. To the extent that Department Policy may contain provisions more restrictive than the state law, such provisions are not intended, nor may be they construed or applied, to create a higher standard of care of duty toward any person or to provide a basis for criminal or civil liability against the City, the Police Department, or any of its officials or individual officers. Force, including deadly force and the use of Department issued or authorized firearms, weapons and control/impact/capture devices, is to be used in the performance of police duty when and only to the extent necessary. The degree of force used by an officer will be based on that officer's perception and reasonable assessment of risk posed by the suspect or suspects under the totality of the circumstances. Reasonable force will be modulated both up and down based on the amount of resistance encountered. Police Use of Force falls into three basic categories, Non-Deadly, Intermediate, and Deadly Force.

**Non-Deadly Force** is force that presents a minimal risk of injury to subject and is objectively reasonable to defend self or others, effect arrest, overcome resistance or prevent escape. Examples-Presence, verbal commands, "empty hand" controls, Taser and LVNR (Levels 1,2 and 3 prior to unconscious).

**Intermediate Force** is force that presents a significant risk of injury to subject. It is objectively reasonable to defend self or others; to effect arrest or overcome resistance **WHEN** there is active resistance **AND** threat of harm to officers or public. **SOME** examples include Taser, K9 contact, LVNR (Unconscious), OC, impact weapons to primary& secondary targets, kicks and punches to primary and secondary targets, etc.

**Deadly Force** is force that presents a substantial risk of serious bodily injury/death. Is it objectively reasonable to defend self or others or to effect arrest overcome resistance or prevent escape when threat of serious bodily injury or

Effective:	10/23/95
Revised:	8/17/18
Kent PD	3.10
WASPC	3.1
Previous Kent PD Policy	1.3.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#3.10</b>	<b>#3.1</b>	<b>Use of Force</b>

death, or with Probable Cause for a violent felon who presents an imminent threat. Examples include firearms but can be much broader.

In the event an intermediate or higher level of force is used the on-duty supervisor will be notified prior to the scene being cleared. In most cases the on duty supervisor will respond to the scene of applications of the TASER in dart mode and the use of LVNR where a subject is rendered unconscious.

Effective:	10/23/95
Revised:	8/17/18
Kent PD	3.10
WASPC	3.1
Previous Kent PD Policy	1.3.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#3.20</b>	<b>#3.2</b>	<b>Warning Shots</b>

The Kent Police Department does not authorize the use of warning shots.

Effective:	10/23/95
Revised:	10/27/14
Kent PD	3.20
WASPC	3.2
Previous Kent PD Policy	1.3.3

Kent PD	WASPC	Title
#3.30	#3.3	Less Lethal

A less lethal weapon is any weapon other than a knife or firearm that is less likely to cause death or serious bodily harm.

Less Lethal Weapons include:

- A. Batons
- B. Flashlights (if used as an impact weapon)
- C. OC aerosols
- D. Taser or other approved electronic controlled weapons
- E. Extended range kinetic energy projectile launchers
  - 1. Sage Ace
  - 2. Sage Deuce
  - 3. LMT Single
  - 4. Any other launcher, approved by the Rangemaster, that is capable of firing the Defense Technologies 40MM eXact Impact round.

Officers may carry these weapons after successful participation in ongoing department approved training programs. All less than lethal weapons training will be conducted every two years by certified instructors.

Effective:	10/23/95
Revised:	8/25/17
Kent PD	3.30
WASPC	3.3
Previous Kent PD Policy	1.3.4

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#3.40</b>	<b>#3.4</b>	<b>Requesting Medical Aid</b>

In situations where officers are required to use force resulting in an injury that is known, suspected, or alleged, the officer is required to provide the appropriate medical aid to the injured person. Normally, officers should request an aid car to examine the injured party. The aid crew then determines if further medical treatment is needed.

In situations where the injury is known or believed to be severe, the officer should also request a medic unit in addition to the request for an aid car.

Anytime a subject is injured from a use of force an on-duty supervisor will be notified and will respond to the scene.

Pain caused by the application of OC spray is not considered an injury. Officers may help the exposed person relieve pain by flushing the area with water. An officer will use discretion in deciding the need for an aid car.

All persons who have been struck by a beanbag/baton projectile will be transported to a medical facility for examination. Color photos of the impact areas will be taken as soon as practical and entered into evidence.

Effective:	10/23/95
Revised:	3/14/19
Kent PD	3.40
WASPC	3.4
Previous Kent PD Policy	1.3.5

Kent PD	WASPC	Title
#3.50	#3.5	Reporting Use of Force

Employees are sometimes required to use force to make arrests and control situations. Use of force is defined as any physical effort to control, restrain or apprehend another, or overcome the resistance of another. Whenever an employee uses any of the following categories of force, the employee will document such use in a case report and will complete a Use of Force Report:

1. Chemical Agents
2. Impact Strikes
3. Canine (contact)
4. Forcible Vehicle Stopping Techniques
5. Firearms
6. Hair Hold
7. Counter Joint Techniques (including takedowns, pushing and pulling, pain compliance)
8. Taser or Other Approved Electronic Controlled Weapons
9. Swarming
10. Lateral Vascular Neck Restraint (all levels)
11. Any force that results in injury, or is capable of resulting in injury

Shift sergeants are responsible for reviewing case reports, the Use of Force Reports, and the Injury/Incident forms. Following review, the sergeant forwards the reports up the chain of command to the Chief of Police or designee.

### **Officer Involved Shooting Statement Protocol**

When an officer(s) applies deadly force to a person by way of an intentional discharge of a firearm, he or she shall not be required to provide a written or recorded statement until at least forty-eight (48) hours after the incident. During this time, the officer(s) may consult with a member of the Kent Police Officers Association (KPOA) Executive Board and his or her attorney. The officer may voluntarily waive the requirement to wait the forty-eight (48) hours. This protocol shall apply regardless of whether or not the suspect(s) survives the application of deadly force.

Effective:	10/23/95
Revised:	6/29/17
Kent PD	3.50
WASPC	3.5
Previous Kent PD Policy	1.3.6/1.3.7/1.3.8/28.3.4



<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#3.50</b>	<b>#3.5</b>	<b>Reporting Use of Force</b>

The officer(s) who applies deadly force by way of an intentional discharge of a firearm may be asked at the scene or directly following the incident to briefly respond to limited questions for the sole purpose of protecting public and officer safety, apprehending suspects, and securing evidence. These questions, however, shall not be used to contravene the officer's rights set forth above, his or her rights under the collective bargaining agreement between the City of Kent and KPOA, or any rights or privileges to which the officer is entitled under law, policy, or otherwise. To this end, the officer/s may only be asked questions relating to the following:

- The type of deadly force employed.
- The location of injured persons, if any.
- A description of the outstanding suspect(s), if any, and the suspect's direction of travel, time elapsed since the suspect was last seen, and any suspect weapon(s).
- A description and location of any known victims and witnesses.
- A description and location of any known evidence.
- Whether the officer can provide any other information to ensure public and officer safety and to assist in the apprehension of the outstanding suspect(s).

The Kent Police Department recognizes that the officer(s) who applied deadly force by way of an intentional discharge of a firearm may not be in a position to provide complete responses to the foregoing categories of questions at the scene or directly following the incident.

Under certain extraordinary circumstances and due to the nature of the incident that gave rise to the officer(s) application of deadly force, it may be necessary to obtain more detailed information before the expiration of the original 48 hour time period. If the Chief of Police or his/her designee determines there is a continuing threat that a homicide or serious bodily injury may occur without additional detailed information from the officer(s) involved, the officer(s) will be provided the appropriate Garrity rights and warnings. Under these circumstances, the officer(s) involved in the deadly force application shall be provided a reasonable opportunity to first consult with a KPOA Executive Board member and an attorney if he/she chooses.

The Kent Police Department acknowledges that the sole purpose of the foregoing exception to the 48 hour waiting period is to further the criminal investigation in order to apprehend any at large suspects and protect public safety. This exception

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Kent PD	3.50
WASPC	3.5
Previous Kent PD Policy	1.3.6/1.3.7/1.3.8/28.3.4

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shall not be used (directly or indirectly) in furtherance of any employment or disciplinary investigation. Any officer compelled to provide additional information shall be absolved from any discipline or negative employment consequence related to the statement provided. The statement provided by the involved officer(s) may not be used against said officer(s) in any disciplinary proceeding or employment investigation. In the event a statement is obtained and an employment investigation is later initiated, the Department may, at its discretion, obtain a statement from the officer(s) for the purposes of the employment investigation after the expiration of the 48 hour time period.

It shall be the responsibility of the commanding officer at the scene of the incident to ensure that the welfare of each involved officer is promptly addressed. As soon as practical, the involved officer(s) shall be transported from the scene and provided with a peer support counselor. Absent exigent circumstances, said officer(s) shall not be transported from the scene in the rear of a police vehicle.

### **Deadly Force Incident Reporting**

Following the incident and after the statement protocols have been followed, the officer who discharged the firearm may provide a statement regarding the discharge and complete a Use of Force Report. This statement and Use of Force Report shall be forwarded to the Chief of Police through the chain of command.

If the discharge occurs outside of the city, the officer shall immediately notify the agency of jurisdiction and then shall immediately contact the on-duty Kent sergeant and comply with the terms of this policy.

All officers, other than the discharging officer, involved in the incident that resulted in the discharge, who witnessed the discharge, or who responded to the discharge, as well as the officer's immediate supervisor, shall submit a statement/report immediately but no later than the end of the shift. These reports shall be forwarded to the chief or his or designee through the chain of command.

Officers involved in the intentional discharge of a firearm during a use of force may have their firearm taken as evidence. Usually, it will be taken by a detective or shift sergeant and may, at the discretion of a command level officer, be replaced with a similar firearm.

Firearm discharges resulting in an injury or death to an animal will be reviewed by

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Kent PD	WASPC	Title
#3.50	#3.5	Reporting Use of Force

the appropriate division commander or assistant chief. An officer shall report such use of force on a case report and an Injury/Incident form. The Injury/Incident form shall be in lieu of a Use of Force Report.

In the event of injury to the officer and the officer is unable to complete the Use of Force Report or Injury/Incident form prior to the end of the duty shift, the shift sergeant shall complete a supplemental report and shall route it to the division assistant chief via the chain of command.

### **Deadly Force Review Board**

When the use of force results in serious injury or death, investigators and internal affairs may conduct an investigation. If the force is used by way of the discharge of a firearm or the use of a vehicle, an administrative review of the incident shall be conducted by the Deadly Force Review Board prior to determining if an internal affairs investigation will be conducted. The Deadly Force Review Board may also, at the discretion of the chief, be used in other applications of deadly force prior to review by internal affairs.

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WASPC	3.5
Previous Kent PD Policy	1.3.6/1.3.7/1.3.8/28.3.4

Kent PD	WASPC	Title
#3.60	#3.6	Response to Officer Involved Shootings

### **Initial Response:**

Realizing that officer involved shooting incidents are dynamic and circumstances evolve rapidly, the following priorities should guide officers as to the order of work that should be done to successfully manage an officer involved shooting incident. These guidelines are not absolute. Specific circumstances may warrant deviation.

Priority #1 – Secure the Scene – Officers should first assess the situation to determine whether a threat to safety exists and take action to stop/control that threat.

Priority #2 – Provide Medical Aid – Once the threat to safety is resolved, officers should take action to provide/obtain life-saving and first aid care for victims, officers, and suspects.

Priority #3 – Preserve Evidence – Once all threats to safety are resolved and life saving measures have been initiated, officers should take steps to locate, protect, and document evidence.

### **Officer(s) Response:**

- Notify dispatch that you are enroute and request a Sergeant.
- Address any threats to safety.
- Request and/or give medical aid.
- Detain and separate suspects and witnesses.
- Establish and maintain perimeter until released by supervisor.
- Broadcast suspect information if suspects are still at large.
- Preserve the scene and protect evidence.
- Photograph the initial scene.
- Document anything that is touched.
- Establish/maintain a crime scene log.
- Gather and canvas area for witnesses.
- Complete officer reports before end of shift.

### **Patrol Sergeant or Commander Response:**

- Take command of the scene until relieved by higher ranking officer.
- Manage and control the scene and ensure that the tasks outlined for the officers above have or will be handle.
- Get summary of what occurred from involved officers (public safety statement).
- Request response from detectives.
- Notify command staff.
- Ensure an officer(s) is assigned for Hospital Guard for the officer or suspect if

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WASPC	3.6
Previous Kent PD Policy	New

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#3.60	#3.6	Response to Officer Involved Shootings

required.

- Remain at the scene and coordinate security.
- Ensure that officers complete reports on time.

#### Incident Commander Response:

- Notify Chain of Command and Chief.
- Confirm that the tasks outlined for officers, sergeant and commanders have been completed or are being completed.
- Obtain authority from Chief to activate the Valley Investigation Team to conduct the investigation.
- Coordinate with the Public Information Officer to manage the media
- Ensure that Union and Peer Support are notified.
- Make sure officers are removed from scene and sequestered in a comfortable location, accessible to the union attorney, union representatives, peer support and command staff.
- Provide support as needed to investigators and patrol operations.
- Request that the Chief place involved officer(s) on administrative leave.

#### **Investigative Response:**

As part of a regional mutual aid protocol, the Kent Police Department has entered into an agreement with the other Valley cities to include the cities of Auburn, Des Moines, Federal Way, Port of Seattle, Renton, and Tukwila. This agreement establishes a multiple agency investigative team to respond to officer involved shootings and other most serious police incidents. This team is called the Valley Investigative Team (VIT) and is comprised of a Commander, Detective Sergeant, and Detectives from each participating agency.

It is the policy of the Kent Police Department to adhere to the protocols outlined by the Valley Investigative Team.

As outlined by the VIT protocols, the Chief of Police has discretion to conduct an officer involved shooting or other most serious incidents investigation utilizing Kent Police personnel in place of the VIT. If Kent Police Personnel are assigned to conduct the investigation, they will follow VIT protocols as they pertain to:

- Investigative responsibility
- Supervisory and manage responsibilities
- Relief from duty of involved officer(s)
- Notifications
- Media relations

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Kent PD	3.60
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Previous Kent PD Policy	New

Kent PD	WASPC	Title
#3.70	#3.7	Authorized Weapons and Ammunition

It is the policy of the Kent Police Department that commissioned officers will only carry and utilize firearms, ammunition, and duty holsters that have been authorized by the Chief of Police or his designee.

### **Authorized Firearms**

The Kent Police Department will endeavor to provide its commissioned officers with the most effective firearms and ammunition for self-defense and the defense of the public.

Handguns: The standard service pistol issued to all commissioned officers shall be one of the variations of the Smith and Wesson M&P family of semi-automatic pistols: M&P9, M&P9C, M&P9L, M&P9 C.O.R.E, M&P45. These pistols are chambered for .45ACP or 9MM Luger cartridges. The rangemaster may authorize Sig Sauer, Glock, and Springfield Armory XD/XDm 9mm and 45 ACP pistols for issue if the Smith and Wesson pistols prove inappropriate.

Off-Duty Handguns: Commissioned officers are authorized to remain armed while off-duty for their own personal protection unless their activities would prevent or make the wearing of a handgun impractical or unwise.

The handgun carried off-duty, authorized by department credentials, should be the issued service pistol. Alternate off duty handguns may be carried but must conform to the specifications of a back-up or secondary weapon.

Rifles: The standard service rifles are the Colt AR-15 6933 11.5" carbine, the Colt 6940 16" carbine, and the FN 14.5" SBR carbine with two 30 magazine. Service rifles may be individually issued to patrol personnel. Additional pool rifles are available to equip patrol sergeants, sworn personnel outside of patrol, and to act as spares.

Sound Suppressors: Each officer issued a rifle are issued a sound suppressor to attach to their rifles. The SureFire SOCOM series suppressors have been selected as the standard issues suppressor. Officers are required to have the suppressors properly attached to their issued rifles at all times unless directed otherwise by the rangemaster or range staff.

Officers who are issued individual rifles will be responsible for the care and maintenance of the rifle in the same manner and standard that applies to their

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issued service pistol. Sergeants will inspect issued rifles/suppressors monthly for serviceability/function/maintenance and document on the Officer/Vehicle inspection sheet. Individually issued rifles will be stored/secured in the officer's assigned locker and the locker will be locked while the officer is off-duty. Officers are not authorized to store or transport rifles at home unless assigned a take-home car or authorized by their assigned sergeant.

Whether using an individual rifle or a pool rifle, patrol officers and patrol sergeants **will** deploy a rifle to their patrol vehicle at the beginning of their shift. Both FTO and student officers will each have a rifle during patrol operations. Deployment of patrol rifles is mandatory to ensure that all patrol personnel can fully conduct all aspects of their duties.

Officers will use the patrol vehicles locking mount to store their issued rifles while on duty. Rifles issued to sergeant vehicles will also be stored in the respective vehicles locked mount. With two officers assigned to one vehicle, one officer will use a soft case to store the rifle in the vehicle.

This rifle issued to each sergeant vehicle is to be stored in a locked mount in the front portion of that vehicle within reach of the driver. At the beginning of each shift the officer inspects the rifle/mount as follows:

1. Rifle rack lock functions both electrically and manually.
2. Chamber empty, safety ON.
3. Hammer back or cocked.
4. One 30 round magazine loaded with 30 rounds and locked in place.
5. Sling secured.

Rifles may be used by officers at their discretion in accordance with their training and provisions outlined in Kent PD Policy #11.80.

**Shotguns:** VSWAT team members may be issued a Mossberg 930, Beretta 1301 or the Saiga semi-automatic shotgun for use as a breaching tool.

**Specialized Weapons:** The VSWAT team, Civil Disturbance Unit, and Designated Marksman Unit have certain specialized weapons assigned to it, such as precision marksman rifles, 37MM/40MM launchers, pyrotechnics, and chemical agents. When a department member is assigned as a sniper on the VSWAT team or Designated Marksman Unit, they shall use either .223/5.56mm or .308 caliber ammunition for

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<b>#3.70</b>	<b>#3.7</b>	<b>Authorized Weapons and Ammunition</b>

their long gun. These select members of the department may be issued the FN SCAR 17S .308 rifle or the Daniel Defense DDF .308 rifle as part of their assignment.

Only properly trained and authorized personnel are permitted to carry and use these weapons in accordance with their training and provisions outlined in Kent PD policy #3.80.

Personal Firearms Authorized For Use: Officers may choose to carry a personal handgun instead of the department issued handgun as their primary duty service pistol. These personal handguns must be chambered for calibers of 9mm (excluding 9mm Kurtz and Makarov) and larger, but not exceeding .45 caliber (excluding .44 Magnum and .50GI). Officers choosing to carry a personal handgun as their primary duty service pistol that is not a KPD standard service caliber shall be required to utilize duty ammunition as directed by the rangemaster and will be responsible for the purchase of that ammunition.

Back-up/secondary handguns may be carried in addition to the primary service pistol. This weapon is intended for self-defense of the officer when the primary pistol is unavailable. Back-up guns will be carried in a concealed manner.

Personal firearms and backup/secondary weapons must be inspected by the rangemaster/armorer and approved in writing by the Chief or designee. Any modifications made to the personal firearm must be approved by the rangemaster prior to being done. The weapon will then be inspected by the rangemaster prior to being put back into service. Pistols may be a double action revolver or a single action, double action, double action only semi-auto pistol chambered for the following calibers: .22 L.R./Mag., .25 ACP, .32 ACP, .32 Mag, .380 ACP, .38 Special, .357 Mag./SIG, 40 S&W, .44 Special, .45GAP, and standard issue duty calibers.

Proficiency Levels: Commissioned officers will demonstrate proficiency with each of their authorized weapons in accordance with Kent PD policy #3.10.

Unsafe Weapons: If officers discover a mechanical problem with any of their assigned weapons, they must notify the rangemaster immediately. The rangemaster inspects the weapon to determine what repairs are needed. If necessary, the rangemaster replaces the unsafe weapon until the repairs have been completed.

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### **Authorized Duty Holsters**

As part of their authorized duty equipment, officers will utilize a department approved holster. The holsters will be part of the standard equipment issue and are to be maintained in a safe and serviceable condition by the officer. The holsters will be inspected as part of any operational readiness inspection conducted by the officer's immediate supervisor and after being used in any weapons retention training classes.

The rangemaster is the primary authority on which holsters will be approved for departmental use. The rangemaster will maintain and provide a list of authorized holsters to the Financial Services unit. All recommendations will be forwarded up the chain of command for approval. Some circumstances may dictate the purchase of specialty holsters. These requests will be reviewed on a case-by-case basis. Prior to purchase, the holster(s) must be approved by the rangemaster and his recommendation forwarded up the chain of command. Officers may elect to purchase their own holster for departmental use. The type of holster the officer wants to purchase must first be approved by the rangemaster for authorized use and be compatible with the weapon that is carried.

Readiness inspections will be conducted by the officer's immediate supervisor. Inspections immediately after weapons retention training will also be done by the immediate supervisor. If the inspection cannot be done right after the training, the immediate supervisor should do the inspection as soon as possible and no later than the next duty day. More in-depth inspections can be conducted by the department rangemaster.

Training to the supervisors and officers will be provided by the rangemaster and/or qualified range staff. This training is designed to properly inspect the holster. The following areas are key to the inspections:

#### Duty Holster:

1. Basic appearance.
2. Identifying proper model for specific handgun.
3. Securing holster shank to duty belt.
4. Ensuring the holster is secured to the shank.
5. Inspection of holster retention devices.

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Kent PD	3.70
WASPC	3.7
Previous Kent PD Policy	1.3.9

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<b>#3.70</b>	<b>#3.7</b>	<b>Authorized Weapons and Ammunition</b>

The results of holster inspection will be included in the operational readiness inspections, and a copy of the recorded results will be forwarded to the appropriate Division Commander and Accreditation Officer.

### **Laser Sighting Systems Authorized for Handguns**

As part of their authorized duty equipment, officers may use a department approved laser sighting system (LSS) for their handgun. The laser will be considered a piece of the handgun and is to be maintained in a safe and serviceable condition by the officer. Laser sighting systems will be inspected as part of the firearms qualification process.

The range master is the primary authority for identifying which laser sighting system will be approved for department use. The range master has currently identified the Crimson Trace Laser Grip as the approved LSS. Officers assigned to VSWAT team may use an alternate LSS system when approved by the range master.

A Laser Sighting System may be procured by one of two methods:

- An officer may request that the department furnish and install a laser sighting system on an agency-owned firearm. A request will be considered when the officer has a documented history of diminishing firearms proficiency and a diagnosis of degrading visual acuity. Upon receipt of the request, the range master will administer a series of trial tests to determine if an LSS will correct the diminished firearms proficiency. If such a determination is made, the department will provide, install, and train the officer on this system.
- An officer may elect to purchase a laser sighting system for duty use; however, the LSS must be the unit identified and approved by the range master. The purchase and maintenance of an LSS for a department or personally owned firearm is the exclusive responsibility of the officer. No department owned LSS will be installed on a personally owned firearm.

Installation and maintenance of any laser sighting systems will be completed by the department range master or designated armorer. Officers authorized to use an LSS will attend and complete an approved training class to be delivered by the range master or designated armorer.

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Previous Kent PD Policy	1.3.9

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A record of laser sighting system installation and training will be maintained by the range master. A statement of this record will be included in the operational readiness report, and a copy of the recorded results will be forwarded to the appropriate Division Commander and Accreditation Officer.

### **Ammunition**

The only ammunition authorized to be carried on or off-duty is that ammunition issued or inspected by the rangemaster and approved for purchase by the Chief. Only commercially manufactured ammunition will be approved for use. The department issues the following types of duty ammunition:

.45 ACP:	Winchester Ranger T Series, 230 gr. JHP. Speer Gold Dot 230 gr. short barrel
9mm Luger	Winchester Ranger T Series bonded 147 gr. JHP Speer Gold Dot 124 gr. +P short barrel
.40 S&W	Winchester Ranger T Series 180 gr. Speer Gold Dot 180 gr. short barrel
.223 Rem.	Winchester 64 gr. bonded
.308 Win.	Hornady/168 gr. TAP
.380 ACP	Speer Gold Dot 90/95 gr. JHP
.38 Special	Speer Gold Dot .38 Special 135 gr. (+P) JHP
40MM	Def Tec sponge round

Handloaded ammunition will not be carried or fired in any KPD firearm. Handloaded ammunition is not authorized for carry in any personal firearm used during police action by KPD officers. Def Tec 40MM sponge rounds are authorized to be reloaded with the manufacturer's powder charge and used for training purposes.

Officers must provide duty and qualification ammunition, approved in writing by the rangemaster, for calibers other than KPD issue .45ACP, 9MM Luger, .357 Mag, .38

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Spec, .380ACP, 12 ga, .40 or .223 REM.

### **Firearms Inventory**

The rangemaster keeps a complete inventory of all firearms carried by commissioned officers during their duty hours. This inventory tracks both personal and department issued firearms.

This inventory includes the make, model, serial number, caliber, description, date of purchase/issue, and owner or assignee.

The Kent Police Department provides a safe method of home storage for the duty weapons that are issued to each commissioned police officer. This is not only for the security of the weapon but also for the safety of that officer's family.

Each officer has the option of receiving a locking, metal security lock box, capable of securing his or her duty firearm. The lock box is an optional part of their issue of department equipment. It is an expectation of the officers that they will secure his/her duty weapon in the provided lock box or in another suitable secured location (i.e. gun safe, privately-owned lock box, etc) when the weapon is taken home.

The lock boxes will be returned to the department upon the officer's leaving the City's employment or when they no longer desire to make use of the box.

### **Less Lethal Weapons**

A less lethal weapon is any weapon other than a firearm or knife used to control persons or defend officers and others from harm. Such weapons include but are not limited to: Batons, flashlights, OC aerosols, Tasers or other approved electrical devices, and CS chemical weapons. Officers may carry these weapons only after successful completion of a department-approved training program. This training program includes annual refresher training.

The following less than lethal weapons are utilized by the Kent Police Department:

TASERS      X-2    25' leads  
                   X-26   21' or 25' leads

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Kent PD	3.70
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O/C spray     Counter Assault OC10, Sabre Red, or Def Tech OC Vapor

Batons             Straight stick – department issue or employee purchase  
                          Collapsible – employee purchase

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Kent PD	3.70
WASPC	3.7
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<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#3.80</b>	<b>N/A</b>	<b>Limitations of Use of Deadly Force</b>

Officers are authorized to use deadly force against any person as necessary in self-defense or in the defense of another; when they have reason to believe they or another are in immediate danger of death or great bodily harm; or to capture or seize a dangerous suspect when there is probable cause to believe that the suspect has committed a crime involving the infliction or threatened infliction of great bodily harm; the suspect's escape poses an imminent threat to others; and there is no reasonably safe means of preventing the suspect's escape.

When officers are about to use deadly force, they will, when feasible, issue a verbal warning to the suspect.

This policy is equally applicable to juveniles and adult suspects. The Kent Police Department does not allow officers to discharge firearms at vehicles unless it is justified as an application of deadly force.

### **Definitions**

Force: Physical action taken by an officer to assist that officer in controlling the actions/behaviors of another when such behaviors create a perceived risk of injury to any person, damage to the property of another, or to overcome physical resistance to a lawful order.

Great Bodily Harm: Injury which creates a probability of death or which causes significant permanent loss or impairment of the function of any body part or organ.

Deadly Force: The intentional application of force through the use of firearms or any other means reasonably likely to cause death or serious bodily injury. Justification for the use of deadly force must exist if an officer discharges a firearm.

Reasonable Belief: Facts, circumstance, or knowledge present to the officer sufficient to justify a thought or feeling.

Necessary: No reasonably safe and effective alternative to the use of force appeared to exist and that the amount of force used was reasonable to affect the lawful purpose intended.

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Kent PD	3.80
WASPC	N/A
Previous Kent PD Policy	1.3.2

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#3.90</b>	<b>N/A</b>	<b>Unintentional Firearms Discharge</b>

Except as provided in this policy, officers shall report any unintentional discharge of a firearm discharged while on duty. Kent Police Department officers shall also report the unintentional discharge of a Kent Police Department issued firearm which occurs off-duty when property damage or injury/death occurs.

### **Exemptions**

The reporting requirements of this policy shall not apply to the unintentional discharge of a firearm while off-duty during practice at a public or private range or other location in which shooting is lawful wherein no property damage or injury occurs. In addition, the reporting requirements of this policy shall not apply to the intentional or unintentional discharge of a personal firearm while off-duty regardless of injury or damage to property. These exemptions shall not insulate or immunize an officer from any investigation dealing with the discharge of a firearm not covered by the reporting requirements of this policy, nor from a proper level of discipline in the event there is a nexus between the discharge and the officer's employment.

### **Unintentional Discharge While On Duty**

If an officer unintentionally discharges a firearm while on duty, the officer shall report the facts of the incident verbally to the shift sergeant as soon as possible. The officer shall then submit a written report to the shift sergeant, as well as the range master and the training sergeant prior to the end of his or her shift. The discharging officer's report shall be forwarded through the chain of command to the officer's assigned assistant chief for review. The shift sergeant and the rangemaster or training sergeant shall also prepare a report which shall, by the end of the shift or as soon thereafter as practical, be delivered to the officer's assigned assistant chief. Other officers with knowledge of the discharge may be required by the shift sergeant or a command level officer to provide a report.

### **Unintentional Discharges While Off Duty**

If an officer unintentionally discharges a Kent Police Department issued firearm while off duty under circumstances in which injury or damage to property occurs, the officer shall report the facts of the incident verbally to the shift sergeant as soon as possible. The officer shall then submit a written report to the shift sergeant, as well as the range master and the training sergeant, at the start of his or her next duty shift. The discharging officer's report shall be forwarded through the chain of

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WASPC	N/A
Previous Kent PD Policy	1.5

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#3.90</b>	<b>N/A</b>	<b>Unintentional Firearms Discharge</b>

command to the officer's assigned assistant chief for review. The shift sergeant and the range master or training sergeant shall also prepare a report which shall, by the end of the shift or as soon thereafter as practical, be delivered to the officer's assigned assistant chief. Other officers with knowledge of the discharge may be required by the shift sergeant or a command level officer to provide a report.

If an officer is on or off duty and an unintentional discharge of a Kent Police Department issued firearm results in injury or damage to property outside of the city, the officer shall, in addition to the above, immediately notify the agency of jurisdiction in which the discharge occurred.

### **Review of Unintentional Discharges**

This policy section applies to discharges of firearms which must be reported pursuant to this policy. Discharges of firearms that do not fall under the reporting requirements of this policy shall be handled pursuant to other applicable policies or general investigation policies, procedures, and guidelines.

Unintentional discharges shall be reviewed by the appropriate assistance chief or, at his or her discretion, a commander, to determine the type and severity of the unintentional discharge, provided that an unintentional discharge that may lead to discipline may be reviewed by the chief and investigated through the internal affairs process. In the event an unintentional discharge results in death, the incident shall be reviewed by the Deadly Force Review Board prior to being referred to the internal affairs process. The range master or training sergeant may be consulted during a review or investigation.

Unintentional discharges will be evaluated pursuant to the following situational based multi-tiered system, taking into account all of the relevant facts and circumstances (to include any mitigating factors):

1. Unintentional discharges may occur in a range/firearms training function where the discharge is attributed to training related causes such as an unfamiliar weapons system, unfamiliar weapon handling skills or the high tempo of the training exercise, but due to safety protocols and the structured training/range environment, the discharge is contained in the designated impact area. In this case, the officer may receive: (a) additional training to address the unintentional discharge; and (b) either a verbal or written counseling (both of which would be a non-disciplinary event); or (c) discipline

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<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#3.90</b>	<b>N/A</b>	<b>Unintentional Firearms Discharge</b>

based on the severity of the circumstances and prior-like behavior.

2. In cases in which the unintentional discharge is caused by officer negligence and no injuries occur, and whether during range/firearms training or not, officers may receive discipline, the level of which depending on the seriousness of the discharge and the existence of prior like behavior. In these situations, "negligent" means the failure to exercise the ordinary care of a reasonable police officer under similar circumstances that would have prevented the discharge; is the commission of some act that causes a discharge that a reasonably careful police officer would not do under similar circumstances; or the failure to do something that a reasonably careful police officer would do under similar circumstances that would have prevented the discharge.
3. In cases in which the unintentional discharge is caused by officer recklessness, or in which the unintentional discharge causes injury or death or had a high potential for causing injury or death, and whether during range/firearms training or not, the officer may receive discipline, the level of which depending on the seriousness of the discharge, the seriousness of injury death, or the existence of prior-like behavior. For especially grievous incidents within this category, higher levels of discipline may be imposed, including longer periods of suspension, demotions, or termination of employment. In these situations, "reckless" means a willful and intentional disregard for the safety of persons or property.

Nothing in this policy is intended to deny officers the rights given to them by law or by labor agreement. Therefore, no discipline shall be imposed under this policy unless it complies with the requirements of the subject labor agreement between the City of Kent and the Kent Police Officers Association (KPOA).

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Kent PD	3.90
WASPC	N/A
Previous Kent PD Policy	1.5

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#3.100</b>	<b>N/A</b>	<b>Weapons Proficiency</b>

All commissioned personnel shall be proficient in the use of the weapons they carry on duty. This includes both lethal and less lethal weapons. All proficiency training will be conducted by a certified weapons instructor and includes use of force policy training. Weapons proficiency training and demonstration is conducted as follows:

Handguns/ AR-15: Officers will qualify with their service pistol and rifles at least twice a year (once in the first half and once in the second half). Notice of qualification periods are through electronic mail from the rangemaster. All commissioned personnel will attend during those time frames. Officers who choose to carry a secondary gun must qualify with it at least twice a year: once in the first half and once in the second half of the year. The rangemaster determines the course of fire. Officers are required to attend mandatory firearms training twice a year. This training will be as directed by the rangemaster.

Officers who qualify with their service pistols and/or secondary guns are authorized to carry them whether on or off duty. When choosing secondary guns, officers should consider the need to use these guns for law enforcement purposes off-duty. When off-duty officers act with police authority, they are considered to be on-duty.

Each officer has three opportunities to pass a semi-annual service pistol and rifle qualification. The first two may be under the direction of a certified firearms instructor or range safety officer. If a third attempt is needed, it only takes place under the direction of the rangemaster or a designated certified firearms instructor. The third attempt is made only after the officer receives specific training to increase skill level.

Officers who do not attend or fail to meet qualification standards during the allotted time period are no longer authorized to carry that service weapon. A written notice of this is immediately forwarded through the chain of command to the Chief of Police.

Semi-annual service pistol and rifle qualifications consist of accuracy standards and manipulation skills. A passing accuracy score is 80%. Manipulation skills are observed and documented. Poor pistol or rifle manipulation skills or unsafe weapons handling can result in a qualification failure even with a score above 80%. Officers may not practice or "warm-up" on the day they attend qualification.

Additional combat/judgment/handling skills training may be added to the quarterly qualification, be a part of bi-annual firearms training, or be included in other in-

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Kent PD	3.100
WASPC	N/A
Previous Kent PD Policy	1.3.11

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#3.100</b>	<b>N/A</b>	<b>Weapons Proficiency</b>

service training. These courses are evaluated as either "pass" or "needs improvement" at the discretion of the rangemaster or other firearms instructors.

An officer who fails to meet department service pistol or rifle standards must immediately enter into remedial training for that weapon. The length of the remedial training will be determined by the range master and training supervisor. After this corrective training, the officer is required to pass the failed qualification course of fire. The Chief of Police will be notified, through the chain of command, if the rangemaster is unable to improve the officer's firearms skill.

Officers who fail to meet department standards in the use of other firearms such as back-up guns, long guns, or VSWAT team firearms will have their authorization to use these firearms restricted by the rangemaster. Authorization is restored when department standards are met. Only officers who have successfully completed a proficiency training/qualification course are authorized to carry and use the following special weapons:

VSWAT team personnel issued scoped rifles as part of the marksman team are required to attend monthly 5-10 hours of rifle training that is in addition to their normal SRT training day. During this training, cold shot zeros and group size will be documented and copies forwarded to the rangemaster.

Shotguns: Remington 870 shotgun familiarization training and qualification is conducted every other year with MK Ballistic beanbag ammunition only. Course content and qualification standards are established by the KPD rangemaster. VSWAT team personnel may also deploy the Saiga shotgun for use with specialty breaching ammunition only. Qualification/certification is done by the VSWAT team.

Colt MK18 VST Rifles: Training and qualifications are conducted quarterly. Course content and qualification standards are the Valley SWAT Team's rifle course with a passing score being 90%. KPD officers assigned to VSWAT team will also qualify semi-annually on the KPD rifle course with their issued MK18's.

Colt LE901: Officers issued this rifle under the designated marksman program or in a VSWAT team capacity will qualify with that rifle semi-annually. The course content will be established by the range master. A passing score is 80% is required to deploy this weapon.

Less lethal weapons: Officers receive training in the use of all impact weapons,

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Kent PD	3.100
WASPC	N/A
Previous Kent PD Policy	1.3.11

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#3.100</b>	<b>N/A</b>	<b>Weapons Proficiency</b>

Tasers or other approved electronic controlled weapons, and OC spray at least annually. This training is documented by the training coordinator as part of mandatory in-service training. Officers who cannot demonstrate proficiency with assigned less lethal weapons will have their authorization to carry them restricted by the assigned instructor until remedial training is successfully completed. Remedial training in the use of these weapons will be formulated by the instructor based on the officer's need.

The rangemaster records all firearms training. The rangemaster or range safety officers record all firearms proficiency demonstrations and qualifications. The rangemaster is responsible to ensure that these records are kept on file for an appropriate period of time.

For the protection of officers who become pregnant and the baby, she may not participate in Kent Police Department firearms training or qualifications. She may not be in the range while firearms are being discharged. Upon her return to work, the officer will have to qualify with the weapons that she normally carries.

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Kent PD	3.100
WASPC	N/A
Previous Kent PD Policy	1.3.11

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#3.110</b>	<b>N/A</b>	<b>Electronic Controlled Weapons</b>

The Kent Police Department has authorized the use of electronic controlled weapons as a less lethal tool available to commissioned and corrections officers. The authorized electronic control weapon is the TASER and its use falls within the reportable use of force outlined in this policy and is considered an intermediate use of force. The Department emphasizes that the use of the TASER is to safely gain compliance from a subject and is not to be used as punishment or for punitive reasons. An officer who applies the Taser to a subject shall notify the on duty sergeant as soon as practicable following the application.

The TASER can be operated in two modes: dart and drive stun. The TASER is equipped with an air cartridge for a primary application in dart mode. Upon the utilization of the TASER in dart mode, the darts are released from the TASER, strike the subject, and a neuromuscular incapacitation is applied for a preset period. Officers are taught to let the built-in five second cycle run its course but may shut it off early if an emergency situation arises. Officers should consider each cycling of the Taser as separate use of force.

TASERS shall be carried in a manner that requires the device to be drawn using the off side hand.

Officers should avoid applying the TASER when the following circumstances are present:

- It is obvious to the officer at the time application is considered that the subject has a flammable liquid on his or her person or is in the vicinity of explosive compounds or gases which could reasonably be expected to ignite if the TASER is used. This includes police deployed chemical agents or pepper spray. The Kent Police Department issues a non-flammable oleoresin capsicum. The TASER may be used in conjunction with the officer's use of department issued O.C. spray. The TASER should not be used when the officer has knowledge that another person or police agency has applied its O.C. spray onto a subject.
- The subject is under controlled restraint and is no longer a threat or danger to themselves and others.

Effective:	1/31/08
Revised:	6/29/17
Kent PD	3.110
WASPC	N/A
Previous Kent PD Policy	1.3.16

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#3.110</b>	<b>N/A</b>	<b>Electronic Controlled Weapons</b>

- TASERS should not be intentionally used on the subject's head, neck, face, or groin.
- The suspect is subject to any environmental factor in which an uncontrolled fall would result in serious injury or death, and the Taser is being deployed as an intermediate use of force, such as from a significant height or near water or traffic.

Once the application has been completed and the subject is secured, the darts should be removed to avoid injury. In the event the a portion of the dart remains in the skin during removal or is in a sensitive area(groin, face, neck, breasts) they should be removed by medical personnel. Officers should treat the darts removed from the subject's skin as a biohazard.

Photographs of Taser application locations (drive stun and dart mode) should be photographed while the subject is still on scene or as soon as possible thereafter.

In addition to the use of force report, officers are required to have the data from the TASER recovered by the end of their work week. Only TASER instructors, sergeants, and trained personnel will conduct the downloads.

A certified instructor is responsible for the classroom lecture and proficiency training in the use of electronic controlled weapons. This training is documented by the training coordinator as part of in-service training. Annual training is provided to the officers. Those officers who cannot demonstrate proficiency with the electronic controlled weapons will have their authorization to carry them restricted by the instructor until remedial training is successfully completed. Any officer who misses the yearly in-service training will not be able to carry and/or utilize the TASER until the training is up to date.

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Kent PD	3.110
WASPC	N/A
Previous Kent PD Policy	1.3.16

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#3.120</b>	<b>N/A</b>	<b>Vascular Neck Restraint</b>

The Kent Police Department recognizes the use of approved neck restraint techniques as an effective method for establishing restraint and control of resistive people. The level of application for any neck restraint technique is guided by the degree of resistance offered by the subject toward the police or public in the moments leading to the application. This policy addresses the use of the Vascular Neck Restraint (VNR) as the only neck restraint technique approved by the department.

VNR Level 1 - Using minimum contact/compression and restraint, this technique does not produce unconsciousness. It would be considered a non-deadly, minimal use of force.

VNR Level 2 - Using maximum compression and restraint, this level may produce unconsciousness. It would be considered a non-deadly, intermediate use of force.

With every application of VNR, officers are required to provide the appropriate medical aid to any person reporting an injury or observed as injured. Officers will request an aid car to examine the injured party. If the subject has been rendered unconscious to any degree, the officer will request an aid car and notify an on duty supervisor. The medical responders will determine if further medical treatment is needed to include a medic response.

All persons who have been rendered unconscious to any degree through the use of VNR will remain under the constant observation of KPD staff until relieved by Fire Department personnel. This observation will be maintained by an officer familiar with the circumstances involving the VNR application or another department member for at least two hours.

Any application of VNR will be documented in a Use of Force report and a police case report. The use of a physical restraint technique that compresses the airway may, under the circumstances, be considered a use of deadly force.

## **Training**

The Chief of Police has mandated that all sworn officers, including new hires (recruits and laterals), be initially certified in VNR by attending and successfully completing an eight hour certification course. Successful completion of the eight hour certification course is the authorization for an officer to utilize this technique for one year. After the initial VNR certification, patrol officers will remain certified

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Kent PD	3.120
WASPC	N/A
Previous Kent PD Policy	1.3.15/13.1.17

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#3.120</b>	<b>N/A</b>	<b>Vascular Neck Restraint</b>

by taking an annual recertification course (four hour course) or they may become decertified in the use of VNR.

Every VNR certified officer will be scheduled for an annual four hour recertification course. If this training is missed the following process will be implemented:

1. Training sergeant will notify officer and officer's supervisor of missed training and that the officer is not authorized to use the VNR. The notification may be done in e-mail or by hard copy.
2. To be recertified, officer must complete four hour recertification course.
3. Once the recertification has taken place, the officer will be authorized to use the VNR. Notification will be sent to the officer's supervisor via e-mail or hard copy.
4. The officer's training records will be updated to note the recertification training.
5. Any use of the VNR by an officer while their status is unauthorized may be treated as a policy violation.

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Kent PD	3.120
WASPC	N/A
Previous Kent PD Policy	1.3.15/13.1.17



<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#3.130</b>	<b>N/A</b>	<b>Noise Flash Diversionary Devices</b>

### **Noise Flash Diversionary Devices**

A noise-flash diversionary device (NFDD) shall be defined as any device designed to emit a loud noise and dazzling light for the purpose of distracting or disorienting a suspect. For the purposes of this policy, the NFDD's utilized by the Kent Police Department are defined as two separate devices. The NFDD utilized by Valley SWAT is designated as a Deftec 25 ("Deftec"), while the NFDD utilized by non-SWAT patrol personnel is designated as the Flash Bank Mk II ("FBG").

### **Persons authorized to use NFDD's**

Only personnel who have successfully completed a departmentally approved training course in the proper use and deployment of NFDD's shall be authorized to deploy them during actual operations. In order to remain authorized users, all Valley SWAT personnel who use NFDD's must successfully complete an annual refresher course. Because of the specialized nature of the Deftec 25's and the training required to deploy them, their use shall be restricted to trained members of the VSWAT Team. If a VSWAT member is not available and circumstances warrant the use of a NFDD, a sergeant may authorize a non-VSWAT officer who has completed the annual refresher course to deploy a NFDD.

### **Authorization for use**

As a general rule, Deftec 25's should not be used without prior authorization of the VSWAT Commander. In the absence of the VSWAT Commander, a Team Leader may authorize their use. Any team member who deploys an NFDD without prior authorization must show that the use was reasonably based on the circumstances. Any sergeant may authorize the use of the FBG as necessary on calls for service.

### **Justification for use**

Generally, NFDD's may be considered whenever the use of a less-lethal diversion would facilitate entry, enable arrest, and potentially reduce the risk of injury. Alternatives to the use of NFDD's should be considered, including the option of not using NFDD's.

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Kent PD	3.130
WASPC	N/A
Previous Kent PD Policy	1.3.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#3.130</b>	<b>N/A</b>	<b>Noise Flash Diversionary Devices</b>

Circumstances justifying the use of NFDD's shall include, but not be limited to:

- Barricaded suspect.
- Hostage situation.
- High Risk Warrant Service.
- Circumstances wherein distraction of mentally deranged persons or those under the influence of alcohol/drugs is believed necessary in order to facilitate apprehension.
- Situations wherein the authorizing person or team member deems their use necessary to safely resolve the incident.

### **Deployment Considerations**

Prior to deploying an NFDD, personnel shall consider available intelligence information and circumstances including the number of persons present, the presence of children, the presence of elderly persons, the layout of the location in which the device will be used, the presence of highly flammable material, etc. These circumstances do not preclude members from using NFDD's if their use would enhance the safety of officers, suspects, and others.

These devices, whether the Deftec 25 or the FBG, should be deployed to an area that is visible and has previously been visually checked by the deploying officer. These devices should not be used solely for the preservation of evidence.

Because Deftec 25's have the potential to ignite flammable materials, a portable fire extinguisher shall be readily available whenever the devices are to be deployed. This step is not necessary when utilizing the FBG.

### **Storage and accountability**

The Deftec 25's must be stored in a cool dry area and should not be stored in the same area as fixed ammunition. All devices should be retained in their original packing containers until distributed. The storage area will be in compliance with state and federal law and shall be departmentally approved. State and federal law does not apply to the storage of the FBG but these devices should be stored in the assigned Pelican case and in the storage compartment of the patrol vehicle.

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Kent PD	3.130
WASPC	N/A
Previous Kent PD Policy	1.3.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#3.130</b>	<b>N/A</b>	<b>Noise Flash Diversionary Devices</b>

The team leader will assign a team member to be responsible for the NFDD's. This will include maintaining an inventory, ordering reloads and bodies as needed, and issuing NFDD's to team members for training and deployment. In addition, NFDD usage will be reported to the Bureau of Alcohol, Tobacco, and Firearms on a quarterly basis. This is only required if an NFDD is used during a particular quarter. Reporting requirements are as follows:

1. A letter must be sent on department letterhead to:

B.A.T.F. N.F.A. Branch  
Attn: Kent Cousins  
650 Massachusetts Avenue NW  
Washington D.C. 20226

2. The letter must include the following information:

- Reporting agency.
- Date each device was used.
- Type of device (brand and model number).
- Serial # of each device used.
- Name and employee number of person responsible for tracking and inventory.

3. A letter must also be sent if Kent PD transfers NFDD's to another police agency.

### **Reporting and Review process**

The commander or designee shall review the use of NFDD's as soon as practical following each incident to ensure the devices were used according to policy and that the devices functioned properly. The use of a FBG device by patrol personnel will be documented in Tiburon by the officer/sergeant deploying the device.

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Kent PD	3.130
WASPC	N/A
Previous Kent PD Policy	1.3.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#3.140</b>	<b>N/A</b>	<b>Deadly Force Review Board</b>

### **Policy Statement**

It is the policy of the Kent Police Department ("Department") to conduct an administrative review whenever a commissioned Officer applies deadly force to a person by way of an intentional discharge of a firearm or the use of a vehicle. This administrative review process may also be used in other applications of deadly force as deemed appropriate by the Police Chief. The intent of the administrative review is to assist the Police Chief in determining whether the use of deadly force was appropriate under Police Department policy and to improve police training and tactics.

### **Deadly Force Review Board – Established**

The Deadly Force Review Board ("Board") shall be an advisory board appointed by the Chief. The Chief will establish a Board that will be convened at appropriate times as required by the Chief.

### **Deadly Force Review Board – Responsibilities**

The Board shall, after reviewing deadly force incidents pursuant to this policy, render an advisory opinion to the Chief regarding the use of deadly force. It shall remain the sole responsibility of the Chief to make a final determination regarding any use of deadly force.

In order to preserve the integrity of any investigation related to the use of deadly force and the integrity of the deadly force review process, all members of the Board shall, until the Chief has made a determination regarding the use of deadly force, maintain strict confidentiality relating to any information gained during the Board's review process and any deliberations of the Board. In addition, some members of the Board are permitted to attend only portions of the Board process.

Voting members of the Board, as well as the use of force expert and the Recording Secretary, shall maintain strict confidentiality regarding deliberations of the Board, and shall not, under any circumstances, discuss the deliberations of the Board or the vote of the Board with any person not present during the deliberations; provided, communications to an attorney for the City or the Kent Police Officer's Association ("KPOA") and communications compelled by legal process shall be permitted. A breach of confidentiality may result in disciplinary action. Records of the Board shall be subject to Washington's Public Records Act as set forth in Chapter 42.56 RCW.

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Kent PD	3.140
WASPC	N/A
Previous Kent PD Policy	1.3.17

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#3.140</b>	<b>N/A</b>	<b>Deadly Force Review Board</b>

### **Deadly Force Review Board – Members**

1. The Board shall be composed of five voting members employed by the Kent Police Department who were not involved in the use of deadly force incident under review. For the purposes of this policy, “involved in the use of deadly force incident under review” shall mean that the person was either at the scene during the use of deadly force or shortly thereafter to a degree that the Chief determines that the person will be unable to review the use of deadly force without a preconceived determination regarding the lawfulness of the use of deadly force.
2. The Board shall be composed of the following voting members selected by the Chief, unless such members were involved in the use of deadly force or are otherwise unavailable, in which case, alternates will be appointed. Membership of the Board includes:
  - a. One Assistant Chief
  - b. Two Commanders
  - c. One Sergeant
3. The Board shall also include a Kent Police Officer, Sergeant, or Commander who will be a voting member of the Board selected by the Officer(s) whose use of deadly force is under review. If more than one Officer has used deadly force in the same incident, each Officer shall be permitted to select a Kent Police Officer, Sergeant, or Commander who will be a voting member of the Board. In this event, multiple Boards shall not be convened. Instead, the Board shall deliberate and vote separately upon the conduct of each respective Officer at issue, with the Board members selected by each of the Officers whose use of deadly force is under review deliberating and voting only regarding the conduct of the Officer who selected said Board member.
4. The Board shall also be composed of the following non-voting members:
  - a. A Kent use of deadly force expert such as a current or past Defensive Tactics Master Instructor, Range Master, or Emergency Vehicle Operations Course Instructor, or another expert as determined by the Chief. The use of deadly force expert shall be a non-voting member of the Board who shall be present during all stages of the Board process

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Kent PD	3.140
WASPC	N/A
Previous Kent PD Policy	1.3.17

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#3.140</b>	<b>N/A</b>	<b>Deadly Force Review Board</b>

and who shall provide an analysis of the use of deadly force to the Board, and who shall answer questions of the voting Board members.

- b. A Secretary who shall be selected by the Chair of the Board. The Secretary shall be a non-voting position who shall be present during all phases of the Board process.
5. The following observers, who shall not be considered Board members, shall be permitted to attend the presentation of evidence relating to the use of deadly force, but may not be present during any other stage of the Board process:
- a. The Department legal advisor selected by the Chief
  - b. A representative of the City's insurance provider
  - c. A bargaining unit attorney or representative selected by the Officer(s) involved

#### **Deadly Force Review Board – Authority**

1. It is in the best interest of the Department and the Officers and citizens involved in use of deadly force incidents that the Board's review be conducted with diligence and without delay. The Board should endeavor to render a decision within forty-five (45) calendar days after being ordered by the police Chief to convene, and may meet on multiple occasions if deemed necessary.
2. Meetings shall be held only when a quorum of voting Board members are present. Three voting members shall be present to constitute a quorum. For the purposes of providing adequate notice of meetings to the Board member(s) selected by the Officer(s) whose use of deadly force is under review, the Chair shall provide at least two week's notice prior to a meeting of the Board. The meeting will be rescheduled one time in order to accommodate the schedule(s) of the Board member(s) selected by the Officer(s) whose use of deadly force is under review if that Board member is unavailable; provided, that the Board member will endeavor to adjust his or her schedule to be available. The Chair shall not be required to reschedule the Board meeting more than one time to accommodate the availability of the Board member(s) selected by the Officer(s) whose use of deadly force is under review. If the Board member(s) selected by the Officer(s) whose use of deadly force is under review is not available at the rescheduled meeting,

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Previous Kent PD Policy	1.3.17

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#3.140</b>	<b>N/A</b>	<b>Deadly Force Review Board</b>

the Officer shall be permitted to select a new Board member(s) who is available for the rescheduled Board meeting.

3. Board members shall review evidence gathered as a result of any official investigation by the Kent Police Department and/or an outside police agency that investigates the particular use of deadly force. The Chair may, at his or her discretion, provide reports and summaries to Board members to review prior to the meeting of the Board.
4. Board members may inquire of the investigators regarding the evidence gathered for a clarification of the evidence.
5. Board members shall consider the Kent Police Department's policies and procedures applicable to the use of deadly force and the Officer's conduct, as well as the opinions of a use of deadly force expert.
6. Board members shall deliberate and shall render an advisory opinion as to the following:
  - a. Whether the use of deadly force was consistent or inconsistent with department policies;
  - b. Whether any tactical improvements could be made, and if so, an explanation of those tactical improvements; and
  - c. Whether any adjustments to training should be made in light of the use of deadly force and if so, an explanation of those adjustments.
2. The advisory opinion shall be the majority opinion of the voting Board members and need not be unanimous. In the event of a tie vote, the opinion of the Board shall be presented to the Chief as a tie, and the advisory opinion shall present both opinions. In the event of a tie vote, the Chief may, at his or her discretion, recall the Board to hear from Board members regarding the basis for the differing opinions.
3. The "Guidelines for Meetings of the Deadly Force Review Board" ("Guidelines") set forth in Appendix A are intended to guide meetings of the Board and need not be strictly followed. In the event of a conflict between this Deadly Force Review Board Policy and the Guidelines, the Policy shall prevail. The failure to strictly follow the Policy or the Guidelines shall not be considered grounds to question the advisory opinion of the Board or the determination of the Chief as long as the spirit of the Policy is followed.

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Kent PD	3.140
WASPC	N/A
Previous Kent PD Policy	1.3.17

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#3.140</b>	<b>N/A</b>	<b>Deadly Force Review Board</b>

### **Chairperson's Responsibilities**

The Board Chair shall ensure the following occurs, and may select a Recording Secretary for this purpose:

1. Ensure that all Board members selected by the Chief are notified of their selection.
2. Schedule any Board meetings in order to meet the timelines provided in this policy.
3. Ensure that all materials and evidence necessary for the Board to conduct its review are made available to the Board members.
4. Ensure the attendance of investigators.
5. Record in writing the advisory opinion of the Board.
6. Provide an opportunity to voting Board members to review and comment on the initial draft of the advisory opinion and the final draft of the advisory opinion prior to its transmission to the Chief.
7. Forward the advisory opinion of the Board to the Chief for his or her review.

### **Chief's Responsibilities – Determination**

The Chief shall be responsible for convening the Board. In the event that a use of deadly force incident results in the death of a person, the Chief shall not convene a Board until after an inquest jury has returned a verdict or the Chief receives written confirmation from King County that no inquest will be convened.

The Chief shall review and consider the advisory opinion of the Board prior to making a determination regarding the appropriate steps to take as a result of the use of deadly force. The Chief shall notify the Officer(s) whose use of deadly force is under review of his or her determination within fourteen (14) calendar days of his or her receipt of the Board's advisory opinion. If the Chief determines that he or she needs additional time to render a final determination, the Chief shall notify the Officer(s) of the need for additional time, the basis for the need, and the new date by which the Chief will render his or her determination.

The Chief may make the following determinations:

1. That the use of deadly force was within policy, and there are no grounds for further investigation. In this event, the Chief shall notify the involved Officers of his or her decision in writing.

Effective:	10/23/95
Revised:	11/23/15
Kent PD	3.140
WASPC	N/A
Previous Kent PD Policy	1.3.17



Kent PD	WASPC	Title
#3.140	N/A	Deadly Force Review Board

2. That the use of deadly force constituted a violation of Department policy or a possible violation of Department policy. In this event, the Chief may, at his or her discretion, refer the matter for investigation through the complaint or internal affairs process, and consider discipline at the conclusion of the complaint or internal affairs process.

Regardless of the Chief's determination as set forth in subsections 1 or 2 above, the Chief may take any non-disciplinary action to improve or alter the training or tactics utilized by the Officers involved in the use of deadly force or by the Department as a whole.

### **Records Retention**

The Kent Police Department will retain all records of complaints and their disposition in accordance with Washington State Retention Guidelines.

Effective:	10/23/95
Revised:	11/23/15
Kent PD	3.140
WASPC	N/A
Previous Kent PD Policy	1.3.17

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#3.140</b>	<b>N/A</b>	<b>Deadly Force Review Board</b>

### **Guidelines for Meetings of the Deadly Force Review Board**

#### **Board Meeting Location and Time**

Board meetings shall be conducted at the Kent Police Department or at such other venue as determined by the Chair. The Chair shall determine the number of meetings necessary and shall endeavor to accommodate additional meetings as requested by voting Board members.

#### **Presentation of Evidence**

The Chair may provide Board members with a copy of reports and other information prior to the first meeting of the Board.

During a meeting of the Board, the investigating Officers shall provide the Board with a presentation of the material evidence gathered during the investigation. The Chair shall make available multimedia equipment in order to accommodate the presentation when such equipment is available.

Board members shall be permitted to ask questions of the investigators. In the event that a Board member would like to review additional evidence that has been gathered by the investigators but not presented, such request shall be accommodated by the investigators unless the Chair determines otherwise.

Deliberations regarding the appropriateness of Officer conduct should not occur during the presentation of the evidence.

#### **Deliberations, Vote, and Advisory Opinion of the Board**

At the conclusion of the presentation of the evidence, non-Board members shall be excused. Only voting members of the Board, as well as the use of deadly force expert, and the Recording Secretary appointed by the Chair shall remain at the Board meeting during deliberations. Board members shall have available to them any policies or procedures applicable to the use of deadly force in question.

In the event the Board is reviewing the use of deadly force of more than one Officer, the deliberations and vote regarding each Officer's use of deadly force shall be conducted separately. Only the Board member selected by the Officer whose use of deadly force is under deliberation shall be present for that particular deliberation and vote.

Deliberations of the Board shall be conducted in such a manner that deliberations are open and honest, and that all members may speak without adverse consequences.

Effective:	10/23/95
Revised:	11/23/15
Kent PD	3.140
WASPC	N/A
Previous Kent PD Policy	1.3.17

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#3.140</b>	<b>N/A</b>	<b>Deadly Force Review Board</b>

At the conclusion of the deliberations, the Chair shall take a vote of the voting Board members on the following questions:

1. Whether the use of deadly force was consistent or inconsistent with Department policy, and an explanation of that determination.
2. Whether any tactical improvements could be made, and if so, an explanation of those tactical improvements.
3. Whether any adjustments to training should be made in light of the use of deadly force, and if so, an explanation of those adjustments.

The Recording Secretary shall record the vote of the Board.

The Recording Secretary, under the supervision of the Chair, shall prepare an advisory opinion memorandum to be delivered to the police Chief which shall include a summary of when and where the Board meetings occurred, a list of who attended the meeting(s), a summary of the use of deadly force incident, applicable Department policies, and a summary of the decision of the Board. The Chair shall ensure that the advisory opinion accurately reflects the decision of the voting Board members and shall provide voting Board members with an opportunity to review and comment on a draft of the opinion prior to delivery of a final copy to the Chief. Board members shall also be permitted to review the final draft of the advisory opinion. The advisory opinion shall be signed by the Chair, and delivered to the Chief within twenty-one (21) days of the determination of the Board.

Effective:	10/23/95
Revised:	11/23/15
Kent PD	3.140
WASPC	N/A
Previous Kent PD Policy	1.3.17

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#4.10</b>	<b>#4.1</b>	<b>Organization and Administration</b>

The rank structure of the Kent Police Department includes the Chief of Police, the Assistant Chiefs, Commanders, Managers, Sergeants and Supervisors. The Chief, Assistant Chiefs, Commanders and Managers makeup the Command Staff.

The Chief of Police is the Chief Executive Officer of the department. The Chief continuously analyzes and evaluates operations and trends to ensure efficiency and adequacy of service, maintains high professional standards of performance for all department personnel, and ensures that all employees are properly trained. The Chief is responsible for establishing the mission and long range strategic goals and objectives of the department. The Mayor of Kent appoints the Chief, and the Chief reports directly to the Mayor or designee.

The Kent Police Department consists of three divisions: the Patrol Division, the Support Services Division, and the Investigations Division. An Assistant Chief heads each division and reports to the Chief of Police. The Assistant Chiefs plan, organize, and direct their assigned division. They assist the Chief in developing the long-range goals and objectives, policies and procedures, and department budget. In the event that the Chief is absent from office, an Assistant Chief will act as designee. The Assistant Chiefs supervise the Commanders and Managers within their division.

Commanders are responsible for the overall operations of their respective squads or units. They share the responsibilities of developing staffing plans, approval of equipment supply requisition, maintenance and repair of equipment, and the professional development of the personnel under their command. They, with their sergeants, respond to community member inquiries and complaints on officers.

Commanders are responsible for taking the strategic goals and objectives set by the Chief and Assistant Chiefs and developing operational initiatives, programs, and procedures to accomplish those goals and objectives. Commanders supervise Sergeants and report to the Assistant Chief of their division.

Managers function in the same manner as Commanders but oversee non-sworn employees within their assigned units. Managers supervise Supervisors and report to the Assistant Chief of their division.

Sergeants are first line supervisors and run the day-to-day operations of their assigned squad or unit. Sergeants are responsible for directing the work of their subordinates to accomplish the operational initiatives, programs, and procedures set forth by the Commander to accomplish the mission, goals, and objectives of the

Effective:	10/23/95
Revised:	11/23/15
Kent PD	4.10
WASPC	4.1
Previous Kent PD Policy	4.1.1/4.2.2/5.1.2

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#4.10</b>	<b>#4.1</b>	<b>Organization and Administration</b>

department. They respond to community member inquiries and complaints on officers. Sergeants are also responsible for the on-going development and evaluation of their personnel. Sergeants supervise officers, detectives, or non-sworn personnel and report to a Commander.

Supervisors are the first line supervisors and function in the same manner as Sergeants but supervise non-sworn employees within their unit. Supervisors report to a Manager.

### **Emergency Command Protocol**

In certain emergency situations the Chief may be absent from office without designating an acting Chief. In these circumstances, the Assistant Chief with the most seniority at the rank of Assistant Chief will automatically assume the role. In the unlikely event that neither the Chief nor the Assistant Chiefs are able to report for duty, the next highest ranking sworn officer will assume command of the department until relieved by a higher ranking officer.

### **Incident Command Structure**

All Sergeants, Commanders, Assistant Chiefs and the Chief of Police receive training on the Incident Command System (ICS). In the event of a critical incident or major catastrophe, all ranked officers will follow ICS protocols.

Generally, the highest ranking or senior most sworn officer on scene assumes command of the incident unless otherwise directed by a senior officer. In the event of an incident involving multiple specialty units working on a joint operation, the command staff on scene will establish unified command and designate an overall Incident Commander. The remaining command staff members will support the Incident Commander by overseeing tactical operations for their identified area of responsibility.

In the event that an operation requires the utilization of the Valley SWAT Team, a member of the Kent Police Command Staff will assume the role of Incident Commander, and the ranking valley SWAT Team Commander will serve as the Tactical Commander.

### **Patrol Division**

The Patrol Division's primary purpose is to protect and serve the Kent community

Effective:	10/23/95
Revised:	11/23/15
Kent PD	4.10
WASPC	4.1
Previous Kent PD Policy	4.1.1/4.2.2/5.1.2

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#4.10</b>	<b>#4.1</b>	<b>Organization and Administration</b>

by responding promptly, safely, and professionally to calls for service. Additional responsibilities include enforcement of criminal and traffic law, addressing quality of life issues, and preserving the peace. This division performs Intelligence Led Policing, community engagement, crime prevention, and other law enforcement services. In addition to the patrol squads, the Patrol Division encompasses the K9 Unit, Valley SWAT Team, Hostage Negotiations Team, Traffic Unit, Civil Disturbance Unit, Special Operations Unit, and School Resource Officers.

### **Support Services Division**

The Support Services Division provides a broad range of support for the other divisions through facility and equipment maintenance, hiring and training of personnel, evidence processing, records management, procurement and budget, administrative services, and corrections. This division also provides services directly to the public through front counter service, including walk-in request for various reports or permits, general inquiries, reception for officers, phone inquiries/request from both community members and other law enforcement agencies. The workgroups within this division include: the Corrections Staff, Records Unit, Evidence Unit, Finance and Accounting Personnel, Administrative Assistant Staff, Training Unit, Research and Development, Accreditation, and the Hiring and Recruiting Officer.

### **Investigations Division**

The Investigations Division's purpose is to investigate Felony Level Crimes including crimes of violence, narcotics, human trafficking, gang, special victim crimes, and property crimes. These investigations are initiated either through referrals from patrol officers, in-progress call-outs, or on-going intelligence and data collection. This division also provides media forensics, crime analysis, crime prevention education, and sex offender compliance. This division supports the department's Intelligence Led Policing efforts through providing crime data and criminal intelligence to the Patrol Division, and addressing quality of life issues through problem oriented policing initiatives. This division encompasses the Detectives Unit, Special Investigations Unit, Neighborhood Response Team, Community Education Unit, Crime Analysis, and the Volunteers in Policing.

Effective:	10/23/95
Revised:	11/23/15
Kent PD	4.10
WASPC	4.1
Previous Kent PD Policy	4.1.1/4.2.2/5.1.2

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#4.20</b>	<b>#4.2</b>	<b>Obeying Orders</b>

Employees of the Kent Police Department are required to obey lawful orders of a supervisor. This includes orders that are relayed from a supervisor through an employee of equal or lesser rank.

If an employee receives conflicting orders, the employee notifies the supervisor giving the second order that the order conflicts with a previous one. If the supervisor issuing the second order still issues the order, the employee obeys the second order. This includes situations when the supervisor issuing the second order is lower in rank than the supervisor issuing the first order. The supervisor issuing the second order is responsible for any problems arising from the conflicting orders.

Employees of the Kent Police Department are not required to obey unlawful orders. If an employee receives an unlawful order, the employee respectfully informs the supervisor issuing the order that it is unlawful. The employee states that because the order is unlawful, it will not be obeyed. In any subsequent internal investigation, it is the responsibility of the employee who disobeyed the order to demonstrate that the order was unlawful. Employees will not be disciplined in any way for refusing to obey an unlawful order.

Effective:	10/23/95
Revised:	10/27/14
Kent PD	4.20
WASPC	4.2
Previous Kent PD Policy	4.2.1/5.1.3

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#4.30</b>	<b>#4.3</b>	<b>Annual Reviews</b>

The Kent Police Department conducts review and analysis of the following incidents annually:

- Vehicle Pursuits
- Use of Force Incidents
- Internal Affairs Investigations
- Biased Based Profiling Complaints/Incidents

Data for vehicle pursuits, use of force, and biased based profiling complaints and incidents will be collected and maintained electronically by each division's Administrative Assistant in preparation for the annual review. Data pertaining to Internal Affairs Investigations will be maintained by the Internal Affairs Commander. A report will be generated that outlines the findings of the analysis and addresses any policy, procedure, training, and/or personnel issues that are identified along with steps that will be taken to address any issues.

Responsibility for annual reporting are:

- Vehicle Pursuits and Use of Force – Support Services Division Assistant Chief or designee
- Internal Investigations – Internal Affairs Commander or designee
- Biased Based Profiling Complaints/Incidents – Patrol Division Assistant Chief or designee

Completed annual reports will be reviewed and approved by the Chief of Police and subsequently disseminated to the Command Staff. The Research and Development Analyst will maintain an electronic record of the reports.

Effective:	2/9/00
Revised:	11/23/15
Kent PD	4.30
WASPC	4.3
Previous Kent PD Policy	4.4.1/4.6.1



Kent PD	WASPC	Title
#4.40	#4.4	Written Directives

The purpose of this policy is to identify the components of the written directive system and to establish authority for implementing new and revised written directives. This policy addresses the four main types of written directives used by the Kent Police Department which include:

- A. Values and Mission Statement
- B. Policies and Procedures Manual
- C. Temporary Orders
- D. Personnel Orders

The Chief has the right to issue, modify, and approve agency written directives. Any of the above written directives may be issued by a command staff member, with the approval of the Chief of Police, or designee.

A. Values and Mission Statement: The vision, mission, and values of the Kent Police Department are established by the Chief of Police as part of strategic planning. Any changes made require Command Staff approval. Once any changes are adopted, department employees are informed via email or division/unit staff meetings.

B. Policies and Procedures Manual: The policies and procedures manual establishes the policies, procedures, rules, and regulations of the Kent Police Department. The manual provides all employees with a clear understanding of the expectations relating to conduct and the performance of their duties. A description of the manual system includes:

1. Format: The manual is divided into chapters numbered in sequential order. The beginning of the manual contains an index that lists both policy number and title. The effective date of the policy is printed at the bottom of each page. The text of each policy is drafted in outline form.
2. Review and Revisions: The Research and Development Analyst is responsible for reviewing new or revised policies for accuracy, indexing, cross-referencing, and for any contradiction with existing policies or law. Twice annually, the Research and Development Analyst reviews the policies and procedures manual to ensure department accuracy and compliance with WASPC standards.

When standards are revised, the outdated standards are removed from the manual but previous versions are stored in an archived file. Major

Effective:	10/23/95
Revised:	12/30/15
Kent PD	4.40
WASPC	4.4
Previous Kent PD Policy	5.2.1/5.2.2

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#4.40</b>	<b>#4.4</b>	<b>Written Directives</b>

changes in department policy and procedures require command staff review. In some cases, changes will require labor group and legal review. The Chief of Police approves all changes prior to dissemination to employees.

C. Temporary Orders: Are used to implement policies or procedures, which are needed to govern an objective or event that is short term in nature. These orders are canceled at the conclusion of the event or objective that prompted their necessity. An example of a temporary order is the City of Kent's Cornucopia Days in which schedules, personnel assignments, and certain job functions are modified for a specific period of time.

D. Personnel Orders: Direct any change in rank, title, or assignment of employees. Examples include:

1. Promotion.
2. Hiring, transfer, suspension, or termination of an employee.
3. Acting assignments to other ranks/positions.

### **Dissemination and Storage of Written Directives**

The policy and procedures manual is stored in an electronic web based software program (Power DMS). Each employee of the Kent Police Department receives access (username and password) to the electronic software which contains the automated policy manual. Employees may access the policy manual by individual policy or chapter within the system.

Any policy additions, revisions, or deletions are entered into the electronic software system, ensuring that the most current version is always stored and available. Previous versions of the policy are also maintained within the system and always available for review. Employees may receive notice of any new or revised policies and procedures via department electronic mail, or during trainings or meetings.

An approval process is maintained in the electronic software system to ensure command staff review and approval prior to publishing new or revised policies. Once policies are approved in the software, the employee will receive notice via email of the policy change. Employees are also made aware of any changes when they log in to the software system. Employees are directed to acknowledge receipt of and understanding of the revisions within the electronic system. Reports can be generated within the software to track employees who have or have not signed off

Effective:	10/23/95
Revised:	12/30/15
Kent PD	4.40
WASPC	4.4
Previous Kent PD Policy	5.2.1/5.2.2

Kent PD	WASPC	Title
#4.40	#4.4	Written Directives

on the revised changes.

Effective:	10/23/95
Revised:	12/30/15
Kent PD	4.40
WASPC	4.4
Previous Kent PD Policy	5.2.1/5.2.2

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#4.50</b>	<b>N/A</b>	<b>Discipline</b>

The Kent Police Department recognizes the importance of discipline as a tool to promote moral and mental improvement. Discipline is the responsibility of each individual within the department. A well-disciplined police force is one that voluntarily and willingly conforms to all established rules, policies, and procedures.

### **Training as a function of discipline**

The Support Services Division shall be responsible for developing and facilitating in-service training for Kent Police Department employees designed to further their knowledge and understanding of proper and effective police methods and techniques. Training should foster positive and constructive techniques for improving employee productivity, effectiveness, and morale. The department may mandate remedial training for employees found to be deficient in necessary job related skills. The need for remedial training will be documented and tracked in the employee's regular periodic performance evaluations.

### **Disciplinary system**

Discipline will generally be administered in a progressive fashion (i.e.: from minimum to maximum) and take into consideration the following:

- A. The seriousness of the incident.
- B. The circumstances surrounding the incident.
- C. The employee's past disciplinary record.
- D. The employee's past work performance.
- E. The actual overall impact of the incident on the organization.

Minor procedural mistakes or inappropriate judgment, as a general rule, will be counseled and/or given appropriate training. Documentation on the employee's progress, or lack thereof, will be maintained on file with the supervisor as part of the employee's next regular evaluation.

### **Penalties for Violation of Rules, Policies, and Procedures**

The following penalties are based on the principle of progressive discipline. The purpose of progressive discipline is to place a person on notice that conduct is unacceptable, and to give the person the opportunity to modify behavior. Serious penalties are imposed for successive incidents of the same prohibited conduct. Suspension without pay may be up to, but not to exceed, 30 working days.

Effective:	10/23/95
Revised:	11/23/15
Kent PD	4.50
WASPC	N/A
Previous Kent PD Policy	4.3.2/13.1.4/13.1.5/13.1.6

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#4.50</b>	<b>N/A</b>	<b>Discipline</b>

Discipline can include any combination of the following penalties:

**KPOA Employees:** Verbal warning, written reprimand, suspension, demotion, and termination of employment.

**AFSCME/Non-Represented Employees:** Oral reprimand reduced to writing, written reprimand, suspension, demotion, and termination of employment.

Corrective action such as coaching, verbal counseling, written counseling (KPOA Employees), use of the Performance Development Form (AFSCME/Non-Represented Employees), and remedial training provided are not considered discipline.

The Chief of Police may alter or modify any disciplinary action if it is in the best interest of the City.

### **Scope of Disciplinary Authority**

**Verbal Warning:** First Level Supervisors

**Oral Reprimand Condensed to Writing/Written Reprimand:** First Level Supervisor, Civilian Manager, Commander (with approval of the division Assistant Chief), and Assistant Chief.

**Suspension/Demotion/Termination:** Chief of Police

### **Supervisor Accountability**

Supervisors have a responsibility to ensure that employees within their area of responsibility follow the department rules, policies, and procedures. Supervisors may be held responsible for the acts of their employees.

Supervisors must have a thorough knowledge of current rules, policies, procedures, and performance standards established within the organization so that they can enforce them. They must understand the reasons for each of these rules, policies, or standards. It is the responsibility of all supervisors to communicate the rules, policies, and procedures of the Kent Police Department to their assigned employees. It is not fair to discipline an employee for violating a rule, policy, or procedure when the employee has not been informed.

Effective:	10/23/95
Revised:	11/23/15
Kent PD	4.50
WASPC	N/A
Previous Kent PD Policy	4.3.2/13.1.4/13.1.5/13.1.6

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#4.50</b>	<b>N/A</b>	<b>Discipline</b>

### **Supervisors Role in Discipline**

Supervisors have an important role in affecting positive discipline. It is the responsibility of all supervisors to communicate the rules, policies, and procedures of the Kent Police Department to their subordinates. Supervisors will facilitate and/or participate in training of assigned employees in proper conduct and acceptable performance. They will take disciplinary action in a timely manner where there is misconduct and/or unacceptable performance.

Each supervisor is expected to enforce the rules, policies, procedures, and standards of the Kent Police Department. Supervisors will give timely advisement to employees of any performance or behavioral problems, which could result in disciplinary action. Supervisors will notify their immediate supervisor of any performance or behavior problems of subordinates, which could result in disciplinary actions. The employee evaluation form may be used to document performance or behavior problems which could (or have) result(ed) in discipline within the current period of evaluation.

Follow-up on disciplinary action is also the responsibility of the supervisor. If behavior or performance problems, which resulted in discipline, have been improved or corrected, acknowledgement and documentation should be made. In addition to timely acknowledgement, improvements and/or corrections should be documented in the employee's next regular evaluation. If improvement or correction in performance or behavior has not been made, the supervisor must proceed with additional and more progressive disciplinary action.

### **Temporarily Relieving and Employee of Duty Shift**

In certain situations, sergeants and other first line supervisors may temporarily relieve an employee of up to one full shift of duty, with pay, if conditions such as a violation of a department or supervisory order or other act compromising the function and/or integrity of the department occurs (i.e. fatigue, unfit for duty due to emotional problems, intoxication). The supervisor ordering the relief of duty will immediately notify their chain of command, including the appropriate division Assistant Chief and the Chief of Police. The supervisor will write a detailed report of the full circumstances of the incident and forward it through the chain of command.

The Chief or his designee may extend the relief of duty with pay until the next business day, unless circumstances warrant further immediate action.

Effective:	10/23/95
Revised:	11/23/15
Kent PD	4.50
WASPC	N/A
Previous Kent PD Policy	4.3.2/13.1.4/13.1.5/13.1.6

Kent PD	WASPC	Title
#4.50	N/A	Discipline

Where inappropriate attire and/or personal appearance outside of Kent Police Department standards are noted, first line supervisors may direct the employee to change into appropriate attire and/or bring their personal appearance up to standards. Time required for such corrections will be without pay.

### **Appealing Disciplinary Action**

Represented employees choose either of the following procedures for appealing disciplinary action. The process outlined in Civil Service Rule 16 or the grievance procedure outlined in their labor contract. Under no circumstances may the employee use both the Civil Service Commission and contract grievance procedures to appeal the same disciplinary action. Non-represented employees also utilize the process outlined in Civil Service Rule 16.

Effective:	10/23/95
Revised:	11/23/15
Kent PD	4.50
WASPC	N/A
Previous Kent PD Policy	4.3.2/13.1.4/13.1.5/13.1.6

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#5.10</b>	<b>#5.1</b>	<b>Uniform Records Management System</b>

The Kent Police Department utilizes a software program called Tiburon to document incidents, report writing, and property management for case reporting. Records staff oversees the program to ensure that reports are entered accurately and follow-up reporting is done in a timely fashion.

Notifications are sent out to the officers to confirm the status of their cases on a monthly basis. Case numbers are automatically assigned from the Computer Aided Dispatch (CAD) upon request from the investigating officer/s.

Original reports are maintained in Tiburon except for the confidential reports created by the Special Investigations Unit (SIU). SIU enables a mask in the program to annotate that the investigation is confidential. Once SIU completes an investigation, the mask is disabled.

Effective:	10/23/95
Revised:	12/30/15
Kent PD	5.10
WASPC	5.1
Previous Kent PD Policy	38.1.5



<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#5.20</b>	<b>#5.2</b>	<b>Recording Calls for Service</b>

The Computer Aided Dispatch (CAD) generates a unique incident number for all service calls received at the Valley Communications Center. Each incident is created through use of an incident mask in the CAD system.

Valley Communications' Standard Operating Procedures (SOP) dictate that dispatchers are as thorough as possible in getting information. Each incident recorded by Valley Communications staff should contain the following:

- A. Date and time of request
- B. Name and address of complainant, if any
- C. Type of incident
- D. Location of incident
- E. Time of dispatch
- F. Time of officer arrival
- G. Time of officer return to service
- H. Disposition of service

Refer to Valley Communications CAD Manual for procedures in determining backup officers who assist the primary officer.

Effective:	10/23/95
Revised:	12/30/15
Kent PD	5.20
WASPC	5.2
Previous Kent PD Policy	38.2.1/38.2.3/39.2.4

Kent PD	WASPC	Title
#5.30	#5.3	ACCESS Compliance

The Kent Police Department and Valley Communications Center have ACCESS (A Central Computerized Enforcement Service System) terminals for WACIC (Washington Crime Information Center), NCIC (National Crime Information Center), and the Washington State Identification Section's criminal history files.

Arrest warrants, stolen vehicles and property, missing persons, and other information allowed by WACIC and ACCESS policy are entered into WACIC and/or NCIC. ACCESS terminals allow point-to-point teletype communications between local and national users.

### **Use of ACCESS**

ACCESS is a computer controlled communications system located at the Washington State Patrol (WSP) Information Technology Division. ACCESS provides service to all the state and national information systems. The Chief of the WSP is vested with the authority to administer all operating phases of ACCESS and WACIC. There are specific requirements for agencies accessing the information in the group of computer systems in ACCESS.

### **ACCESS Use Requirements**

No member of the Kent Police Department shall operate any of the ACCESS systems without first complying with the training requirements as they are listed in the ACCESS Manual. All ACCESS users shall be re-certified every two years.

Audits are conducted per WSP schedule. Any non-compliance issues are reviewed and corrected at the conclusion of each audit.

### **ACCESS Requirements**

As an authorized ACCESS user, the Kent Police Department complies with all of the following ACCESS requirements (ACCESS Manual):

- Warrant Entry
- Receiving information from outside agencies
- Recording information
- Verifying information
- Cancelling information

Effective:	10/23/95
Revised:	12/30/15
Kent PD	5.30
WASPC	5.3
Previous Kent PD Policy	39.2.9

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#5.30</b>	<b>#5.3</b>	<b>ACCESS Compliance</b>

- Providing 24-hour access to agency warrants

It is the responsibility of the City of Kent Information Technology Director or his/her designee to ensure that all ACCESS computer and network security requirements are in place and operational.

Effective:	10/23/95
Revised:	12/30/15
Kent PD	5.30
WASPC	5.3
Previous Kent PD Policy	39.2.9

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#5.40</b>	<b>#5.4</b>	<b>Privacy and Security</b>

Only authorized personnel have access to the Records Unit. Non-law enforcement personnel must be escorted by a Records staff member while in the Records Unit.

All non-sworn visitors and guests in Kent Police Department buildings (Corrections and Headquarters) shall sign in on a log maintained at the Records or reception counters. Students at the Police/Fire Training Center facility will be accounted for by way of sign-in rosters for their classes. All non-sworn visitors and guests shall be issued an identification badge to wear while they remain in the building. Any person in the building not wearing a Kent Police or Kent Fire Department uniform must clearly display their City identification card, Volunteers in Police Services (VIPS) identification card, or a visitor's badge at all times. In the event that a group is touring the building, the leader of that group shall sign in on the visitor's log with a notation as to how many members are in the group. Such a group must always remain together and shall always remain in the presence of the employee conducting the tour. When visitors leave the building, they shall sign out and surrender their visitor badges.

The Support Services Manager has established records security and distribution procedures consistent with the following Washington State statutes, federal regulations, city policies, and ACCESS policies:

- A. RCW 10.97 - Washington State Criminal Records Privacy Act.
- B. RCW 13.50 - Juvenile Records Access and Release.
- C. RCW 42.56 – Public Records Act.
- D. RCW 46.52.080 - Confidentiality of Non-Officer Issued Traffic Collision Reports.
- E. Kent City Policy 2.26 – Key Card Access System/ID Badges.
- F. Kent Police Department Physical Protection Policy – ACCESS – effective 1/23/2014.

Juvenile arrest and identification records are maintained in the Records Unit. The Kent Corrections Facility maintains adult arrest and identification records. These records are to be preserved and destroyed as provided in Kent PD policy #5.60.

Officers transport juveniles arrested for felonies or gross misdemeanors to the Kent Corrections Facility to be photographed and fingerprinted. Records personnel are then responsible for the placement of the documents into the juvenile's identification file. Juvenile fingerprints are taken using the Automated Fingerprint

Effective:	10/23/95
Revised:	11/23/15
Kent PD	5.40
WASPC	5.4
Previous Kent PD Policy	12.2.7/38.1.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#5.40</b>	<b>#5.4</b>	<b>Privacy and Security</b>

Identification System (A.F.I.S.) and are stored within the A.F.I.S.

Adults arrested are fingerprinted and photographed at the Kent Corrections Facility. These arrest records are maintained at the corrections facility. The photographs taken of all arrestees are maintained in the records management system at the police department for storage and retrieval.

Photographs and fingerprints are used for identification purposes by criminal justice agencies when the subject is under active investigation.

Juvenile suspect information is not available to non-criminal justice agencies. Release of a juvenile suspect's name is acceptable when a victim wishes to pursue civil restitution, and the case is closed.

The Kent Police Department follows the Washington State approved records retention schedule unless an expungement order is received. Refer RCW 40.14.070 and WAC 434-635-050.

When the Support Services Manager receives a court order to seal records, all related information is gathered in order to:

- A. Delete the subject's name from all computer files.
- B. Delete the subject's name from the case file.
- C. Delete the arrest file.

Effective:	10/23/95
Revised:	11/23/15
Kent PD	5.40
WASPC	5.4
Previous Kent PD Policy	12.2.7/38.1.1

Kent PD	WASPC	Title
#5.50	#5.5	Dissemination of Records

The Records Unit is the main repository for all police reports. Federal and state laws mandate which criminal history records may be released by the retaining agency to outside agencies and individuals. Criminal justice agencies may receive adult and juvenile records from the Kent Police Department Records Unit. These requests are generally made by teletype, mail, or phone. Records staff will create an audit trail for requests made by mail, teletype, or FAX.

Replies to phone requests for records are completed after the identity of the requestor is established. This can be done by confirming the call back number in the police department's file or calling the requestor's agency. An audit trail is not necessary on phone requests. Attorneys that call the Records Unit requesting documents are asked to fax or email on letterhead their request. This assists in identity confirmation.

If a case is still actively under investigation, the request for release will be forwarded to the investigating officer or detective. If the record requested is a traffic collision and it is still under investigation, the Public Records Administrator has provided on letterhead a specific letter that is sent to the requestor notifying them of this status.

Except when requested by a victim or a juvenile offender's parent, records relating to a juvenile offense are usually exempt from disclosure. Any disclosure of a juvenile record will be made in accordance with state law, including Ch. 13.50 RCW (juvenile offense records) and Ch. 42.56 RCW (public records).

Separate from any rights provided under the Public Records Act, the Records Unit will provide the media with access to all reports except those cases: (i) coded either "A" (active) or "INV" (referred to detectives), (ii) involving Child Abuse or Rape, or (iii) those cases where "do not disclose" is listed on the report.

All other persons/agencies requesting access to Kent Police records must complete a public records request form which is then processed by the police department's Support Services Manager and forwarded to the Public Records Administrator in the City Clerk's office.

### **Traffic Collision Reports**

Records Unit staff distributes copies of case reports as follows:

A. Traffic collision reports are sent to:

Effective:	10/23/95
Revised:	12/30/15
Kent PD	5.50
WASPC	5.5
Previous Kent PD Policy	38.2.4/38.1.7

Kent PD	WASPC	Title
#5.50	#5.5	Dissemination of Records

1. The Washington State Patrol
  2. The National Accident Sampling System
  3. The City of Kent Traffic Engineer
- B. A copy of each traffic collision report involving city property damage goes to the City of Kent Sign Shop. In case of an employee injury, a copy of the traffic collision report will be sent to the City of Kent Human Resources Department.
- C. When requested by an insurance company, a copy of the case report will be sent to the requesting company.
- D. Crime and accident victims may request a copy of their case report by contacting the Records Unit in person.

**Exception:** When the person lives outside the City limits, a copy may be mailed.

Effective:	10/23/95
Revised:	12/30/15
Kent PD	5.50
WASPC	5.5
Previous Kent PD Policy	38.2.4/38.1.7

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#5.60</b>	<b>#5.6</b>	<b>Preservation and Destruction of Records</b>

The Kent Police Department follows the Washington State approved records retention schedule unless an expungement order is received. Records are identified for destruction by the Support Services Manager in accordance with the state schedule. Refer to RCW 40.14.070 and WAC 434-635-050.

When the Support Services Manager receives a court order to seal records all related information is gathered in order to:

- A. Delete the subject's name from all computer files.
- B. Delete the subject's name from the case file.
- C. Delete the arrest file.

Effective:	10/23/95
Revised:	11/30/15
Kent PD	5.60
WASPC	5.6
Previous Kent PD Policy	38.1.1/38.1.3



Kent PD	WASPC	Title
#5.70	#5.7	Citations and Infractions

### **Issuing Citations and Infractions**

A "Notice of Infraction" (NOI) requires payment of a stated fine as penalty. All NOIs must be properly issued, served or mailed, and filed and issued on the date it is signed by the citing officer. A NOI may be served on an offender: (i) personally at the time of issuance; (ii) by affixing the citation to a vehicle in a conspicuous place if the violation is a parking, standing, or stopping violation; or (iii) mailed to a violator. Once issued, an infraction **must** be filed with the court within five (5) days, excluding Saturday, Sunday, or a holiday.

All criminal citations issued by an officer and approved by the citing officer's supervisor are sent to the City Attorney's Office for a filing decision. A criminal citation is considered issued to an offender only when it is filed in court by the City Attorney's Office. Mere completion of a citation does not constitute issuance, and until the citation is filed with the court, the citation may be voided by the police department either pursuant to this policy or at the direction of the City Attorney's Office.

All citations filed with the court must be approved by a supervisor. At the end of each shift, officers submit all completed and signed citations to the supervisor for review and approval, further direction, or voidance. The supervisor forwards approved citations to the Records Unit. NOIs completed by an officer and approved by a supervisor, but not yet delivered to the offender, may be filed with the Kent Municipal Court. Criminal citations for misdemeanor crimes are forwarded to the City Attorney's Office for further review and/or filing of charges.

### **Assignment of Citation Book**

Washington Uniform Notice of Infraction and Docket Citations (referred to generally as "citations") come in books that each contain 25 citations. NOI and citation books are kept in the Records Unit in a locked cabinet. Keys to the cabinet are maintained in the Records Supervisor office. To obtain a book of NOI or citations, an officer must:

- A. Request a NOI book or citation book from a Records Specialist who will sign the NOI or citation book out to the officer on the citation log. The Records Specialist will note the officer's name and the beginning citation number that appear in the citation book.

Effective:	10/23/95
Revised:	12/30/15
Kent PD	5.70
WASPC	5.7
Previous Kent PD Policy	38.3.3/38.3.4

Kent PD	WASPC	Title
#5.70	#5.7	Citations and Infractions

- B. The officer will fill out the front page of the citation book with his or her employee ID number, assigned unit, date issued, and signature.
- C. The Records Specialist will sign the front page of the citation book's cover and include his or her employee ID number. Finally, the Records Specialist will make an entry in Tiburon under "Traffic Management/Cite Book issued" to indicate the citation book was provided to the officer.

### **Accountability**

Once signed for, a citation book is the assigned officer's responsibility. Each citation within the book must be accounted for and may be disposed of only by issuing or voiding.

### **Voiding Citations**

Only the issuing officer may void a citation. Requests to void a citation must be submitted by the issuing officer via the chain of command to the Chief of Police or designee. In addition, a supervisor or other person in the issuing officer's chain of command may direct that the issuing officer void a citation. Citations may be voided for the following circumstances only:

- A. Lost or Stolen Citations. A request to void a lost or stolen citation will be made by the officer in a memorandum that explains the circumstances and identifies the lost or stolen citation by its citation number.
- B. Damaged Citations. A request to void a citation that was damaged (e.g. due to rain, snow, other cause) will be made by the officer in a memorandum that explains the circumstances and identifies the damaged citation by its citation number.
- C. Error on Citation. If an error is made on a citation, the issuing officer may issue a new citation(s) to the offender for the original incident. In requesting the original citation be voided, the issuing officer will prepare a memorandum that explains the circumstances and identifies both the voided citation by its citation number and the replacement citation by its citation number.

Effective:	10/23/95
Revised:	12/30/15
Kent PD	5.70
WASPC	5.7
Previous Kent PD Policy	38.3.3/38.3.4

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#5.70</b>	<b>#5.7</b>	<b>Citations and Infractions</b>

- E. Opinion of Supervisor. A citation will be voided if the issuing officer's supervisor or a member of the command staff determines: (i) there is insufficient evidence to support the charge, (ii) issuance of the citation would be against the police department's charging policy, or (iii) issuance of the citation would not otherwise serve the interests of justice. A memorandum will be prepared that explains the circumstances and identifies the voided citation by citation number.
- F. Opinion of City Attorney. A citation may be voided if the City Attorney's Office advises the officer of a deficiency with the case and the officer is unable to overcome that deficiency. The officer will prepare a memorandum that explains the circumstances and identifies the voided citation by citation number. The officer may include the written memorandum of explanation the officer received from the City Attorney's Office. A citation may also be voided by the City Attorney's office when the defendant completes a diversion program.

If it is necessary to dispose of a citation that was delivered to an offender or filed with the Kent Municipal Court, voiding the citation is not an option. Under these circumstances, disposition must occur in the court in which the citation was filed. The issuing officer will contact the appropriate prosecuting officer (City of Kent or King County) and discuss the circumstances.

### **Traffic Citations and Infractions**

The Records Unit and Traffic Unit maintain complete and readily accessible traffic records systems.

- A. The Kent Police Department partners with Washington State Patrol to use SECTOR (Statewide Electronic Collision and Ticket Online Records) when issuing traffic citations and completing traffic collision reports.
- B. The Records Unit maintains traffic collision and enforcement data in both manual hard copy form and in electronic form in the police department's computerized data system. Data includes collision dates, times, locations, enforcement actions, investigations, and dispositions.
- C. Road hazard complaints are given to the Traffic Unit for evaluation and

Effective:	10/23/95
Revised:	12/30/15
Kent PD	5.70
WASPC	5.7
Previous Kent PD Policy	38.3.3/38.3.4

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#5.70</b>	<b>#5.7</b>	<b>Citations and Infractions</b>

review. If action is needed, the information is forwarded to the Traffic Engineering Division in the City's Public Works Department.

- D. Traffic enforcement activity reports are maintained by the Traffic Unit Sergeant. The Traffic Unit Sergeant forwards a monthly enforcement summary to the Patrol Unit's command staff.

The Traffic Unit Sergeant uses traffic enforcement and collision data summaries to support traffic and patrol operations, program planning, countermeasure development, and evaluation of program effectiveness.

### **Filing and Records Retention**

Once the officer issues or completes the citation, the remaining copies are forwarded to the Records Unit for proper handling. Citations related to a case number are scanned into Oracle under that case number. The police department's copy of the citation is retained and filed in numerical order by year. The Washington State Auditor, the Chief of Police, or designee, directs the completion of audits for accountability of citations. All records of citations and infractions are maintained, retained, and destroyed as identified in the Preservation and Destruction of Public Records Act, RCW 40.14.

Effective:	10/23/95
Revised:	12/30/15
Kent PD	5.70
WASPC	5.7
Previous Kent PD Policy	38.3.3/38.3.4

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#5.80</b>	<b>#5.8</b>	<b>Public Information</b>

The police department attempts to be responsive to the media and public interest in department operations and situations by:

- Assisting media personnel in covering both routine news stories and at incident scenes.
- Having an authorized police department representative available to respond to the news media.
- Preparing and distributing news releases.
- Arranging for and/or assisting at news conferences.
- Coordinating and authorizing the release of information about persons according to appropriate statutes.
- Serving as liaison between the media, the public, and the police department in crisis situations. The police department's public information officer will be prepared to assist in a uniformed or non-uniformed capacity during a crisis.
- Coordinating and authorizing the release of information concerning confidential department investigations and operations in a manner that does not compromise the investigation.
- Monitoring department news stories publicized by the media.

All police department personnel have the responsibility to comply with the provisions of Washington State's Public Records Act. The Kent Police Department strives to maintain an effective working relationship between department and media personnel. Input will be encouraged and solicited from the media during media related policy development and revision.

### **Department Personnel Authorized to Release Information to Media**

At the scene of a major incident or newsworthy event, the public information function will be handled by one person so that all other duty personnel can concentrate on the police task at hand. That person may be:

Effective:	10/23/95
Revised:	12/30/15
Kent PD	5.80
WASPC	5.8
Previous Kent PD Policy	35.1.1/35.1.3

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#5.80</b>	<b>#5.8</b>	<b>Public Information</b>

1. Chief of Police.
2. Public information officer (PIO). The PIO, if available, will respond to a major incident scene or newsworthy event. The PIO is the preferred person to perform this function at a major incident.
3. Patrol or detective commander.
4. Designated person.

### **Information on ongoing investigations**

The investigator or detective concerned may release information as appropriate. The PIO assists as requested. Media requests for routine information or assistance will generally be routed to the PIO. A press release board will be maintained and made available to the media by the Records Unit in accordance with the Records Unit's SOP R.58.01 and SOP R.58.02.

Information about incidents that would normally appear on the press release board may be released by any department employee. This information is limited to a brief summary of the incident, with the date and approximate time. Person(s) arrested will be identified only by sex, age, and city of residence (eg: a 28-year-old male, Seattle resident). For information beyond that contained in the shift-briefing log or press releases, the media must contact the PIO or the patrol or detective commander.

### **Press Release Policy**

The police department normally issues press releases for unusual occurrences or in response to media inquiries. A "press release" is a formal statement from the police department in regard to a specific event. These releases should not be confused with the routine distribution of news.

Prior to release, all press releases will be approved by a commissioned supervisor. After the release has been approved, the PIO or other authorized staff in the absence of the PIO may release the following information:

Effective:	10/23/95
Revised:	12/30/15
Kent PD	5.80
WASPC	5.8
Previous Kent PD Policy	35.1.1/35.1.3

Kent PD	WASPC	Title
#5.80	#5.8	Public Information

- Age, sex, marital status, area of residence (e.g. Kent, Seattle, King County) and occupation of an individual arrested but not yet formally charged.
- Alleged offense.
- Circumstances immediately surrounding the arrest, including the time and place of arrest, vehicle pursuit, possession of weapons, and injuries.
- Information about a juvenile (e.g. age, sex, marital status, area of residence) ONLY when that information could not reasonably be expected to identify the juvenile or the juvenile's family.
- Information about an individual arrested and formally charged with a crime, including:
  - Charges filed.
  - Amount of bail.
  - Defendant's name, age, sex, residence, marital status, and occupation.
  - Information revealing the amount of loss resulting from a criminal act.

Any police department employee releasing information to the media will provide either a memorandum or copies of the released information to the PIO.

The following information **WILL NOT** be released:

- Opinions about the identified suspect or arrested person's character, reputation, guilt, or innocence.
- Information about the existence of any admissions, confessions, the contents of any statement made by any suspect, or the failure or refusal of any suspect to make a statement, cooperate, or submit to any tests or examination.
- Any reference to or about the results of an investigative procedure, such as fingerprints, polygraph examinations, ballistics, or laboratory tests, etc.
- The identity, credibility, or anticipated testimony of prospective witnesses.

Effective:	10/23/95
Revised:	12/30/15
Kent PD	5.80
WASPC	5.8
Previous Kent PD Policy	35.1.1/35.1.3

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#5.80</b>	<b>#5.8</b>	<b>Public Information</b>

- Opinions that might tend to cause unwarranted public alarm.
- The home address or home telephone number of any police department employee without that employee's express consent.
- Information revealing the identification or location of persons who file complaints with the police department if their lives, physical safety, or property would be endangered or if they request nondisclosure.
- Information relating to internal personnel files, complaints against police department employees, or internal department investigations will not be released without prior approval from the Chief of Police or designee. When possible, media representatives should be provided with an explanation if they are denied access to certain information.

The PIO responds to media requests in the order received. The PIO will create a press release for incidents that receive many inquiries from the media. Generally, the press release is sent to the media by email. Once a press release is prepared, it will be distributed internally to the following:

- Records press release folder
- Chief of Police
- All Assistant Chiefs
- All Commanders
- Briefing board
- Traffic, special investigations, special operations, and detective sergeants
- PIO
- Records Unit

In case of multi-jurisdictional involvement in an incident (police, fire, medical examiner, etc.), the PIO contacts all of the agencies. A coordinated plan may then be developed for the release of information to the media.

The PIO, patrol or detective commander, Chief of Police, or their designees are responsible for coordinating the media at a crime scene or event under the police department's control. Media personnel are to be denied access to areas:

- If the owner of private property requests they be excluded.

Effective:	10/23/95
Revised:	12/30/15
Kent PD	5.80
WASPC	5.8
Previous Kent PD Policy	35.1.1/35.1.3



<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#5.80</b>	<b>#5.8</b>	<b>Public Information</b>

- If there is a possibility of evidence being damaged, tampered with, or removed from a crime scene.
- If the investigation may be hampered.
- If the media's presence will disrupt tactical operations or places a citizen or police officer at risk of injury or loss of life.
- If the media's presence can place a citizen or police officer at risk of injury or death.

Once an inner crime scene perimeter is established, an assembly area for the media will be established. Persons with valid news media identification will be allowed to enter this area. News media vehicles may enter the media assembly area only if it does not interfere with police investigations or operations.

Officers shall try to warn reporters and photographers of any dangers in a particular area to which the media has been granted access. Police officers may warn members of the media who refuse to stay in a particular area or enter restricted areas that they may be subject to arrest for interfering with police investigations.

The incident commander or designee may call upon both PIOs for the police department and the fire department to handle media inquiries at major fires, natural disasters, or catastrophic events. The PIOs (fire and police) report to the Emergency Management Division (EMD) Director (refer to Kent PD Policy 7.20) or Incident Commander (IC). The PIO conducts media briefings as authorized by the IC.

For disturbances at correctional facilities, the PIO contacts the IC or designee for instructions. In mass arrest situations, the PIO handles all information released to the news media.

Effective:	10/23/95
Revised:	12/30/15
Kent PD	5.80
WASPC	5.8
Previous Kent PD Policy	35.1.1/35.1.3

Kent PD	WASPC	Title
#5.90	#5.9	Sex Offender Community Notifications

The Kent Police Department follows requirements under RCW 4.24.550 for notifying the community of registered sex offender residency. The Washington State Sex Offender Risk Level Classification Tool is used to assess a sex offender's risk to the community. The Risk Level Classification Tool places sex offenders into one of three notification levels as listed:

**Level I Offenders** – A Level I Offender presents the lowest possible risk to the community and the offender's likelihood to re-offend is considered minimal.

**Level II Offenders** – A Level II Offender presents a moderate risk to the community and the offender has a higher likelihood of re-offending than Level I offenders. A Level II Offender is considered a higher risk to re-offend because of the nature of the offender's previous crime(s), lifestyle, and participation in approved treatment programs.

**Level III Offenders** – A Level III Offender poses the highest risk potential to re-offend. Most Level III Offenders have prior sex crime convictions as well as other criminal convictions. A Level III Offender's lifestyles and choices place the offender in this classification. Some offenders may have refused or failed to complete approved treatment.

Bulletins are created by the Detective Unit on all Level II and Level III offenders. Community Education Unit staff disseminate bulletins to neighborhood block watch groups that are in close proximity of the offenders. All level II and Level III offender information is available to the public through the website maintained by the Washington Association of Sheriffs and Police Chiefs (WASPC).

The police department's webpage also includes a link to [Crimereports.com](http://Crimereports.com). Through this website, the public can search for sex offenders in the City of Kent.

Effective:	New
Revised:	
Kent PD	5.90
WASPC	5.9
Previous Kent PD Policy	New

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#5.100</b>	<b>#5.10</b>	<b>Missing Person Verification</b>

The Kent Police Department takes a missing person report when the information provided to the officer indicates that the person is "at risk." The investigating officer should take into account such factors as the person's age, need for medical attention, mental health status, parental abduction or custodial interference, victim of a crime, or any other circumstances that can be deemed to put the person "at risk" or out of character. The police department also recognizes that adults sometimes will voluntarily leave their homes due to personal reasons and do not desire to be located by their family, friends, and/or the police.

Officers will obtain as much identifying information about the person as possible, noting the information on the missing person form. If a photograph of the person is available, the officer will obtain and attach the photograph to the case. Whenever possible, the officer will obtain the name of the missing person's dentist. Officers will also try to determine the missing person's last known location and any area the person is known to frequent.

After obtaining the person's identifying information, officers will look for the missing person in areas the information indicates the person might be. Other Kent officers will assist the investigating officer as needed. If the missing person is known to frequent locations outside the City of Kent, the officer will instruct a Records Specialist to contact outside agencies and request location checks. The investigating officer should also send out an "attempt to locate" through Valley Communications Center to its other member agencies. If additional information is received that indicates a person had contact with or saw the missing person, officers will make attempts to locate the witness, documenting the information in a supplemental report.

Investigating officers will contact the Records Unit as soon as possible and provide a complete description of the missing person. A Records Specialist will then enter the missing person's information into WACIC and NCIC. Missing persons are removed from WACIC and NCIC only after a Records Specialist receives appropriate notification from a Kent Police or outside agency employee.

If the missing person has not been located after the investigating officer completes the above, the officer indicates the case status as "referred to detectives." The Detective Unit will then conduct any follow-up investigation, including any subsequent contacts with the reporting party.

Effective:	10/23/95
Revised:	4/11/17
Kent PD	5.100
WASPC	5.10
Previous Kent PD Policy	21.2.5/21.2.6

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#5.100</b>	<b>#5.10</b>	<b>Missing Person Verification</b>

### **Missing Children**

The Kent Police Department responds to and investigates incidents when information is received that a child is or may be missing. These incidents include runaways, abducted, or any other missing status. The officer completes an incident report and makes an effort to identify and locate the missing child.

If it appears that the child is lost or the victim of a criminal act, the original investigating officer notifies his or her on-duty shift supervisor. Based on the information provided from the preliminary investigation, the shift supervisor decides whether to notify the command duty officer and if other special efforts to locate the child should be initiated, ( i.e. "Be on the Lookout" (BOLO) bulletin, AMBER Alert).

Officers will remind parents to immediately notify the police department when the child returns in order to clear the child from the communication systems and to cancel any other search efforts being utilized. The original investigating officer shall also attempt to identify the medical professional responsible for any dental care of the missing child and obtain a medical release form from the parents/guardian.

A record for a missing person who is under the age of 18 must be entered into WACIC/NCIC using one of the appropriate categories within two hours of receipt of the minimum data required to enter the record. The officer provides pertinent information relating to the missing child for Records Unit staff to enter into WACIC/NCIC systems. This information should include name, age, physical description, clothing description, illnesses or medical conditions, last location seen, and any suspect information. Records Unit staff will clear this information from WACIC/NCIC when notified the child is found.

### **Follow Up Investigations**

Copies of all cases involving missing children, where there are suspicious circumstances that may constitute a crime, will be forwarded to the Detective Unit for review. If further follow up investigation is required, the case will be assigned to a detective. The assigned detective will be responsible for further investigative efforts and will be the point of contact for the missing child's family. The investigating detective will also be responsible for the filing of criminal charges, if an arrest is made.

If after 30 days the missing child has not returned, the Washington State Patrol

Effective:	10/23/95
Revised:	4/11/17
Kent PD	5.100
WASPC	5.10
Previous Kent PD Policy	21.2.5/21.2.6

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#5.100</b>	<b>#5.10</b>	<b>Missing Person Verification</b>

Missing Children Clearinghouse will be notified. Additionally, the child's parent(s) may be contacted to obtain dental records or any other information that may help in locating the child. If dental records are available, they will be forwarded to the Washington State Patrol Dental Investigation Unit.

### **Returned Missing Child**

When information is received that indicates a missing child has been found or returned, the investigating detective or officer will notify the Records Unit after verifying the information. Records Unit staff will clear the WACIC/NCIC entry upon notification from the Detective/Patrol Units. A locate is sent to WACIC and NCIC, if the missing child reported out of another agency is found, which then notifies the Missing Children Clearinghouse that the child is no longer missing or on runaway status.

### **AMBER Alert**

The Kent Police Department participates in the utilization of the AMBER Alert system. Criteria have been established to initiate the system. The criteria are as follows:

1. Victim is under 16 years of age.
2. The victim is not a voluntary runaway (a previous history of runaway reports is **NOT** a sole factor for exclusion).
3. A risk of injury or death to the victim is present in the judgment of the reporting law enforcement agency investigator.
4. The victim's absence must have been reported to and investigated by a law enforcement agency.

### **Implementation Procedures**

1. The law enforcement investigator verifies possible abduction details with his or her supervisor and obtains duty officer approval.
2. The law enforcement investigator completes the standardized AMBER Alert Report, in addition to the required department report(s).
3. **Required** information:
  - a. Victim's name (include any nicknames)
  - b. Victim's age
  - c. Victim's physical description (recent photo, if possible)

Effective:	10/23/95
Revised:	4/11/17
Kent PD	5.100
WASPC	5.10
Previous Kent PD Policy	21.2.5/21.2.6

Kent PD	WASPC	Title
#5.100	#5.10	Missing Person Verification

- d. Victim's clothing description
  - e. Victim's known illnesses and/or medical concerns
  - f. Last location where victim was seen (including date and time)
  - g. Any suspect information (name, description, clothing, vehicle, direction of travel, etc.)
4. Kent Police will fax the AMBER Alert form to Valley Communications Center. Phone contact will also be made to confirm the arrival of the faxes. The AMBER Alert form will also be sent to the media in a similar format to a media release. The Records Unit will issue a statewide teletype to other agencies as soon as possible.
  5. Valley Communications Center will notify King County's 911 Communication Center via fax and confirm receipt by phone contact. Valley Communications Center will also send messages to the King County Regional Communications Centers.
  6. King County's 911 Communication Center will make the initial broadcast using the Emergency Alert System. Additional information and updates will be disseminated by the investigating law enforcement agency.
  7. The information will be broadcast four times an hour for the first two hours, reducing to two times an hour for the next four hours, then once an hour until cancelled by the investigating law enforcement agency or at the media's discretion if longer than 24 hours. This **WILL NOT** be accomplished by re-broadcasting on the Emergency Alert System.
  8. Citizens with information about the case provided in the AMBER Alert will be instructed to call 911. The local 911 dispatch center will document calls and information on the standardized AMBER Alert Tip Sheet and forward it to the investigating law enforcement agency.
  9. Updates will be phoned and/or faxed to Valley Communications Center and the media as they become available.
  10. Valley Communications will update the other area 911 centers as information changes.
  11. Kent Police will notify Valley Communications Center if a recovery is made or if the AMBER Alert is cancelled. Valley Communications Center will forward the information to area 911 centers.
  12. The media may cover any news of the abduction within its normal news guidelines but will not compromise the AMBER Alert plan with updates or information other than what they receive via the official alert protocols.
  13. Following the recovery of the child and the completed investigation, a copy of the case will be submitted to the **AMBER Alert Review Committee** as

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Kent PD	5.100
WASPC	5.10
Previous Kent PD Policy	21.2.5/21.2.6

Kent PD	WASPC	Title
#5.100	#5.10	Missing Person Verification

soon as reasonably possible without jeopardizing the case investigation and any criminal prosecution.

### **Dispatch Responsibilities**

The Kent Police Department contracts with Valley Communications Center as the provider of 911 dispatching services. Valley Communications, as an accredited agency with CALEA, has an established protocol outlining its duties involving AMBER Alerts. Employees of the Kent Police Department are to follow all department policies and procedures regarding juvenile matters.

Effective:	10/23/95
Revised:	4/11/17
Kent PD	5.100
WASPC	5.10
Previous Kent PD Policy	21.2.5/21.2.6

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#5.110</b>	<b>#5.11</b>	<b>Vehicle Recoveries and Impounds</b>

Whenever a stolen vehicle is recovered by the Kent Police Department, the officer should attempt to contact the registered (RO) or legal owner of the vehicle prior to impounding the vehicle. The registered (RO) or legal owner should be given a reasonable opportunity to respond to the scene and take possession of the vehicle.

If the recovering officer is unable to contact the registered owner (RO), the officer may request that a Records Specialist try to contact the RO. The Records Specialist will attempt to phone the RO three times over a 24 hour period. Records staff can leave a detailed voicemail with the RO or contact person and document that the message was left. At that point, Records can desist in attempting to reach RO. All calls should be logged whether they are successful in reaching the RO or not.

If a vehicle reported stolen in Kent is recovered by an outside agency, a Records Specialist will complete a supplemental report in Tiburon. If the recovering agency did not contact the RO, Records will attempt to phone the RO three times over a 24 hour period. If/when contact is made, the Records Specialist will add a note into the Records Management System-Tiburon RMS note. All calls should be logged whether they are successful in reaching the RO or not.

All paperwork related to the attempts to contact the RO is placed in the scanning tray to be attached to the case report.

Effective:	3/24/15
Revised:	12/30/15
Kent PD	5.110
WASPC	5.11
Previous Kent PD Policy	New



<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#5.120</b>	<b>#5.12</b>	<b>National Incident Based Reporting System</b>

The Kent Police Department participates in the state and National Incident Based Reporting System (NIBRS) program. This program promotes the development of adequate recordkeeping and helps in establishing a database of crime statistics.

The Support Services Manager or designee collects crime data and reports it monthly to the Washington Association of Sheriffs and Police Chiefs (WASPC) for inclusion in the national system.

Statistics are obtained from Tiburon, the police department's records management system. These statistics include crimes, property, monetary loss and recovery, and adult and juvenile arrest information.

Effective:	10/23/95
Revised:	10/8/14
Kent PD	5.120
WASPC	5.12
Previous Kent PD Policy	38.1.4

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#5.130</b>	<b>#5.13</b>	<b>Sex Offense Files</b>

The Kent Police Department follows requirements under RCW 40.14.070 and the Washington State Records Retention Schedule which require retention and transfer of case files involving sex offenders and sexually violent offenses to the Washington Association of Sheriffs and Police Chiefs (WASPC) Criminal Justice Information Support Department (CJIS) for archiving and retention purposes.

At least annually, the Support Services Manager shall be responsible for auditing these files and transferring all case files to WASPC/CJIS.

Effective:	7/1/2017
Revised:	8/17/18
Kent PD	5.130
WASPC	5.13
Previous Kent PD Policy	New

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#6.10</b>	<b>#6.1</b>	<b>Electronic File Security</b>

Only authorized personnel will have access to physically secure non-public locations. The Kent Police Department will maintain and keep current a list of personnel in the Records Unit who are authorized to access identified secure locations. All physical points into each secure location will be authorized by employees using their key card for access. The police department will implement access controls and monitor physically secure areas to protect transmission and display mediums of the Criminal Justice Information System (CJIS). Authorized personnel will take necessary steps to reasonably prevent and protect the police department from physical, logistical, and electronic breaches.

To verify identification, a state of residency and national fingerprint-based record checks shall be conducted within 30 days of assignment for all personnel who either have direct access to CJIS or have direct responsibility to configure and maintain computer systems and networks with direct access to CJIS.

Support personnel, private contractors/vendors, and custodial workers with access to physically secure locations or controlled areas (during CJIS processing) shall be subject to a state and national fingerprint-based record check unless these individuals are escorted by authorized personnel at all times.

The police department's electronic data, including CJIS system access, are maintained on the network and servers located within the City's Information Technology Department ("IT"). The network and its servers are in a secure area to which access is limited and controlled by the IT Director or designee.

Effective:	10/10/14
Revised:	11/30/15
Kent PD	6.10
WASPC	6.1
Previous Kent PD Policy	New

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#6.20</b>	<b>#6.2</b>	<b>ACCESS Compliance</b>

The Criminal Justice Information System (CJIS) is maintained by the Federal Bureau of Investigations (FBI) and includes information from a number of federal and national database systems. The Kent Police Department accesses the CJIS through A Central Computerized Enforcement Service System (ACCESS) maintained by the Washington State Patrol (WSP). Through ACCESS, the police department has designated a Terminal Agency Coordinator (TAC) to serve as the point-of-contact at the Kent Police Department for matters relating to CJIS and ACCESS.

The TAC administers CJIS and ACCESS systems programs within the police department and oversees the police department's compliance with FBI and WSP CJIS systems policies.

The police department's Support Services Manager, with the assistance of the TAC, attends all audits of the ACCESS system. The Support Services Manager then works with employees of the police department to ensure that any compliance violations documented in the triennial audit are addressed and remedied by practice and/or policy.

Effective:	10/10/14
Revised:	New
Kent PD	6.20
WASPC	6.2
Previous Kent PD Policy	New

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#6.30</b>	<b>#6.3</b>	<b>Use of Agency Technology</b>

Use of agency technology is to be for work related purposes in support of the vision, mission, goals and objectives of the police department and City of Kent. All employees and volunteers of the Kent Police Department are authorized to use technology in compliance with federal and state laws and City policy 7.5 which details the use of City or department-owned computer systems and related technology equipment.

The introduction of outside computer software and disks into these systems by an employee or volunteer must be done with prior authorization by his/her supervisor and the City's Information Technology Department.

Effective:	2/9/00
Revised:	10/23/14
Kent PD	6.30
WASPC	6.3
Previous Kent PD Policy	4.4.4/21.3.7

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#6.40</b>	<b>#6.4</b>	<b>Computer Viruses</b>

The City's Information Technology Department provides technological assistance to the police department, as necessary. Such assistance includes:

- Protecting, to the best extent practicable, all Kent Police Department Criminal Justice Information Systems (CJIS) from viruses, worms, Trojan horses, and other malicious code. This protection includes utilizing real-time scanning and ensuring updated definitions.
- Installing and updating antivirus protection on computers, laptops, MDCs, and servers.
- Scanning, as requested, any outside non-City or non-department owned CDs, DVDs, thumb drives, etc., for viruses if the Kent Police Department allows the use of personally owned devices.

Effective:	10/10/14
Revised:	11/30/15
Kent PD	6.40
WASPC	6.4
Previous Kent PD Policy	New

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#6.50</b>	<b>#6.5</b>	<b>Back Up</b>

The City of Kent Information Technology Department (IT) backs up the police department's electronic data that is maintained on the City's network and servers at least on a weekly basis. Electronic files or data that are saved locally to a device's hard drive are not backed up. For that reason, all electronic files or data must be saved, whenever possible, to a drive on the City's network. The police department and IT work together to ensure retention and destruction of these electronic files and data complies with Washington state laws.

Electronic files and data are stored in a secure area provided by IT. When it is time to purge these stored electronic files and data, they are destroyed and not recycled.

IT conducts an audit of its security system on an at least annual basis. Periodic updates of the security system are done if deemed necessary. Each employee is required to change his or her network password every six months. The network contains a built-in notification system in the software when the required change is coming due.

In addition to assisting the police department by backing up its electronic files and data, IT staff also assists the department by:

- Performing data backups and taking appropriate measures to protect all stored Criminal Justice Information (CJI).
- Ensuring only authorized vetted personnel transport off-site tape backups or any other media that store CJI that is removed from physically secured locations.
- Ensuring any media released from the Kent Police Department is properly sanitized / destroyed.

Effective:	2/9/00
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Kent PD	6.50
WASPC	6.5
Previous Kent PD Policy	38.1.6

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#6.60</b>	<b>N/A</b>	<b>Department Issued Cellular Phones</b>

## **Purpose**

The purpose of this policy is to establish guidelines for the use of city-owned cell phones. City-owned cell phones are provided to improve customer service and to enhance business efficiency. City-owned cell phones are not a personal benefit and should not be used as a primary mode of personal communication or as a tool for accessing information for personal use. Employees are encouraged to carry a personal cell phone in addition to the City-owned cell phone in the event they wish to use a cell phone for personal reasons.

## **Scope**

This policy applies to all employees who have been issued or are responsible for a City-owned cell phone.

## **General**

Every officer, and some non-officers, in the Kent Police Department will be issued a City cell phone, a case, and a vehicle charger. These phones will replace the phones that are located in each patrol vehicle. The City-owned cell phone shall be used for work-related communications, taking work-related photographs and videos, taking recorded statements, and increasing the employee's efficiency. Unless there are mitigating circumstances, employees who are issued a City-owned cell phone should not use their personal phones for City-related business.

City-owned cell phones will be required to be carried and used by the employee while on duty. Employees will follow their collective bargaining agreement for after hours carrying of, or accessibility of, City-owned cell phones.

## **City-Owned Cell Phones: Appropriate Use**

It is imperative that City-owned cell phones are used appropriately, responsibly, and ethically. The use of City-owned cell phones is subject to the following:

1. City-owned cell phones are the property of the City of Kent, and no employee shall have a privacy right or interest to the phone, information contained on the phone, or information related to the use of the phone. City-issued cell phones may be accessed by the City or Department at any time in order to conduct maintenance on the phones, comply with the Public Records Act, respond to subpoenas, provide responses to evidence requests, conduct personnel investigations, including without limitation internal affairs

Effective:	11/28/16
Revised:	N/A
Kent PD	6.60
WASPC	N/A
Previous Kent PD Policy	New



<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#6.60</b>	<b>N/A</b>	<b>Department Issued Cellular Phones</b>

investigations, conduct criminal investigations, and for any other purpose as determined appropriate by the City or the Department. GPS data will not be monitored with the primary purpose to impose discipline. Instead, if an employee is suspected of engaging in possible misconduct, the GPS data may be consulted as evidence in a resulting investigation. Discipline may only be imposed in accordance with City policy or any applicable collective bargaining agreement.

2. Due to the sensitive nature of information that may be contained on a City-owned cell phone, including without limitation photos, videos, or other recordings, employees shall not share sensitive information with non-Department personnel, unless such sharing is in the course of conducting official Department business. For example, an officer shall not share information contained on the phone with friends or family; however, the officer may share the information with a prosecutor or officer from another agency during the course of his or her employment duties.
3. For security purposes, a phone shall be locked by use of a code that must be entered to access the information on the phone. The employee to whom the phone has been issued shall keep the Police Chief's Administrative Assistant apprised at all times of the code required to access the phone and the Apple ID/Password, and shall provide the access code and/or Apple ID/Password whenever requested by a supervisor. (The Apple ID/Password will only be used to use the find my iPhone app if the iPhone is lost or in an emergency circumstance.)
4. In the event an employee damages or loses a City-owned cell phone, or the phone otherwise malfunctions, the employee shall notify his or her supervisor in a timely fashion.
5. No employee shall use a City-owned cell phone for the purpose of illegal transactions, harassment, or obscene behavior, and employees shall use the City-owned cell phone in accordance with other existing City and Kent Police Department employee policies.
6. City-owned cell phones should be used in compliance with Kent City Policy 7.4.1, which provides that City-owned cell phones "are not to be used predominately for personal calls". "Personal calls" are defined in Kent City Policy 7.4.1.A.3 as follows:

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Kent PD	6.60
WASPC	N/A
Previous Kent PD Policy	New

Kent PD	WASPC	Title
#6.60	N/A	Department Issued Cellular Phones

- Unless a call to family is necessary due to odd hours, long hours, or late hours' work activities, a personal call occurs when a City employee or public official conducts personal business over the City-owned wireless telephone during any hours for making personal appointments, calling friends and relatives, conducting employee-owned business calls, etc.
7. Employees should refrain from accessing or utilizing personal social media accounts on their City-owned cell phones. Employees shall follow the Department's social media policy found in City Policy 7.8
  8. City-owned cell phones shall not be used while driving any vehicle unless the phone is in the hands-free mode or necessary and allowed by law
  10. Records contained on the City-issued cell phone, as well as records relating to the use of the phone, may constitute a public record. Records, including photos, videos, recordings, and other records, may be deleted from the phone once they are transferred from the phone into evidence. Work-related texts shall be maintained on the phone or retained to the extent required by the City's texting policy found in Kent City Policy 7.11.
  11. Employees who are issued a City-owned cell phone shall set up the voice mail feature on the phone immediately upon issuance.

Effective:	11/28/16
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Kent PD	6.60
WASPC	N/A
Previous Kent PD Policy	New

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#6.70</b>	<b>N/A</b>	<b>Portable Observation Device</b>

### **Discussion**

The Kent Police Department operates i4-POD-P camera systems. The cameras are designed to be placed on street light poles or other structures in “hot spot” areas of the city where data shows criminal activity is at increased levels or at large public events such as Cornucopia and SPLASH.

The cameras are visible to the public which can be a deterrent to criminal behavior. Police personnel can see ‘live’ activity or select personnel can retrieve/review historical recordings via cellular connection.

### **Equipment**

The i4-POD-P camera system from Security Lines US is about 30 pounds in weight, and contains three pan/tilt/zoom cameras and one stationary camera. The camera system has a light on the exterior that can be set to on (blinking) or off. The system uses a SIM card for cellular/wireless connection allowing the user to remotely access the video (live or historical). The images are recorded directly on the internal DVR of the POD.

### **Video Retention**

The system is designed to record on an internal DVR system. The system can be accessed via cellular connectivity in order to review and retrieve data/video images. The DVR has a 2000GB storage capability at which time it will re-write over existing images. The Kent Police Department follows the Office of the Secretary of State Washington State Archives Law Enforcement Records Retention Schedule under Section 8.1 for Case Management, “Recordings from Mobile Devices-Buffered Data/Images” and “Recordings from Mobile Devices – Incident Identified”.

Image and data recordings that are NOT accessed will be automatically and continuously recorded over as the 2000 GB limit is reached and destroyed as part of the routine device operations.

Image and data recordings that are accessed as part of an identified incident will be assigned a case report and will be copied and placed into the video evidence system under the assigned case number. Image and data recordings from identified incidents will be retained until the matter is resolved, until exhaustion of any appeals process, and then destroyed.

Effective:	7/30/17
Revised:	
Kent PD	6.70
WASPC	N/A
Previous Kent PD Policy	New

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#6.70</b>	<b>N/A</b>	<b>Portable Observation Device</b>

### **Maintenance**

The POD system will be maintained by the Neighborhood Response Team and Special Investigations Units.

### **Location Record**

Police Department personnel responsible for moving the POD system will maintain a log to track the location of each POD, which includes the date and time a POD is installed and removed. This log will be stored on the department's internal public drive (known as the P: Drive).

### **City of Kent Public Works/Puget Sound Energy Notification**

When Police Department personnel install a POD, notification may be made to the City of Kent Public Works Department and/or Puget Sound Energy. Notification will include the location and approximate duration of the installation.

Installation of the POD cameras requires the system to be powered by electricity. The PODS are outfitted with photo-cell adaptors that are inserted into the street light photo-cell socket as one source of power or direct wired to a power source.

### **Social Media Release**

As these POD systems are designed to be visible to the public, the Kent Police Department may post information on their installation and purpose on department social media sites, such as Twitter and Facebook.

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Kent PD	6.70
WASPC	N/A
Previous Kent PD Policy	New

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#6.80</b>	<b>N/A</b>	<b>Body Worn Cameras and In-Car Videos</b>

### **A. Purpose and Scope**

The Department has adopted the use of Body-Worn Cameras (BWC) and In-Car Videos (ICV) to record interactions between police officers and members of the public.

The Department will continually review this policy and consider changes in best practices, technology, and legal standards.

This policy does not apply to video or audio recordings using equipment other than BWCs or ICVs, nor does it apply to the surreptitious interception of electronic communications for lawful authorized investigative purposes under RCW 9.73.210 and RCW 9.73.230.

### **B. BWC/ICV Equipment**

#### **Maintenance**

A Video Technician, in association with contracted vendors, shall be responsible for BWC system maintenance, upgrades, updates, and repairs.

#### **System Management**

The Video Technician is the overall system administrator responsible for system management, file retention, distribution, and deletion. The Video Technician will assist the City Clerk's Office with public records requests.

#### **City Property**

The BWC/ICV equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment are the sole property of the City.

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Revised:	10/17/19
Kent PD	6.80
WASPC	N/A
Previous Kent PD Policy	N/A

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#6.80</b>	<b>N/A</b>	<b>Body Worn Cameras and In-Car Videos</b>

### **C. BWC/ICV User Responsibilities**

#### **Inspection**

Officers shall inspect their BWC/ICV equipment at the start of every shift. If an officer discovers that the BWC/ICV equipment is not functioning, he/she will be responsible for documenting this in CAD, and will ensure that the equipment is turned over to the Video Technician for repair. Officers will obtain a spare BWC from their sergeant when their BWC is with the Video Technician.

#### **Location of BWC**

The BWC shall be worn on the front torso in a fixed position.

#### **Activation of BWC/ICV Upon Initial Involvement in Incident**

**BWC.** Subject to the exceptions contained in this policy (and as public and officer safety considerations permit), officers shall activate their BWC before civilian contact occurs for all calls for service, as well as for all enforcement and investigative contacts with civilians. If circumstances prevent activation at the start of an event, the officer will activate the BWC as soon as practicable. In addition, and unless otherwise prohibited by this policy, officers may, at their discretion, activate the BWC any time they determine it would be beneficial to capture an event or activity. Officers working in an off-duty assignment should only activate their BWC during enforcement and investigative contacts with civilians.

**ICV.** As public and officer safety considerations permit, officers shall ensure that the ICV is activated when they respond to an incident, when civilians enter the rear seat of their vehicle, or when their emergency lights are activated; provided, in patrol vehicles, the ICV will automatically activate when vehicle emergency lights are activated or the rifle rack is opened. For the purposes of this section, the term "civilians" does not include individuals on ride-alongs or personnel working on vehicles. If circumstances prevent activation at the start of an event, the officer will activate the ICV as soon as practical. In addition, and unless otherwise prohibited by this policy, officers may, at their discretion, activate the ICV anytime they determine it would be beneficial to capture an event or activity. When stopping a vehicle or making contact at the scene of a response, and as public and

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WASPC	N/A
Previous Kent PD Policy	N/A

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<b>#6.80</b>	<b>N/A</b>	<b>Body Worn Cameras and In-Car Videos</b>

officer safety considerations permit, officers will make reasonable efforts to position the vehicle to obtain useful recordings and capture critical evidence.

### **Activation Amnesty**

No officer will be subject to discipline for failing to activate a camera for any reason for the first month or 16 shifts, whichever occurs later, after he or she is assigned to wear a BWC or drive a vehicle equipped with an ICV. Evidence of a failure to activate a BWC or ICV during the amnesty period shall not be used or considered for performance evaluations or discipline after this amnesty period. This amnesty period will apply again in the event an officer who previously was assigned to a assignment with a BWC or ICV, is reassigned to an assignment with a BWC or ICV after a period of six months or more in an assignment without a BWC or ICV. Officers assigned to assignments without a BWC or ICV who work extra shifts on assignments with a BWC or ICV will not be subject to discipline for an unintentional failure to activate the BWC or ICV.

### **Deactivation of BWC/ICV – Prohibitions and Exceptions to Recording**

Deactivation at Conclusion of Incident. Once activated, and subject to all exceptions set forth throughout this policy, the officer shall not purposely turn off the camera until the officer's involvement in the incident has concluded. The officer should cease recording when his or her part of the active investigation is completed, and there is little possibility that the officer will have further contact with any person involved in the event.

Temporary Deactivation of Audio Only. Audio recording contemporaneous with a BWC may be temporarily disabled for conversations with other officers or persons not involved with the call. Pursuant to RCW 9.73.090(1)(c), audio recording contemporaneous with an ICV shall not be disabled when the ICV is activated.

### **Recording Prohibited**

Unless specifically authorized by the Chief of Police, the BWC/ICV shall not be used to record:

1. Anything not involved with official duties.

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Kent PD	6.80
WASPC	N/A
Previous Kent PD Policy	N/A

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#6.80</b>	<b>N/A</b>	<b>Body Worn Cameras and In-Car Videos</b>

2. Communications with other police personnel while not on a call.
3. Communications with undercover officers or confidential informants.
4. When on break or otherwise engaged in personal activities.
5. While in a jail unless for a direct law enforcement purpose.
6. While in the interiors of medical, mental health, counseling, or therapeutic facilities unless investigating a crime in progress (e.g. recording of an investigation of a crime committed at the facility, the drawing of blood at a facility following a DUI, the taking of a statement from a suspect or witness while in a facility, etc, would be permitted).
7. While within the police station or substations, except when taking an in station report or placing a suspect into one of the temporary holding cells in the police station. If so, announce as you enter the station that you are recording. Turn off your recording after the suspect is placed and secured in the temporary holding cell. Activate your recording each time you have an interaction with the suspect in the cell until the suspect is released or transported to jail.

### **Discretionary Recording**

It is permissible under this Policy for officers to exercise reasonable discretion to record or not record events in the following circumstances:

1. When the officer is in a location where individuals have a reasonable expectation of privacy (such as a bathroom or locker-room) and the officer is not there to effect an arrest or serve a warrant.
2. When respect for an individual's privacy or dignity outweighs the need to record an event. Such circumstances may include (without limitation) natural death scenes, death notifications, child or sexual assault victim interviews, and cultural or religious objections to being recorded.
3. Sensitive communications such as matters of law enforcement intelligence or where the recording could hinder a criminal investigation.
4. When the officer has an articulable basis, based on the facts and circumstances of the particular situation, that recording would be unsafe.

### **Notification of Recording**

Notification at Initial Contact. Upon initial contact with civilians, during a call for service, or an enforcement/investigative contact, officers shall notify them, as soon

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WASPC	N/A
Previous Kent PD Policy	N/A



<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#6.80</b>	<b>N/A</b>	<b>Body Worn Cameras and In-Car Videos</b>

as practicable, that they are being recorded. Whenever possible, this notification shall be recorded, and shall be repeated to any new arrivals during the contact when feasible.

Notification to Non-English Speakers. Officers will make an effort to communicate to non-English speakers, those with limited English proficiency, deaf persons, or persons hard of hearing that they are being recorded.

Notification During Arrest. In accordance with RCW 9.73.090(1)(b), officers shall again notify persons placed under arrest they are being recorded and verbally give Miranda warnings on the recording.

Notification Exceptions. In accordance with RCW 9.73.090(1)(c), officers will not be required to inform the person being recorded if the person is being recorded under exigent circumstances.

Notification Not Satisfied. Contact situations are inherently fluid. For example, multiple persons may enter and leave the scene of the contact. This fluidity may pose a challenge to the satisfaction of the requirements of this subsection. The Department shall consider the fluidity of the contact, along with any other relevant factors, prior to determining whether a violation of this subsection has occurred.

## **Documentation of Recording in Police Reports**

When the BWC or ICV is activated, officers shall document in their case report that a BWC and/or an ICV recording was made. If an officer does not activate the BWC or ICV for any reason, mutes the audio recording associated with a BWC or ICV, or terminates the recording of the BWC or ICV for any reason, the officer shall document in his or her case report the circumstances and reason(s) why this occurred. If no case report is taken, an MI in the call to document the circumstances and reasons why is acceptable.

## **Downloading and Storage of BWC and ICV Recordings**

Officers shall download camera footage at least once per shift; provided, officers shall download camera footage as soon as practicable after a serious incident or when storage capacity is reaching its limit. Any time an officer records any portion

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Previous Kent PD Policy	N/A

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<b>#6.80</b>	<b>N/A</b>	<b>Body Worn Cameras and In-Car Videos</b>

of a contact that the officer reasonably believes constitutes evidence in a criminal case, the officer shall record the related case number and document the existence of the recording in the related case report. There may be circumstances where an officer is unable to download camera footage during his/her shift. In such cases, the officer will ensure the camera footage is downloaded at the beginning of their next regular or overtime shift, whichever occurs first; provided, video footage shall be downloaded prior to going on days off. The exception to downloading footage at a time other than at the end of a shift shall not apply to footage associated with a case that results in the booking of a suspect into jail, unless the inability of the officer to download the footage is beyond his/her control. Under certain circumstances, the Department may require video to be downloaded at times other than those specified herein, or may cause the video to be downloaded by someone other than the officer to whom the camera was issued. Officers can volunteer to have an at home docking station where they can download their BWC.

## **Review of BWC/ICV Recordings**

Review Own Recordings and Those of Other Officers on Scene. Officers may view their own video recordings (and the recordings of other Officers on scene) in accordance with this policy, and may request that other officers or law enforcement personnel from other state or federal agencies review video for law enforcement purposes. In addition, the officer's attorney, KPOA's Executive Board, and KPOA's attorney may view video recordings upon request.

Preparing Written Reports. When preparing written reports, officers may review, utilize, and reference their BWC/ICV recordings as a resource. Officers shall not use the fact that a recording was made as a reason to write a less detailed report.

Public Safety Statement. If an officer is involved in a shooting, or other serious use of force, an officer may be required to provide a public safety statement prior to having the opportunity to review BWC or ICV recordings.

Viewer Application Entry. Any officer viewing a video will manually make an entry in the viewer application at the beginning of the viewing session stating the purpose for viewing the video.

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<b>#6.80</b>	<b>N/A</b>	<b>Body Worn Cameras and In-Car Videos</b>

Review, Retention and Distribution Prohibited. Officers shall not review video for purposes not related to their job duties, and under no circumstances shall an officer retain or distribute a recording for a non-law enforcement purpose.

Civilian Review Prohibited. Civilians shall not be allowed to review the recordings at the scene.

### **Notification to Supervisor**

Officers are encouraged to inform their supervisor if the BWC/ICV may have recorded an incident that they reasonably believe may:

- a. Result in a complaint.
- b. Be used for training.
- c. Anything else that is unusual or high profile.

### **Inadvertent/Accidental Recording**

An officer may inadvertently/accidentally record themselves or others. These particular inadvertent/accidental recordings typically do not meet the statutory definition of a public record (as described in RCW 40.14.010) because they are not made "in connection with the transaction of public business" and as such may be deleted. The KPD Video Technician shall be responsible for the deletion of recordings that do not need to be retained pursuant to the procedure set forth below. The following procedure has been established for videos that should be deleted because they are inadvertent or accidental:

#### Notify Supervisor

The recording officer shall notify the on-duty patrol supervisor, via email, that:

- 1. An inadvertent/accidental recording was made; and
- 2. The recording date and time; and
- 3. A request that the recording be reviewed for deletion.

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Previous Kent PD Policy	N/A

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### Supervisor Review

The on-duty patrol supervisor will review the recording and if he/she agrees that the video should be deleted shall direct the Video Technician to delete the subject footage. The presumption shall be that all inadvertent/accidental recordings shall be deleted.

### Deletion

As soon as possible, the Video Technician shall delete the video as directed by the on-duty patrol supervisor.

## **D. Department Responsibilities**

### **Officer Designation**

The Chief or his/her designee shall determine which commissioned officers will be required to use and operate the BWC and ICV in the performance of their official duties. Such designation shall not be arbitrary and the Department must treat all employees within a particular assignment the same in terms of whether they will be required to use and operate the BWC and/or the ICV.

### **Supervisor Responsibilities**

Supervisors will be responsible for ensuring that assigned officers use and maintain their BWC and ICV equipment in accordance with this policy. They will review all body camera video associated with a use of force report, a pursuit report, or prior to taking any citizen complaint. Supervisors shall only review video of their immediate subordinates or if they are reviewing a use of force report, K-9 application, a pursuit report, or taking a citizen complaint of another officer. While reviewing video for authorized reasons, supervisors might find minor misconduct take place. This misconduct could be obscene language, minor rudeness, or other conduct that is minor in nature. This misconduct should be reviewed with the officer in a verbal counseling session.

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<b>#6.80</b>	<b>N/A</b>	<b>Body Worn Cameras and In-Car Videos</b>

## **Immediate Possession of Video and Equipment**

If an officer is involved in a shooting or other serious use of force and/or is suspected of wrongdoing, the officer's supervisor should take physical custody of the BWC/ICV and will be responsible for downloading the data. The supervisor will take custody of the BWC/ICV outside of public view. When the officer uses deadly force, the investigating agency may supervise the downloading of the video.

## **Review of Video**

Review by Supervisors and Command Staff. Supervisors and Command Staff, or their designees, are authorized to conduct a narrowly tailored review of relevant recordings of their immediate chain of command, when they are investigating a complaint of alleged misconduct; when reviewing a report of meritorious conduct; as a part of a follow-up to corrective action, counseling, or during the period of a performance improvement or action plan; for the purposes of training; for the purposes of determining whether to approve the filing of charges; for the purposes of reviewing applications of force, the use of a canine, pursuits, or other instances in which reporting is mandatory. Video may also be reviewed for the purposes of conducting a deadly force review, a traffic accident, for the purposes of defending or prosecuting civil or criminal litigation, or for the purposes of a coroner's inquest.

Other Relevant Recordings. Upon approval of a command level officer, an officer who is participating in an official investigation such as an administrative investigation or criminal investigation may be authorized to view other officers' relevant recordings.

Random Review Prohibited. BWC/ICV recordings will not be randomly reviewed for any reason.

Random Review for Discipline Prohibited. The purpose of this policy *is not* disciplinary in nature. The Department shall not randomly search through BWC/ICV recordings to discover reasons to impose discipline against officers.

All Evidence to be Considered. The Department further acknowledges that video recordings provide only a two-dimensional perspective (with limited vantage points) of an incident. Consequently, the Department will never rely solely upon the review of video recordings as the basis for discipline against an officer. Instead, the

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Department shall review and consider other available evidence (such as witness statements, officer interviews, forensic analysis, documentary evidence, etc.) prior to imposing discipline against an officer.

## **Video Storage, Retention and Disclosure**

Video Retention. BWC/ICV recordings should be stored, retained, released, and deleted in accordance with state records retention and public records disclosure laws. Recordings shall be retained for a period consistent with the requirements outlined by state law, or KPD's own records retention schedule if more stringent, but in no event for a period less than 60 days. All videos recorded during training will be retained for seven days.

Public Disclosure Request. Members of the public who wish to view video shall be required to submit a public disclosure request, or in the event of litigation, seek the video in discovery. KPD will only release video to the public in accordance with Washington's Public Records Act or pursuant to lawful process.

Review Prior to Public Disclosure. All recordings requested by the public shall first be reviewed prior to public release. Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court, and only after appropriate and legally permitted redactions, are made to preserve the involved person's right to privacy.

Prosecutor's Office and City Disclosure. Recordings shall be released and available to the City of Kent prosecutors and King County Prosecutor's Office for the purposes of reviewing or prosecuting criminal cases or traffic or civil infractions. Recordings shall also be released and available to the City to review or prosecute code enforcement matters or licensing violations, and to defend the City or its employees in litigation. Recordings shall also be released and available to other criminal justice agencies as that term is defined in RCW 10.97.020.

Officer Involved Shooting. It is the department's intent to release video related to an officer involved shooting within 48 hours after receiving a PRR. The Chief reserves the right to delay the release depending on investigative need or will release at his/her discretion for the best interests of the parties involved or the City; provided, the City shall comply with the Public Records Act.

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Previous Kent PD Policy	N/A

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#6.80</b>	<b>N/A</b>	<b>Body Worn Cameras and In-Car Videos</b>

## **GPS Associated with BWC/ICV**

In the event GPS or other location capabilities (hereinafter "GPS") are available with the BWC or ICV, the GPS will not be monitored with the primary purpose being to impose discipline. Instead, if an employee is suspected of engaging in possible misconduct, the GPS data may be consulted as evidence in any resulting investigation. The Department shall not review such GPS data prior to the commencement of an investigation. In addition, no discipline will be imposed except in accordance with City policy and any applicable collective bargaining agreement.

### **E. BWC/ICV Training**

#### **Initial Training**

Prior to wearing and operating a BWC or operating a vehicle with an ICV, officers are required to successfully complete Department training on the proper use of the equipment and procedures for uploading recorded video. This training will include:

- a. Department policy on BWCs and ICVs.
- b. System preparation and operation.
- c. Procedures for operating equipment
- d. Placement of the BWC.
- e. Procedures for downloading and tagging recorded data.
- f. Procedures for preparing and presenting digital evidence for court.
- g. Scenario based exercises that replicate situations that officers may encounter.

#### **Refresher Training**

Officers shall attend refresher training on the BWC and ICV as directed by the department.

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Previous Kent PD Policy	N/A

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
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## **F. Violations of Policy**

### **Discipline**

Only violations of sections C or D may result in discipline. Furthermore, an employee may only be subject to discipline for violating a provision of section C or D if:

Intent to Violate. There is reasonable evidence an employee's violation of a provision of section C or D was willfully intended to circumvent the purpose of the particular provision; or

Repeat Violations. There is reasonable evidence the employee has repeatedly committed violations of provisions of sections C or D.

### **Counseling**

Notwithstanding the fact an employee may not be subject to discipline for a violation of this policy, the employee may be subject to non-disciplinary counseling, and further non-compliance after such counseling may be used for the purposes of reviewing and rating performance.

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Kent PD	6.80
WASPC	N/A
Previous Kent PD Policy	N/A



Kent PD	WASPC	Title
#7.10	#7.1	National Incident Management System Training

All Kent Police employees shall be trained in the National Incident Management System (NIMS), administered by FEMA. All Police Department employees shall take the basic classes, including IS-100: Introduction to Incident Command System and IS-700: NIMS an Introduction within the first year of employment. Supervisors shall also take IS-200: ICS for Single Resources and Initial Action Incidents. The Kent Training Unit shall keep records of the dates the classes were taken.

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Kent PD	7.10
WASPC	7.1
Previous Kent PD Policy	New

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<b>#7.20</b>	<b>#7.2</b>	<b>Natural and Man-Made Disasters</b>

### **Emergency Management**

Pursuant to Chapter 9.01 of the Kent City Code, a City of Kent Emergency Management Division (EMD) is created, the Director of which, is appointed by the Mayor. The duties of Director of the city's EMD are presently delegated to the Fire Chief. The EMD is comprised of officials and representatives of all major city departments who respond to the City's Emergency Coordination Center (ECC) upon an emergency proclamation by the EMD Director.

### **Planning, Preparedness, Action Plan**

The City of Kent Comprehensive Emergency Management Plan (CEMP) has been developed by the EMD. The EMD is responsible for the city's disaster planning and preparedness, and the CEMP serves as a guide for action in during natural and man-made disaster response. The EMD also coordinates with County and State representatives to develop our regional disaster plans.

### **Emergency Command Centers (ECC)**

The primary ECC is located at Fire Station 74, located at 24611 116th Ave S.E. The secondary ECC is the Mobile Command Unit stationed as close as practical to the primary ECC. The ECCs have standby power.

### **Initial Patrol Division Disaster Response**

In the event of a disaster, the highest ranking on-duty patrol division supervisor is responsible for control of initial patrol response, coordination with Kent Fire's Incident Commander, and notification of the patrol division's Command Duty Officer (CDO). The on-duty patrol supervisor responsible for initial patrol response and coordination with the Kent Fire Department will be formally relieved of that responsibility upon arrival and briefing of the CDO or higher commander. This briefing will normally occur in person.

### **Departmental Response**

As directed by the "Basic Plan" section of the City's CEMP, the Kent Police Department's Support Services, Investigations, and Patrol divisions assume certain responsibilities in the event of activation of an ECC in response to a disaster.

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Previous Kent PD Policy	27.1.2/27.3.4

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### **Communications**

The Fire Department's Incident Commander initially directs communications. Upon activation of the ECC, communications will be through the 800 MHz radio system coordinated consistent with the City's CEMP.

### **Incident Command Posts**

The decision to initiate an incident command post will occur once the on-scene supervisory authority initiates the Incident Command System (ICS). Command posts are temporary and should be conveniently located to the incident (i.e. vehicle or building).

### **Unity of Command/Chain of Command**

Initial assessment for disaster response rests with the Kent Fire Department Incident Commander and will be coordinated with the highest ranking on-duty supervisor from the patrol division. Once an initial command post is established and/or the (ECC) is activated, the following depicts the command structure utilized within the police department:

1. EMD Director/Kent Fire Chief
2. Kent Police ECC Commander
3. Kent Fire and/or Police Department Incident Commander
4. Kent Police Command Duty Officer (CDO)
5. Kent Police Sergeants
6. Kent Police Personnel

### **Use of Outside Agencies**

Coordinating requests for and management of mutual aid services with other municipal, county, state, federal, military, and disaster relief organizations, will be conducted from the ECC.

### **Incident Command System (ICS)**

Organizational behavior of the EMD will adhere to the ICS model as published by

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the National Interagency Incident Management System (NIMS). ICS, as an incident command model, clearly designates an incident commander and provides certain personnel to the Incident Commander.

### **Casualty/Public Media Information**

If the ECC is established, a Joint Information Center (JIC) will be established and it will be the exclusive media point of contact for media personnel. All casualty information will be disseminated from the ECC by the Public Information Officer (PIO). If the ECC is not in use, all inquiries will go through the ICS and the PIO will be the media contact. In cases of disaster, the public information function will emanate from the ECC under the direction of the EMD Director.

### **Public Facility Security**

In the event of a disaster, security of public facilities will be determined by the Incident Commander. It is intended that commissioned personnel will normally provide initial security until facility staff can assume that function.

### **Traffic Control**

The scope of certain disasters will dictate whether traffic control is an essential function and the priority at which it will be addressed. In circumstances where impact is limited in geographic area, traffic control functions will be coordinated by police personnel and may require support from the City's Traffic Engineering Department and/or requests for mutual aid from other police agencies.

### **Equipment Requirements**

In the event of an unusual occurrence or disaster requiring strict control of routinely utilized equipment by police personnel (radios, vehicles, etc.), the CDO will assign a police employee to the logistics function to inventory, issue, and re-supply this equipment. The need to employ additional specialized equipment maintained outside of the patrol division or to procure new equipment will be directed by the CDO to the employee(s) performing the property control function.

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<b>#7.20</b>	<b>#7.2</b>	<b>Natural and Man-Made Disasters</b>

### **De-Escalation Procedures**

Once the situation is stabilized, the CDO will assess manpower requirements and will relieve employees from assignment as appropriate.

### **Demobilization**

Specific duties necessary to demobilize the police element will be directed by the Police Department Commander or designee located at the ECC.

### **After-Action Reports**

After-Action reports will be written by the incident commander and forwarded through the chain of command to the Chief.

### **Transportation**

In the event of a disaster requiring consideration of evacuation, mass transportation, or alternate transportation modes, the City of Kent's Emergency Management Division will assess, through the ECC, the need for and coordination of various modes of transportation and their routes (See CEMP, Annex N).

### **CBRNE Awareness**

A CBRNE is defined as a Chemical, Biological, Radiological, Nuclear, and Explosive incident. The manner in which the Kent Police Department responds to a CBRNE incident will have a direct bearing on the ability to control and defuse the incident as well as to control and contain property damage, injury, or loss of life. Police officers and others called upon to respond to CBRNE incidents shall follow standard practice for containment, evacuation, communication, use of force, and command and control as enumerated in this policy.

Through high visibility patrol and proactive enforcement activities, officers may be able to reduce the threats of the intentional use of CBRNE materials in a criminal act within our community. They cannot, however, eliminate accidents involving the legitimate, routine transportation and use of those materials on our roadways and in the community. Training in recognition, response procedures, and personal protective equipment will allow personnel to respond to CBRNE incidents in a safe

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manner while reducing the threat to responders, the community and the environment. Responder training shall be in accordance with State and Federal guidelines for the number of hours, competency and content.

The department Emergency Management Commander or his/her designee will make sure the Kent Police Department stays current with training and equipment needs to address the ever-changing requirements and responsibilities associated with CBRNE Response. All equipment will meet the Department of Homeland Security's Science and Technology Division standards for first responder CBRNE equipment.

Initial officer's response to a CBRNE incident will include:

Evaluation: Observe the situation from a safe distance (upwind/uphill) to determine the scope of the incident and possible materials involved.

Personal Protective Equipment: Utilize issued Personal Protective Equipment in accordance with the level of training and certification.

Staging Area: Determine a staging area where additional responding officers will gather.

The street supervisor shall respond to the scene of the incident or staging area, if one has been determined. The street supervisor's response to a CBRNE incident will include:

1. Assessment: The street supervisor will assess the immediate situation for seriousness and its potential for escalation.
2. Incident Command Post (CP): The street supervisor shall determine where to locate the CP. It may be the same as the staging area if it provides adequate security from the incident.
3. Containment: The street supervisor shall ensure that steps are taken to contain the incident and prohibit access to the affected area. Search and rescue of victims may have to be delayed until personnel with the proper training and equipment are available to conduct those operations.
4. Notification: The street supervisor shall notify the watch commander and

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provide him/her with the necessary information in order to determine a mobilization phase. If an immediate Mutual Aid Response is necessary, the street supervisor (Incident Commander) may declare it and request the required mutual aid.

The watch commander or CDO will determine the necessary mobilization phase for the incident, take steps to activate the necessary mobilization, and respond to the CP and assume incident command. When adequate personnel and resources are in place, the IC (street supervisor until relieved by watch commander or CDO) will implement one or more of the following options:

1. Coordinated Response with Kent Fire Department: The incident has been determined to be small in size and can be controlled and mitigated by personnel from Kent Police and Kent Fire.
2. Criminal Act: If it has been determined the incident is a criminal act, the Kent Police Department maintains control of the incident and conducts a criminal investigation. Kent Fire will maintain a supporting role.
3. Accidental: If it has been determined the incident is an accidental release, Kent Fire will maintain control of the incident. Kent Police Department will maintain a supporting role.
4. Notification: The Chief of Police or his/her designee will be notified and make the determination to activate the Kent Emergency Coordination Center (ECC).

### **Coordinated Response with King County CBRNE Personnel**

If a CBRNE incident has been determined to be larger in scope than can be handled with the resources available to the Kent Police Department, the Incident Commander will coordinate with King County CBRNE responders for assistance. The Incident Commander will take the following steps:

1. Notify CBRNE personnel.
2. Ensure the availability of transportation for all CBRNE personnel.

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Kent PD	7.20
WASPC	7.2
Previous Kent PD Policy	27.1.2/27.3.4

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3. Direct responding CBRNE personnel to a staging location so that they can be directed to the incident location.
4. Notify the Chief of Police of the Mutual Aid request.

### **Coordinated Response with Federal Agencies**

When a CBRNE Incident is determined to be a possible terrorist incident the Incident Commander will ensure the following:

1. The local FBI Joint Terrorism Task Force is notified.
2. The scene is secured until released by the Federal Incident Commander.
3. All personnel should be accounted for during the entire incident.

### **Demobilization**

When the incident has been brought under control, the Incident Commander shall ensure the following measures are taken:

1. All law enforcement personnel engaged in the incident shall be accounted for and an assessment made of personal injuries.
2. All necessary personnel shall be debriefed as required.
3. Witnesses, suspects, and others shall be interviewed or interrogated.
4. All written reports shall be completed as soon as possible following the incident to include a comprehensive documentation of the basis for and the department's response to the incident.
5. All reports shall be forwarded to the Incident Commander who will use this information to complete an after-action report.
6. Forward the after-action report to the Office of the Chief and appropriate outside agencies.

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Kent PD	7.20
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Previous Kent PD Policy	27.1.2/27.3.4



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#7.20	#7.2	Natural and Man-Made Disasters

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Kent PD	7.20
WASPC	7.2
Previous Kent PD Policy	27.1.2/27.3.4

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#7.30</b>	<b>#7.3</b>	<b>Regional/State and Mobilization Planning</b>

The Kent Police Department has a Commander who is assigned as the Emergency Management representative. That Commander is a member of the Kent Emergency Planning Committee, which has representatives from each agency in the city. That Commander also serves on the Local Emergency Planning Committee which has representatives from City, County, State, and private businesses.

The City of Kent Emergency Management Division (EMD) coordinates with these committees to develop regional disaster plans. The City of Kent Comprehensive Emergency Management Plan, developed and maintained by the EMD, serves as a guide for action during natural and man-made disaster response.

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Revised:	
Kent PD	7.30
WASPC	7.3
Previous Kent PD Policy	New

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#7.40</b>	<b>#7.4</b>	<b>Mutual Aid</b>

The Kent Police Department has written agreements with neighboring agencies with regard to mutual aid requests. These agreements are maintained on the Washington Association of Sheriffs and Police Chiefs (WASPC) website. RCW 10.93.070 gives general authority to Washington peace officers to enforce traffic or criminal laws anywhere in the state under the following circumstances:

1. Upon the prior written consent of the sheriff or chief of police in whose primary territorial jurisdiction the exercise of the powers occurs.
2. In response to an emergency involving the immediate threat to human life or property.
3. In response to a request for assistance pursuant to a mutual law enforcement assistance agreement with the agency of primary territorial jurisdiction or in response to the request of a peace officer with enforcement authority.
4. When the officer is transporting a prisoner.
5. When the officer is executing an arrest warrant or search warrant.
6. When the officer is in fresh pursuit, as defined in RCW 10.93.120.

In situations that require mutual aid assistance, any on-duty Kent Police supervisor may request assistance from a neighboring agency. The request may be made either by direct contact with the requested agency or through dispatch. Outside personnel responding to a Kent Police Department request for assistance shall report to the supervisor that is in charge of the incident.

In situations when Kent Police response is requested by another agency, officers will get supervisor approval prior to responding. In the event that a Kent Police supervisor also responds, all Kent officers will report to that supervisor prior to deployment.

Police agencies have the ability to maintain direct communications through Valley Communications Center.

Generally, expenses arising from department mutual aid requests are borne by the

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Kent PD	7.40
WASPC	7.1
Previous Kent PD Policy	2.1.3/2.1.4

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#7.40</b>	<b>#7.4</b>	<b>Mutual Aid</b>

assisting agency. If requested, the Kent Police Department reimburses agencies for expenses arising from a Kent Police Department mutual aid request.

The Kent Police Department may face an emergency situation that requires the assistance of the National Guard. The Chief of Police, or designee, is responsible for making the request to the Mayor's office, who will formally request assistance from the Governor.

In the event that federal investigative support is needed, a commander or sergeant should contact the appropriate federal law enforcement agency for assistance.

Effective:	10/23/95
Revised:	8/14/19
Kent PD	7.40
WASPC	7.1
Previous Kent PD Policy	2.1.3/2.1.4

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#7.50</b>	<b>N/A</b>	<b>Concurrent Jurisdiction</b>

The Kent Police Department shares concurrent jurisdiction with several state agencies. The identity of the agency and responsibilities shared with Kent PD are as follows:

Washington State Patrol (WSP): The primary function of the WSP within the city limits of Kent is enforcement of traffic laws and to investigate traffic accidents on certain state highways. The WSP investigates all traffic accidents on SR 167 and those accidents on SR 516 from Military Rd. to Washington Ave., intersections excluded. The Kent Police Department investigates non-traffic criminal incidents within the city limits, including those on state highways.

King County Department of Public Safety: King County police officers have full police authority within the city limits of Kent.

Utilities and Transportation Commission: Has the authority to conduct commercial vehicle inspections and enforcement within the city limits.

Department of Fisheries and The Liquor Control Board: Officers from these agencies have full enforcement authority within the City of Kent. Kent Police officers also have the authority to enforce fishery and liquor violations within the city limits.

Officers from other agencies may request the assistance of the Kent Police Department in a number of ways. Some options include:

By radio: The Law Enforcement Radio Network (LERN) is a common frequency shared by law enforcement agencies. Valley Communications constantly monitors LERN and can hear outside agency transmissions, including assistance requests.

By phone: Outside agency officers may telephone Valley Communications directly requesting assistance, or they can request their dispatcher do so.

Kent Police officers respond to any request for assistance made by outside law enforcement agencies.

Effective:	10/23/95
Revised:	11/30/15
Kent PD	7.50
WASPC	N/A
Previous Kent PD Policy	2.1.2

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#8.10</b>	<b>#8.1</b>	<b>Air/Blood Pathogens</b>

### **Purpose**

Infectious diseases such as the Human Immunodeficiency Virus (HIV) and Hepatitis-B Virus (HBV) are growing epidemically in our society. Prudent precautions reduce the risk of acquiring and spreading these diseases. It is the policy of the Kent Police Department to develop and insure a safe work environment and instill work habits that provide maximum safety and minimize risk to HIV/HBV and other infectious disease exposure.

### **Statement**

Department employees should be aware that acquiring these diseases is possible when protective measures are not utilized and exposure to bodily fluids occur. There are documented cases of HBV and HIV being transmitted to Health Care workers who have handled blood and other bodily fluids with ungloved hands, particularly when skin disorders, cuts, or lesions were present. There are also confirmed cases of the diseases being transmitted from the splashing of contaminated blood into the eyes, nose and mouth, and from accidental needle sticks.

### **Mandate**

Extreme caution should be exercised by all police personnel, and the following procedures shall be utilized when dealing with blood, body fluids, and any other potentially infected material. All department employees are required to follow "Universal Precautions" (see below) and adhere to these policies. All employees shall be provided a copy of this policy for ready access. These policies shall be reviewed annually by the department Biohazard Coordinator and updated whenever the introduction of new or modified tasks or procedures are warranted or legislated.

### **Definitions**

**Infectious Disease:** Any of a number of sexually transmitted or bloodborne diseases identified in RCW 70.24.017(13).

**Bodily Fluids:** Any fluid that the body makes, to include: blood, semen, vaginal secretions, saliva, urine, feces, and breast milk.

**Substantial Exposure:** Direct contact with bodily fluids on open cuts or breaks in

Effective:	10/23/95
Revised:	3/15/19
Kent PD	8.10
WASPC	8.1
Previous Kent PD Policy	12.4.1/12.4.2/12.4.312.4.14

Kent PD	WASPC	Title
#8.10	#8.1	Air/Blood Pathogens

skin, skin lesions or abrasions, or mucous membranes of the eyes, nose or mouth, or any percutaneous needle stick from a potentially contaminated injection device.

Sharps: Any object that can penetrate protective latex or rubber gloves such as, injection devices, edged weapons, or broken glass.

Biohazard/Infectious Waste: Anything contaminated with bodily fluids.

Percutaneous: Entering the body through the skin.

### **Universal Precautions**

"Universal Precautions" is the concept of treating all human blood and bodily fluids as if known to be infectious for HIV, HBV, and other bloodborne pathogens. It is an approach to infection control that will be adhered to by all departmental employees. Job tasks must be performed in such a manner as to prevent or minimize the splashing, spraying or spattering of blood, percutaneous needle sticks, or exposure to other potentially infectious materials. Protective gloves and/or other protective equipment shall be worn by all employees whenever there is a reasonable expectation that an employee will come into contact with potentially infectious material. It is recommended that employees use face shields when administering cardiopulmonary resuscitation (CPR).

All employees are prohibited from eating and drinking, applying cosmetics or lip balm, and handling contact lenses in areas where evidence is handled. These areas include evidence rooms within substations and the headquarters building, at crime scenes and other work places where there exists a likelihood of exposure to blood, or other potentially infectious material. Additionally, all employees are prohibited from storing food or drink in "Evidence Controlled" refrigerators, freezers, cabinetry or countertops where blood or other infectious material may be present and is designated for such storage.

Immediately after exposure, when protective equipment is employed or other ad-hoc measures utilized, disposable equipment will be discarded as biohazard infectious waste and reusable equipment shall be thoroughly decontaminated by the user.

Whenever a circumstance suggests a risk of exposure to biohazard, employees shall wash hands as soon as possible, thoroughly with warm soapy water, in addition to

Effective:	10/23/95
Revised:	3/15/19
Kent PD	8.10
WASPC	8.1
Previous Kent PD Policy	12.4.1/12.4.2/12.4.312.4.14

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#8.10</b>	<b>#8.1</b>	<b>Air/Blood Pathogens</b>

the use of any precautions, which may have been utilized.

Extraordinary care shall be taken to avoid accidental sharp instrument injuries. Edged weapons and broken glass shall be treated as potentially infectious when known or suspected to be contaminated with blood or any other bodily fluid. Injection devices not sealed in an original manufacturer's package shall be treated as infectious. Employees are prohibited by State law and this policy from breaking, bending or otherwise cutting/removing needles from injection devices. Employees shall use the "one handed scoop" method, as instructed in training, when recapping injection devices.

### **Employees at Risk**

The positions, job titles and duties identified below list those specific classes of employees who perform tasks, which are likely to expose them to blood and/or bodily fluids:

- Evidence Technicians/Custodians
- All Sworn Police Positions
- Corrections Officers and Supervisors
- Car Seat Technicians

Employees of those classifications risk exposure to HIV/HBV and other infectious diseases through bodily fluid splash, sharps, and other instruments and materials used, handled, or reasonably likely to be encountered in the performance of their duties. Exposure can be reasonably anticipated by the nature of their specific job duties.

### **Personal Safety Exemptions**

It is recognized that in the course of day-to-day duties, emergency situations arise that might preclude or inhibit strict adherence to these policies. Circumstances in which the personal safety of employees or the public precludes strict adherence to the use of protective equipment and/or the concept of Universal Precautions shall be documented and forwarded via the chain of command to the division commander. Justification for not adhering to this policy shall be included in such documentation.

Effective:	10/23/95
Revised:	3/15/19
Kent PD	8.10
WASPC	8.1
Previous Kent PD Policy	12.4.1/12.4.2/12.4.312.4.14



Kent PD	WASPC	Title
#8.20	#8.2	Biohazard Personal Protective Equipment

### **Precautionary Supplies**

The following supplies are issued by the Biohazard Coordinator and/or made available for protection from exposure to bodily fluids by the department:

- Disposable Nitrile or latex (for high risk applications) gloves
- Disposable ear loop face-pocket masks
- Puncture resistant sharps needle-syringe keepers (individual)
- Red leak proof bags
- Household bleach, spray dispensers and buckets
- Eye Protection/goggles
- Protective paper gowns/smocks/shoe protectors
- Contaminated waste disposal receptacle(s) (central depository)
- Sharps receptacles
- Signs and Labels (Biohazard)

These supplies are kept within the evidence office, evidence-processing room, patrol supply room, and outside storage garage. The replacement and ordering of supplies along with the monitoring of sharps and biohazard containers is the responsibility of the Biohazard Coordinator.

### **Signs and Labels**

Warning labels shall be affixed to all containers and storage devices designated for biohazard materials, storage or disposal.

Refrigerators and freezers containing blood or other potentially infectious material shall have warning labels affixed to them.

Warning labels will include the universal biohazard symbol, which is predominantly florescent orange or orange-red in color with lettering and symbol in contrasting colors.

Red containers or plastic bags may be substituted for labels but must have a warning tag affixed to them indicating that contents bear biohazard material or waste.

Potentially infectious body fluid evidence shall have a warning label affixed to the outer most layer of packaging prior to submission, transport, or transfer. All such

Effective:	10/23/95
Revised:	11/30/15
Kent PD	8.20
WASPC	8.2
Previous Kent PD Policy	12.4.4/12.4.5/12.4.6

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#8.20</b>	<b>#8.2</b>	<b>Biohazard Personal Protective Equipment</b>

evidence still in a "fluid" state shall be packaged in a manner so as to prevent breakage and shall be placed in a second container which will be tear and leak resistant.

Effective:	10/23/95
Revised:	11/30/15
Kent PD	8.20
WASPC	8.2
Previous Kent PD Policy	12.4.4/12.4.5/12.4.6

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#8.30</b>	<b>#8.3</b>	<b>Soft Body Armor</b>

All commissioned personnel of the Kent Police Department are issued a ballistic vest at the time of hire. Protective vests are replaced at a minimum of five-year intervals. Sworn personnel are required to wear their protective vests, whether in uniform or plain clothes, when functioning in any type of enforcement capacity.

Officers who are assigned to Marine Patrol duties shall have the option of wearing their protective vests while on the department boat. If those officers elect not to wear their vests, the vest must be kept with them on the boat in case of need. Otherwise, these officers are required to wear their vest when functioning in any type of enforcement capacity.

The Kent Police Department requires all commissioned personnel engaged in high-risk situations to wear their protective vest. The personnel most likely affected would be VSWAT members, Special Investigations Unit detectives, K-9 handlers, and uniformed personnel assigned to assist the above entities. Examples of high-risk situations are barricaded persons, drug raids, residential search warrants, etc.

Exceptions to this requirement would be the execution of a search warrant for documents at a financial institution, utilities office, or on a vehicle that has been impounded to a tow yard or to the city shops.

Effective:	10/23/95
Revised:	6/8/17
Kent PD	8.30
WASPC	8.3
Previous Kent PD Policy	21.3.5/21.3.6

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#8.40</b>	<b>#8.4</b>	<b>Reflective Clothing</b>

When Kent Police officers are required to manually direct and control traffic, officers will wear a department issued reflectorized vest. Kent Police Department provide traffic control assistance in the following situations:

### **Traffic Collisions**

When arriving at traffic collision scenes, officers assess the need for traffic control and position their patrol vehicles to maximum effectiveness for the protection of collision victims, the scene itself, and other motorists. Officers use their emergency equipment and on board accessories (cones, flares) as needed.

In the event that traffic control will be needed for an extended time, the shift supervisor arranges for relief of officers. The shift supervisor also arranges for any additional necessities such as meals, fluids, additional clothing, etc.

Should the incident require extended manual control, the street department, at the request of the shift supervisor, provides barricades, cones, and temporary signs if needed.

### **Manual Traffic Direction and Control**

Officers engaged in manual traffic direction and control ensure that their presence and purpose are well demonstrated to drivers and pedestrians. Officers manually directing traffic are required to wear the reflectorized vest stored in the patrol vehicle.

### **Fire Scenes**

If requested by the fire department, officers provide traffic control at fire scenes. The locations for traffic direction and control points are established to prevent vehicle and pedestrian traffic from interfering with emergency services. Officers also maintain access to the scene for emergency vehicles.

### **Adverse Weather Conditions**

Police officers provide traffic direction and control, as well as scene protection, in the areas of adverse road conditions or adverse weather conditions as situation requires.

Effective:	10/23/95
Revised:	1/7/16
Kent PD	8.40
WASPC	8.4
Previous Kent PD Policy	22.3.2

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#8.40</b>	<b>#8.4</b>	<b>Reflective Clothing</b>

Personnel remain aware of changing weather conditions so as to enact emergency measure or notifications. This ensures timely notice to city public works crews in charge of roadway sanding and snow removal. In these situations, public works is notified by a Records Specialist at the request of the shift supervisor.

### **Traffic Control Signal Boxes**

Police officers may manually operate traffic control signals when it is determined that the signal is malfunctioning or when necessary to alleviate traffic congestion.

In the event of signal malfunction, officers can request Records to contact City Traffic Engineering to request a repair of that signal. If the officer has access to the signal box, it may be placed on flash mode.

### **Temporary Traffic Control Devices**

Temporary traffic control devices generally include portable signs, barriers, and other apparatus intended for temporary deployment, to assist with control, and direction of traffic.

These devices may be deployed with the approval of a shift supervisor. These devices are generally transported by the street department. When they are no longer needed, the devices are removed by either police officers or street department personnel.

### **Signal Malfunction**

Officers provide traffic control at intersections in some situations during power outages or other signal malfunctions. This can be done by manual direction, temporary control signs, or by placing safety flares.

Effective:	10/23/95
Revised:	1/7/16
Kent PD	8.40
WASPC	8.4
Previous Kent PD Policy	22.3.2

Kent PD	WASPC	Title
#8.50	#8.5	Biohazard Disposal and Decontamination

The Evidence Supervisor is responsible for maintaining inventory and facilitating disposal of biohazard material. By job description the Evidence Supervisor is also the Biohazard Coordinator.

All disposable equipment and materials used by employees which comes in direct contact with blood or bodily fluids shall be placed in a RED leak-proof plastic bag (tied closed) at the location/room/place where used and transported to the Kent Police Department for final disposal. Final disposal shall be made into the biohazard material waste receptacle located within the headquarters building evidence processing room. Receptacles are clearly marked with Biohazard Signs and/or labeling.

### **Methods of Decontamination**

#### **Physical Exposure:**

Fire Medical personnel should be called to assist with decontamination procedures for exposures that create immediate threats to life.

For non-life threatening exposures, appropriate first aid is always administered immediately:

1. Clean the affected area as soon as possible with warm soapy water for at least 30 seconds.
2. If exposure includes a minor percutaneous sharps injury, "milk" the wound to express blood, clean the wound vigorously with warm soapy water for 30 seconds, and apply a clean bandage.
3. If exposure includes body fluids, splash to eyes, nose or mouth, flush or rinse with copious amounts of water for one minute.

#### **Decontamination Reusable Objects:**

Decontamination of reusable objects is performed by first utilizing Universal Precautions followed by wiping the visible and/or potentially infectious material from the item, then wiping and sanitizing the equipment with a solution of warm water and household bleach (10 parts to 1). This solution will be mixed new with each use.

Effective:	10/23/95
Revised:	11/30/15
Kent PD	8.50
WASPC	8.5
Previous Kent PD Policy	12.4.6/12.4.7/12.4.9

Kent PD	WASPC	Title
#8.50	#8.5	Biohazard Disposal and Decontamination

In the event the officer's clothing is contaminated with bodily fluids, the officer will bag the contaminated items in a red Hazmat bag contained in the trunk of the patrol car. If necessary, the officer can don the Tyvek suit maintained in the trunk of the patrol car to prevent the patrol car from becoming contaminated. The officer will then return to the station and shower paying particular attention to areas that were contaminated. The shower stall will then be cleaned with a 1:10 bleach solution. The uniform items will be taken to a special cleaning service contracted by the police department for uniform cleaning. The cleaning will be billed to the department. Officers should fill out a requisition routed through the chain of command, detailing what clothing items were dropped off. Under clothing will be red bagged and disposed of in the large Hazmat bin in evidence.

### **Sharps Disposal**

All sharps shall be disposed of as "Biohazard Waste" unless deemed a critical piece of evidence. Sharps shall be disposed of by being placed into an individual "needle keeper" leak proof, rigid, puncture-resistant, break resistant container. These containers are available for needles and are located in patrol vehicle trunks, evidence processing areas and at the medical area of the corrections facility.

All full sharps containers and other potentially hazardous materials will be disposed of into the Biohazard Materials Waste Receptacle located in the Police Department Evidence processing area.

Sharps containers will be replaced when 2/3 full by Evidence personnel. Evidence personnel will also coordinate removal of biohazard waste receptacles; this will be done by a contracted company that is set up to handle biohazard waste.

Effective:	10/23/95
Revised:	11/30/15
Kent PD	8.50
WASPC	8.5
Previous Kent PD Policy	12.4.6/12.4.7/12.4.9

Kent PD	WASPC	Title
#8.60	#8.6	Post Biohazard Exposure Reporting

### **City of Kent Procedure for Reporting Exposure**

All employees (and supervisors) are required to report an incident involving an exposure to blood or bodily fluids or a percutaneous non-sterile needle stick in the following manner:

- When an employee's actions require non-compliance with "Universal Precautions" as defined in Kent PD Policy 8.10 and NO substantial exposure results:
  - The employee shall document the circumstance and the basis for their non-compliance with "Universal Precautions" within the case reporting narrative. This report shall be forwarded, via the chain of command, to the division commander.

Whenever a substantial exposure occurs, it shall be reported in the following manner verbally to the employee's supervisor. The employee shall report the exposure using the online form.

### **Reporting to Attending Physician**

The following packet of information will be provided to the physician performing the post-exposure evaluation:

- A copy of this policy.
- A copy of WISHA regulations pertaining to blood borne pathogens.
- A description of the employee's job duties.
- A copy of the Employee Incident Report and Supervisors Incident Report.
- A copy of all relevant medical records of the employee, including vaccination status.
- A copy of SIF-2 worker's compensation form.

Packets are available and maintained by Human Resources and are available to the employee when an exposure occurs.

The physician performing the post-exposure evaluation will provide the Chief of Police with an exposure report limited to:

- Whether a (HBV) is indicated and/or that a Hepatitis B Immune Globulin (HBIG) was administered to the employee.

Effective:	10/23/95
Revised:	3/15/19
Kent PD	8.60
WASPC	8.6
Previous Kent PD Policy	12.4.9/12.4.10/12.4.11/12.4.12/12.4.13



Kent PD	WASPC	Title
#8.60	#8.6	Post Biohazard Exposure Reporting

- That the employee has been informed of the results of the evaluation.
- That the employee has been informed of medical symptoms which result from exposure to blood borne pathogens which might warrant future evaluation or treatment, including counseling.

This report will be routed to the Human Resources medical file.

### **Mandatory Blood Draws**

Only when a source refuses to voluntarily provide a blood sample at the time of the event, or when a source fails to report or provide such a sample when scheduled to do so (24/48 hours) will the exposed employee will report the incident to King County Department of Public Health (KCDPH) and to the Jail HIV Program Coordinator by phone at (206) 296-1766. The KCDPH will speak directly to the exposed employee who should be prepared to provide full and complete personal information, source identification, and details of the event leading to the exposure.

The primary purpose of this phone call is to trigger source identification and engage a legal process to compel a source to provide a mandatory blood sample. The staff of the KCDPH does not seek, nor is it their charge, to intervene in an exposure by providing medical screening or counseling to the exposed employee. The KCDPH may assist an exposed employee by providing information relating to treatment and counseling options should they be asked, but an individual employee's medical treatment is the responsibility of the employee's medical provider. Thus, Police Department encourages employees to seek appropriate medical treatment whenever an exposure occurs.

When an employee has a substantial exposure, it is the responsibility of their supervisor to ask the source to submit to a voluntary blood draw per 296-823 WAC. The source's consent or refusal to submit to a blood draw will be documented by the supervisor in the City of Kent Incident Report Form.

### **Performing Blood Draws**

The blood draw must be performed by a qualified person. When done at the scene, the sample should be given to a Kent Police employee to assure chain of custody and submission to a lab for testing.

Effective:	10/23/95
Revised:	3/15/19
Kent PD	8.60
WASPC	8.6
Previous Kent PD Policy	12.4.9/12.4.10/12.4.11/12.4.12/12.4.13

Kent PD	WASPC	Title
#8.60	#8.6	Post Biohazard Exposure Reporting

If a qualified person at a medical facility completes the blood draw, a Kent Police employee present can take custody of the sample. If, however, the facility has the ability to complete laboratory-testing onsite, this option is available. All informational reports will be provided directly to the exposed employee.

The Harborview Medical Facility is the preferred medical provider for a voluntary blood draw from the source. The City bears the cost of the blood draw.

### **Occupational Health Services Preferred**

The Kent Police Department recommends that the exposed employees receive medical screening, treatment, and follow up with the on-call health consultants listed in the Infectious Control Exposure Packets located in all evidence processing rooms.

The employee may decide to use their own personal physician. If a substantial exposure does occur, the employee should be screened as soon as possible but no later than seven days from the date of exposure.

### **Employee Testing and Follow up**

Any employee subjected to a substantial exposure is afforded medical evaluation(s) and treatments necessary to include HIV and HBV antibody testing. Consultation, at a minimum, should be done as soon as possible after exposure, and in no case should an exposed employee wait more than seven days to begin actual treatment(s).

If an exposed employee tests negative for either the HIV or HBV antibody, follow up post exposure retests shall be conducted at the sixth week, the fourth month, the eighth month, and the twelfth. Scheduling of these retests should be done by the employee as soon as the necessity is known.

Employees that test negative for the HBV antibody will be provided a (HBIG) booster within seven days. This provision is voluntary.

Exposed employees are advised to report and seek medical evaluation of any fever-like illness occurring within twelve weeks following substantial exposure.

Employees may receive post-exposure counseling by a medically trained and

Effective:	10/23/95
Revised:	3/15/19
Kent PD	8.60
WASPC	8.6
Previous Kent PD Policy	12.4.9/12.4.10/12.4.11/12.4.12/12.4.13

Kent PD	WASPC	Title
#8.60	#8.6	Post Biohazard Exposure Reporting

competent professional.

If an exposed employee refuses to submit to a medical evaluation, HIV or HBV testing, such refusal will be documented by their immediate supervisor, record of which will be made within the medical section of the employee's personnel file maintained by the Human Resources Department.

### **Expenses of Treatment**

All of the above testing, sample collection, laboratory, medical treatments and follow-up will be paid by the City of Kent as a worker compensation claim under SIF-2 (excluding LEOFF 1). There will be no out-of-pocket cost to the exposed employee for on-the-job related exposures.

Effective:	10/23/95
Revised:	3/15/19
Kent PD	8.60
WASPC	8.6
Previous Kent PD Policy	12.4.9/12.4.10/12.4.11/12.4.12/12.4.13

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#8.70</b>	<b>#8.7</b>	<b>Records Employee Safety – Secure Entry</b>

Non-commissioned employees assigned to the Records Unit of the Police Department are separated from the public lobby area by a physical barrier/window. Whenever possible, Records employees should provide service from behind the window.

Effective:	8/27/14
Revised:	5/8/15
Kent PD	8.70
WASPC	8.7
Previous Kent PD Policy	New

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#8.80</b>	<b>#8.8</b>	<b>Safety Restraint/Seat Belt Requirement</b>

All Kent Police employees and occupants of department vehicles are required to use safety restraints. This includes prisoner transports. RCW 46.61.688 requires that any person operating or riding in a vehicle to wear a seat belt.

RCW 46.61.687 requires that a child under the age of sixteen years of age is being transported in a motor vehicle that is in operation, the driver of the vehicle shall keep the child properly restrained with a safety belt system or as follows:

- If the child is less than six years old and/or sixty pounds and the passenger seating position equipped with a safety belt system allows sufficient space for installation, then the child will be restrained in a child restraint system that complies with standards of the United States Department of Transportation, and that is secured in the vehicle in accordance with instructions of the manufacturer of the child restraint system.
- If the child is less than one year of age or weighs less than twenty pounds, the child shall be properly restrained in a rear-facing infant seat.
- If the child is more than one but less than four years of age or weighs less than forty pounds but at least twenty pounds, the child shall be properly restrained in a forward facing child safety seat restraint system.
- If the child is less than six but at least four years of age or weighs less than sixty pounds but at least forty pounds, the child shall be properly restrained in a child booster seat.
- If the child is six years of age or older or weighs more than sixty pounds, the child shall be properly restrained with the motor vehicle's safety belt properly adjusted and fastened around the child's body or an appropriately fitting booster seat.

Approved car seats and a booster seat are available at the station for use in these circumstances. The officer should utilize a vehicle that has a standard back seat if a child safety seat is needed. Officers should also be aware that if there is an active airbag in the front passenger side, children under 13 years of age must ride in the back seat.

Effective:	10/23/95
Revised:	11/30/15
Kent PD	8.80
WASPC	8.8
Previous Kent PD Policy	21.3.3

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#8.90</b>	<b>N/A</b>	<b>Peer Support Policy</b>

There is a need for employees to have support for both personal and professional crisis situations and general work stressors. Employees may be under personal stressors, which influence their daily lives and work habits. Additionally, the situations and demands specific to law enforcement can cause effects from both acute and accumulated work place stress.

The Kent Police Department recognizes that these stressors can affect the abilities of its employees to provide proper and professional services to the community. The department also recognizes the value of the individuals it employs and wishes to provide various avenues of help depending on the needs of the employee. To this end this policy outlines two programs available to staff under varying circumstances:

- Critical Incident Stress Management Response
- Peer Support Team Program

The goals of the programs are:

1. To provide an avenue that will aid employees in the resolution of crisis situations in their personal and professional environments.
2. To provide information about the various physiological and psychological effects of stress on the individual through educational materials and presentations.
3. To act as a liaison between the staff and employee and provide resources for support.

Through the use of the stress management programs offered, the department projects the following benefits:

1. Higher retention of employees with decreasing costs of recruiting and training new employees.
2. Provide an avenue for employees to know what support resources are available to them.
3. Improved utilization of current resources.

### **Critical Incident Stress Management Response.**

During the course of performing regular duties, officers and employees may suddenly find themselves exposed to a situation which results in an unusually strong emotional reaction which interferes with their ability to function either at the scene or later.

Effective:	6/24/96
Revised:	11/30/15
Kent PD	8.90
WASPC	N/A
Previous Kent PD Policy	36.2.7

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#8.90</b>	<b>N/A</b>	<b>Peer Support Policy</b>

These types of situations are called "critical incidents" and may include one of the following:

1. Officer involved shooting, or other life-threatening encounter.
2. Serious injury or death of a co-worker.
3. Response to a catastrophic event such as a major disaster with multiple victims.

### **On-Scene Critical Incident Procedures**

The following procedures should be followed when an employee of the department is involved in a critical incident:

- Demonstrate an attitude of personal concern for the employee(s) involved. This is an important element of physical and mental first aid. Supervisors and employees who respond to the scene and find it appropriate should express their concern for the well-being of the employee involved.
- Employees involved should be removed from the scene as soon as is practical. The employee will be accompanied from the scene to the station or other appropriate location by a supervisor, a peer support team member, or a personal friend. The person who accompanies the employee will remain with them until properly relieved.
- If the employee deems it necessary they may contact an attorney to provide them with legal assistance and advice.
- The employee may contact their family or significant others. The employee can request that this contact be made for them by someone they designate.
- The employee will be given the date and time of the critical incident debriefing (See next section).
- To provide optimum privacy for the employee and their immediate family, the department will issue them a cellular telephone.

Effective:	6/24/96
Revised:	11/30/15
Kent PD	8.90
WASPC	N/A
Previous Kent PD Policy	36.2.7

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#8.90</b>	<b>N/A</b>	<b>Peer Support Policy</b>

- If desired, a peer support team member will arrange transportation home for the employee. The Peer Support Team will also provide the employee and their family with information about possible responses to stressful incidents.

### **Activating the Critical Incident Stress Management Team**

Any member of the department may request the on-scene supervisor notify the peer support team coordinator. After assessing the situation, the peer support team coordinator will recommend to the affected division commander what response is most appropriate. If it is determined by the division commander that a critical incident debriefing is needed, the peer team coordinator will make contact with Code 4 Northwest at 425-243-5092. Code 4 Northwest will have a Critical Incident Management Team leader contact the peer support team coordinator.

The peer support team coordinator will explain the circumstances to the CISM Team Leader. A time and date for a debriefing will be agreed upon, and all members of the department directly involved in the incident will be made aware of the meeting. If at all possible the debriefing should be scheduled within 72 hours of the incident. Attendance at the debriefing is mandatory for all Kent Police Department employees involved in the incident, except when an employee is injured or is receiving individual psychological evaluation. Expenses of psychological counseling resulting from a critical incident will be paid by the department.

Only those employees involved in the incident will attend the debriefing. If other employees not directly involved in the incident are having strong emotional reactions to the situation, a separate needs assessment can be made by the peer team coordinator or employee's supervisor for additional services to be provided to the employee.

The critical incident debriefing will be held away from the work site when possible. The purpose of the debriefing is to provide a safe, non-judgmental, environment for all involved to discuss the event and what effect the event may have had on them. All discussion taking place during the debriefing is to be held in confidence by the participants.

### **Peer Support Team**

The field of law enforcement has its own unique stressors. Employees are frequently

Effective:	6/24/96
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Kent PD	8.90
WASPC	N/A
Previous Kent PD Policy	36.2.7



<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#8.90</b>	<b>N/A</b>	<b>Peer Support Policy</b>

hesitant to talk about their problems with someone not familiar with the law enforcement culture and may not understand their perspective. Attempting to deal with the stress alone can lead to more pressure and additional problems. The peer support team is available to provide an opportunity for trained employees to help their fellow employees deal with a variety of personal and professional problems.

### **Confidentiality**

Peer support team members are trained to provide counseling to any employee of the Kent Police Department. In accordance with RCW 5.60.060 communications between a sworn police officer and a peer counselor, who has been trained and is designated by the Chief of Police, is considered privileged communication. The law does not provide such a privilege for communications between peer counselors and other civilian or corrections staff persons. However, it will be the policy of the department to honor these individual confidences as well.

The exception to the above issue of confidentiality is in the following cases:

1. The employee admits to current and continuing physical abuse of a child or domestic partner.
2. The employee threatens physical harm to themselves or another person.
3. The employee admits to having committed a crime as defined by law.

If, as a result of a peer counseling session, a team member becomes aware of any of the above situations, they will immediately notify the peer team coordinator. The team coordinator will notify the employee's division commander for further action.

### **Selection of Members**

The process for selection of members to the peer support team will be as follows:

1. Nominations from each division (corrections, support staff, sworn officers) will be made by those working in that unit.
2. Employees nominated will be contacted by the team coordinator to determine their desire to serve in the capacity of a peer counselor.
3. The names of those nominated and who agree to serve if selected will be put to a vote by those within the unit.

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Kent PD	8.90
WASPC	N/A
Previous Kent PD Policy	36.2.7

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#8.90</b>	<b>N/A</b>	<b>Peer Support Policy</b>

4. The name(s) receiving the highest number of votes will be assigned to fill open positions on the team.
5. The team coordinator will be selected by majority vote of the team members.

### **Team Membership Duration**

Team members will serve as peer counselors for as long as they wish, unless it adversely impacts the member's regular duty assignments and corrective action and counseling has not resolved the issue. Team members can ask to be placed on "secondary responder" status, which means all other team members would be utilized prior to their being called to a scene. Also, their name would be removed from the contact list as being available for non-incident counseling. Team members will automatically be reassigned to the team every year by the Chief unless they express a desire to be removed. A letter listing the names of current team members will be signed by the Chief and kept by the team coordinator.

### **Training of Team Members**

All members assigned to the peer support team will receive an initial two-day training course providing the basics of peer counseling techniques. During the course of the year, the team coordinator will provide additional training through meetings or e-mail communication. Written articles or videos may be used to provide this training.

### **Team Member Responsibilities**

Team members are expected at all times to conduct themselves in a manner that reflects the confidence the members of the police department have placed in them. The main responsibility of the peer support team member is to be available to their fellow employees whenever they are needed. Contact with peer support is done proactively by the peer support team member after a critical incident takes place. The team member who is aware of the incident will make contact with the employee involved to check on their wellbeing. The involved employee can make contact after a critical incident on their own at any time. Contact is made in person or over the phone.

All peer support contacts will be reported to the peer team coordinator every two weeks. Subject matter and who the contact is will not be included in this report. The peer team coordinator will keep track of these contacts in order to show the

Effective:	6/24/96
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Kent PD	8.90
WASPC	N/A
Previous Kent PD Policy	36.2.7

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#8.90</b>	<b>N/A</b>	<b>Peer Support Policy</b>

validity of the program and as a way to monitor the emotional wellbeing of the peer support team members.

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Kent PD	8.90
WASPC	N/A
Previous Kent PD Policy	36.2.7

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#8.100</b>	<b>N/A</b>	<b>Chaplaincy Program</b>

The Kent Police Department, in a joint effort with the Kent Fire Department, has established a Public Safety Chaplaincy program. The Kent Police Department recognizes that employees as well as citizens regularly are placed in crisis situations. The chaplaincy program has been established in order to provide for the total well-being of its employees and provide citizens with assistance during stressful situations.

### **Chaplains**

For the purpose of this policy the term chaplain shall mean any individual acting in ministerial capacity in a recognized denomination or religious body working with the Kent Police Department on a volunteer basis.

### **Selection**

The selection of chaplain shall be filled by a selection process, which consists of but not limited to the following:

- Applicants will submit a Kent Police Volunteer application.
- Oral interview with current Police Department chaplain and the Patrol Commander assigned to oversee the chaplaincy program.
- Candidate's criminal history will be checked for any felony convictions.
- Final approval will be given by the Chief of Police.

### **Duties**

The duties and function of the Kent Police chaplaincy program shall be in accordance with the chaplain's respective religious calling, state, city law and department policy and procedures. Chaplains volunteering their time to the Kent Police Department may find their services needed in the following areas:

- Employee/spousal counseling.
- Critical incidents, such as death/homicide investigations, child abuse, fire calls, death notification, etc.
- Delivery of invocations or other related presentations on behalf of the Kent Police Department.
- The chaplain(s) shall serve independently and without compromise of personally held beliefs and/or convictions. The chaplain will not take the

Effective:	10/23/95
Revised:	11/30/15
Kent PD	8.100
WASPC	N/A
Previous Kent PD Policy	36.2.8

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#8.100</b>	<b>N/A</b>	<b>Chaplaincy Program</b>

place of the family minister or other professionals already involved in the counseling of employees or the public they are called to help.

- The patrol division commander or a designee shall administer the chaplaincy program and will coordinate the responsibilities of the volunteer chaplains.
- The chaplains are available 24 hours a day for call out. When their services are required the on duty supervisor will initiate the call out. The chaplains may be reached through a Valley Communications dispatcher or by cell phone. Phone numbers are on file in the emergency call out book in records.

### **Confidentiality**

Chaplains will be assigned by the Chief as a member of the peer support team. As such, communications between the chaplain and the employee(s) or members of the public who they counsel will be held in the strictest confidence. Per RCW 5.60.060, applicable conversations are considered privileged communication.

Effective:	10/23/95
Revised:	11/30/15
Kent PD	8.100
WASPC	N/A
Previous Kent PD Policy	36.2.8

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#8.110</b>	<b>N/A</b>	<b>Line of Duty Deaths or Serious Injury</b>

The purpose of this policy is to ensure that an employee's family is given the proper support and emotional care following a line of duty death or serious injury.

It is the policy of the Kent Police Department to provide assistance to the immediate survivors of any member who dies or is seriously injured in the line of duty. The Chief of Police may institute certain parts of this policy for cases of an employee's non-work related death. Funeral arrangements of a deceased employee are to be decided by the family.

In order to provide the best possible services and support for the employee's family, specific tasks may be assigned to selected members of the department. These tasks may include, but are not limited to:

- Notification Representative
- Hospital Liaison
- Family Liaison
- Department Liaison

An explanation of each of these assignments is contained in this policy. An employee may be called upon to perform more than one role.

### **Emergency Data Card**

Every employee must complete an "Emergency Data Card." A new card shall be made available to every employee at any time that they request one. The information recorded on the card shall be treated as confidential. Emergency Data Cards will be maintained in a secure storage file within the Records Unit area with primary custodian being the Support Services Manager.

In the event that an employee is injured or killed while at work, a command level officer, or designee will access the information in the file for the appropriate use to initiate the notifications. Any time that the secure file is opened or information from any of the cards is accessed, the initiating commander will notify the Chief of Police, via the chain of command, explaining the reasons for the access. A copy of the report shall also be forwarded to the employee whose card was accessed.

### **Notification Representative**

Following an incident where an employee has died or critically injured at work, a

Effective:	10/23/95
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Kent PD	8.110
WASPC	N/A
Previous Kent PD Policy	12.2.4

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#8.110</b>	<b>N/A</b>	<b>Line of Duty Deaths or Serious Injury</b>

command level officer shall have the responsibility to review the "Emergency Data Card" of that employee. The card may contain the names of people the employee has specifically requested to notify their next of kin. The command level officer will attempt to assign one of the listed officers as notification representative, if there are any designated. If no one from the list is available, the command level officer will use discretion in contacting the employee's next of kin. The Chief of Police, if available, will be notified prior to contact being made with the family.

- Notification **must always** be attempted to be made in person and never alone. A member of the command staff should accompany the notification representative if possible. Care should be taken so the family learns of the incident from the department first. The name of the deceased employee **must never** be released prior to notification of the person(s) identified on the Emergency Data Card.
- If the family wants to visit an injured employee at the hospital, they should be transported in a police vehicle. If they insist on driving, the notification representative should drive or ride with them.
- Prior to departing for the hospital, the notification representative should telephone the hospital and tell them the family is en route.
- The deceased or seriously injured employee's parents will also be personally notified if at all possible.
- The notification representative(s) should remain at the hospital while the family is present.
- The Chief of Police or command level officer should meet with the family as quickly as possible.

### **Assistance for Affected Employees**

- Officers who were on the scene or who arrived moments after an employee was seriously injured or killed should be relieved of duty as quickly as possible.
- The Peer Support Team will be activated to provide immediate support to the Police officers who witness the serious injury or death of another employee.

Effective:	10/23/95
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Kent PD	8.110
WASPC	N/A
Previous Kent PD Policy	12.2.4

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#8.110</b>	<b>N/A</b>	<b>Line of Duty Deaths or Serious Injury</b>

A Critical Incident Stress Debriefing will be organized within 72 hours of the event. Employees who witnessed the event and other employees who are affected by the death may attend. A command level officer is responsible for notifying the peer support team leader in these incidents.

### **Hospital Liaison**

The first employee to arrive at the hospital becomes the Hospital Liaison until relieved by a member of the command staff or designee. The Hospital Liaison's responsibilities include:

- Arranging with hospital personnel to provide an appropriate waiting facility for family and KPD Employees.
- Arranging with hospital security and personnel a place for media to gather.
- Updating the family regarding the incident and the employee's condition.
- Arranging transportation for the family back to their residence.

### **Family Liaison**

The selection of the Family Liaison is an important assignment. The Chief should attempt to assign someone who has a close personal relationship with the employee and the family. This is not a decision making position. This is a role of "facilitator" between the family and the police department. Responsibilities of the Family Liaison include:

- Making sure the needs of the family are met before other considerations.
- In case of an employee's death, the family liaison, along with a designated member of the command staff, will meet with the family to make funeral arrangements. The family should be made aware of how the department can assist them in regards to funeral arrangements. It is important to clearly communicate what the department can and cannot pay for and do.
- Providing the family with information concerning the death and continuing investigation.
- Meeting with the following persons to coordinate funeral activities.
  - Chief of Police
  - Department Chaplain
  - Department Liaison
  - Funeral Director
  - Family Clergy

Effective:	10/23/95
Revised:	1/7/16
Kent PD	8.110
WASPC	N/A
Previous Kent PD Policy	12.2.4



<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#8.110</b>	<b>N/A</b>	<b>Line of Duty Deaths or Serious Injury</b>

- Cemetery Director
- Obtain an American flag. If the family wishes a flag presentation by the Chief, notify the Chief's office.
- Arrange for delivery of the employee's personal belongings to the family.

### **Department Liaison**

The Department Liaison is responsible for all the communication with department members. This person will be assigned by the Chief of Police and will work closely with the Family Liaison and Hospital Liaison or Funeral Planning Team to make sure the members of the department are informed of the condition of the injured officer or the plans to honor their life. The Department Liaison will coordinate the department's functions during a funeral. These functions may include arranging for the honor guard and coordinating with other units/departments.

### **Benefits**

The family liaison representative should coordinate with the City Human Resources and Finance Departments to ensure that the employee's family is personally provided with all information regarding survivor benefits.

### **Ongoing Support**

All members of the department should demonstrate sensitivity toward the family. Family of the deceased employee should continue to be invited to department functions. Department members should avoid making promises to the family as a gesture of concern if they are unable to follow through with them.

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Revised:	1/7/16
Kent PD	8.110
WASPC	N/A
Previous Kent PD Policy	12.2.4

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#8.120</b>	<b>N/A</b>	<b>Light Duty</b>

In the event an employee becomes sick or is unable to perform their essential job functions and is capable of returning to work in a light duty position, the department may, if specific projects or tasks are available, allow the employee to return to work in a light duty position. A request for a light duty position will be made in writing to the Division Assistant Chief and must be accompanied by a doctor's statement allowing light duty and listing any limitations. The Chief of Police will make the final decision on whether light duty will be authorized.

A light duty position may be assigned to permit the employee to work within the department in a position that the employee is able to perform and that has been approved by the employee's primary care giver. The hours of work and tasks assigned will be determined by the Division Assistant Chief.

Light duty assignments are contingent upon the medical prognosis of a full physical recovery within a reasonable period of time. Light duty assignments are not analogous to reasonable accommodations.

A light duty assignment will not exceed 60 days, provided that, upon request of the employee and approval of the department, the 60 day period may be extended at the discretion of the department. No light duty assignment shall exceed a total of six months. Consideration of the extension shall be based upon:

- The medical prognosis of the employee stating that the employee will be able to return to full employment.
- The availability of tasks that may be performed by light duty personnel.

Determination of an employee's restriction from regular duty or eligibility for a light duty position will be made upon examination and advice of a physician. The department may request a second opinion by a physician retained by the department.

Commissioned officers assigned to a light duty position will not perform light duty assignments in uniform. Such officers will dress in appropriate business attire. Commissioned officers while on light duty assignment will not openly display their department credentials while outside department facilities. Commissioned officers on light duty assignment will not become actively involved in enforcement situations unless a threat to personal safety arises. Commissioned officers on light duty assignments will not drive a marked patrol vehicle. Based on the duration of the light duty injury, officers with assigned marked patrol vehicles will securely park their

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Kent PD	8.120
WASPC	N/A
Previous Kent PD Policy	12.3.6

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#8.120</b>	<b>N/A</b>	<b>Light Duty</b>

vehicles at their residence or at the Kent Police Department until cleared for full duty.

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Revised:	10/17/19
Kent PD	8.120
WASPC	N/A
Previous Kent PD Policy	12.3.6

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#9.10</b>	<b>#9.1</b>	<b>CEO Authority</b>

The Chief of Police is the Chief Executive Officer (CEO) of the Kent Police Department. Through subordinate supervisors, the Chief organizes and directs all activities of the police department. The Chief of Police is responsible to protect life and property through enforcement and prevention activities.

The Chief of Police reports directly to the Mayor or designee (refer to Kent City Code, sec. 2.22.020). The Chief continuously analyzes and evaluates operations and trends to ensure efficiency and adequacy of service, maintains strict, professional standards of performance for all department personnel, and ensures that all employees are properly trained (Refer to Kent Civil Service Job Description and Civil Service - Rules and Regulations, Section 6).

The Chief of Police is responsible for the overall fiscal management of police department funds. This includes overall supervision and approval of budget recommendations and purchase requests (refer to City Code 2.22.025).

The Financial Services Unit within the police department is assigned to the Support Services Assistant Chief. The Financial Services Unit is supervised by the Support Services Manager, who in turn reports to the Support Services Assistant Chief. Support staff within the Financial Services Unit consists of two Financial Analysts. An Assistant Chief appointed by the Chief is responsible for managing the police department's budget, maintaining accurate accounting of all funds allocated to the police department, supervising purchasing, keeping the Chief of Police apprised of the status of the various accounts, and acting as liaison for the police department with the City's Finance Department.

Division Commanders within the police department are responsible for management and approval of internal expenditures for their respective divisions.

The City of Kent and the police department adhere to a number of fiscal guidelines, including but not limited to the following, as currently enacted or subsequently amended or recodified:

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Revised:	12/4/15
Kent PD	9.10
WASPC	9.1
Previous Kent PD Policy	5.1.1/8.1.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#9.10</b>	<b>#9.1</b>	<b>CEO Authority</b>

1. RCW 35A.33 - Budgets in Code Cities
2. RCW 69.50.505 - Seizure and Forfeiture
3. RCW 9.41.098 - Forfeiture of Firearms-Disposition-Confiscation
4. RCW 63.32 - Unclaimed Property in Hands of City Police
5. RCW 39.33 - Intergovernmental Disposition of Property
6. City Code 9.05 – Seizure, Forfeiture, and Disposal of Unclaimed Property, Firearms, and Property Associated with Controlled Substances
7. City Code 3.70 - Procurement Contracts
8. City Code 3.80 - Recycled Product Procurement Policy
9. City Code 3.41.030 - Petty Cash Account
10. City Code 3.41.040 - Gambling Buy Account
11. City Code 3.41.050 - Controlled Substance Buy Account
12. City Code 3.41.060 - Flash Money Account
13. City Code 3.41.070 - Investigative Buy Account
14. City Administrative Policy 1.1 - City Administrative Procurement Policy

Effective:	10/23/95
Revised:	12/4/15
Kent PD	9.10
WASPC	9.1
Previous Kent PD Policy	5.1.1/8.1.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#9.20</b>	<b>#9.2</b>	<b>Budget Review</b>

The City of Kent follows a two-year fiscal biennial budget with a mid-biennium review and modification. The Mayor or Chief Administrative Officer provides budget direction to department directors. The City's Finance Director, under the direction of the Chief Administrative Officer, provides department directors instructions for submitting the two-year biennial budget and the mid-biennium review and modification by a determined date and in a specified format.

Each division Assistant Chief is responsible for participating in the development of the police department's budget. Division Assistant Chiefs submit justification for the continuation of existing programs and for requested increases relevant to their divisions.

Division budget requests are reviewed by the Chief of Police for final approval and inclusion into the police department's overall budget document. An Assistant Chief appointed by the Chief is responsible for final budget preparation and management of the police department's overall budget information and documents.

Deadlines for submitting budget requests and justifications to the Finance Department are based on the City budget calendar produced by the Mayor's Office, the Chief Administrative Officer, or the Finance Department. The police department's internal deadlines are established by the Investigations Division Assistant Chief for department coordination, review, and approval. The entire police budget is submitted to meet City deadlines.

The format of the police department's budget has included preparation of computer printouts of line item budgets that include narratives generated by data entered by police department staff into the City's budget development system. The police department's budget package may also include spreadsheets, other documents with prioritized lists of equipment or particular specified expenditures, mission statements, services provided by department division and unit, and other various forms and formats as specified by the year's citywide instructions for budget submission.

The Chief of Police is responsible for the overall fiscal management of police

Effective:	10/23/95
Revised:	12/4/15
Kent PD	9.20
WASPC	9.2
Previous Kent PD Policy	8.2.1/8.2.2

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#9.20</b>	<b>#9.2</b>	<b>Budget Review</b>

department funds and ensures regular review of the department budget takes place. The Investigations Division Assistant Chief is responsible for reviewing the overall budget monthly keeping the Chief of Police informed on any budget issues identified. Throughout the fiscal year, the Chief of Police and the three Assistant Chiefs meet monthly with the City of Kent Finance Department to review budget status.

Effective:	10/23/95
Revised:	12/4/15
Kent PD	9.20
WASPC	9.2
Previous Kent PD Policy	8.2.1/8.2.2

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#9.30</b>	<b>#9.3</b>	<b>Expenditure Approval</b>

### **General Accounting**

The City of Kent and each City department prepares and monitors its budget utilizing the state BARS (Budgeting, Accounting, Reporting Systems). This system specifies the need to separate expenditures by division and type of expenditures. The account numbering system established by the City's Finance Department identifies for each expense made the fund, business unit, subsidiary, and object code to which that expense is debited. Initial appropriation for each account is established once the budget has been approved by the City Council. All expenditures are coded with appropriate line item account numbers.

The City of Kent utilizes an automated financial system that requires expenditure and receivable entries be made when obligations are committed or invoices prepared. Entries for payments made from a line item can come from employee reimbursement request forms, petty cash expenses, payroll, requisitions, purchase orders and invoices, inter-fund payment documents generated between City departments, and purchase orders and journal entries generated by other City departments for services provided.

The Financial Services Unit maintains purchase orders until the items ordered are received, the appropriate invoice is received, and the purchase order is reconciled/matched with the invoice.

When an invoice is received for payment of services or supplies that were already received without a purchase order, approval for payment is confirmed with the appropriate Division Commander. The purchase order is electronically reviewed and approved by the Division Commander and then forwarded to the Division Assistant Chief for final approval.

Employee reimbursement requests are reconciled with original receipts as they are submitted, routed manually for appropriate approvals, and forwarded (with a batch report approved by the Support Services Manager) to the City's Finance Department for issuance of a check. Credit card reconciliations are still handled manually with approvals made by the Chief of Police or designee.

The Financial Services Unit generates account status reports monthly from this automated system once the City's Finance Department has advised the month's accounting is closed. The Financial Services Unit maintains these reports and

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Kent PD	9.30
WASPC	9.3
Previous Kent PD Policy	8.3.1/8.4.1



<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#9.30</b>	<b>#9.3</b>	<b>Expenditure Approval</b>

distributes a copy monthly to the Assistant Chiefs and the Chief of Police.

The account status reports provide the monthly status on the following:

1. Initial appropriation for each account.
2. Balance at the commencement of the monthly period by line item.
3. Total expenditures paid during the period by line item.
4. Summary of each encumbered line item.
5. Year-to-date total of expenditures paid by line item.
6. Budget changes to date.

The three Division Assistant Chiefs meets periodically with the Chief of Police and Division Commanders to provide an update on the police department's budget status. Division Commanders are responsible for the accounts or funds within their respective divisions. When line items have been completely expended and additional supplies are needed, excess funds are usually reserved from another line item within their respective divisions. The City's automated accounting system encumbers its purchase orders and contracts.

### **Financial Management of Legal Process Funds**

The Kent Police Department does not maintain or disburse any funds for the service of legal process. No accounting system has been created for this purpose.

### **Special Projects, Grants, or Funds**

Special projects, grants, or funds may be established for a particular type of program or expenditure. The appropriation of funds and line item budget is established in the normal City budget process whenever possible.

When mid-year funding needs to be established, assigned staff prepares the appropriate paperwork, the Chief of Police approves that paperwork and then submits it through the Committee and Council approval process. If approved by Council, the Finance Department prepares the budget changes and coordinates implementation of the line item budgets with the Financial Services Unit. Once initial set up is complete, the regular accounting process applies.

Effective:	10/23/95
Revised:	11/30/15
Kent PD	9.30
WASPC	9.3
Previous Kent PD Policy	8.3.1/8.4.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#9.30</b>	<b>#9.3</b>	<b>Expenditure Approval</b>

### **Accounting of Confidential Funds**

Funds related to illegal drug/narcotics investigations may have revenues to cover costs from general fund sources, criminal justice fund sources, and/or seized assets sources. Budgeted basic line items must be strictly related to narcotics investigations (RCW 69.50) and will be handled as in general accounting above with confidentiality applied as needed.

### **General Purchases**

Purchases of equipment and supplies follow established Kent City Code and City Policy provisions, including the following, as currently enacted or subsequently amended or re-codified:

- Chapter 3.70 Procurement Contracts
- Chapter 3.80 Recycled Product Procurement Policy
- City Administrative Policy 1.1, Procurement Policy

Requisitions for equipment, supplies, and money for buy funds are submitted for approval by the requesting employee's immediate supervisor. The requisition is then given to the Financial Services Unit for entry into the Purchase Order area of the JDE software program. The purchase order is then forwarded electronically to the Division Commander for approval. Once approved by the Division Commander, if the requisition is above the Division Commander's authorization limit, the requisition is forwarded electronically to the Assistant Chief for approval. Once approved by the Assistant Chief, the requisition is returned electronically to the Financial Services Unit. There are processes in place to make approvals during any absence of an Assistant Chief and/or the Chief of Police. The Assistant Chiefs and Division Commanders shall review requisitions for the following:

1. Compliance with Kent City Codes and City Policy 8.1.1.
2. Funding availability or funding approval received and funds established.
3. Purchasing practices.
4. Vendor selections and cost effectiveness. Normally, several vendors are contacted to ensure the police department obtains the best price unless the

Effective:	10/23/95
Revised:	11/30/15
Kent PD	9.30
WASPC	9.3
Previous Kent PD Policy	8.3.1/8.4.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#9.30</b>	<b>#9.3</b>	<b>Expenditure Approval</b>

item to be purchased is coming from a single source of supply.

5. Equipment inventories and supply status.
6. Printing needs coordinated/ordered through the City's Information Technology (IT) Department and its print shop.
7. Office supply needs coordinated/ordered through City's Finance Department and its Central Stores division.
8. Computer equipment and supply needs coordinated/ordered through the City's IT Department.
9. Telephone equipment and supply needs coordinated/ordered through City's IT Department.

If a requisition is over \$5,000, it will be initially forwarded to the Assistant Chief for approval, prior to a purchase order being completed. Store orders and printing requests are still handled manually until JDE processes are established in the Finance Department software.

Purchase orders are then forwarded electronically to the Assistant Chief or Chief of Police for final approval prior to placing orders or making payment. Once the purchase order is approved, the orders are placed by the Financial Services Unit or the original requisitioner depending on the circumstances. Purchase orders are then placed into a purchase order pending file until the order is complete and an invoice is received, reconciled, and matched electronically with the purchase order. Some situations may involve issuance of a purchase order for payment of service or supply that has already been received. Examples could be employment security checks, food services, medical services, etc.

Store orders (office supply orders) are placed online and are approved by the Financial Services Unit. If the item requested is a small tool, furniture, or capital item, the form will be approved by the Chief or designee prior to delivering the form to the Customer Services Division of the City's Finance Department. Copies of website orders are maintained in the purchase order pending file until supplies are received and a price form given to the Financial Services Unit.

Effective:	10/23/95
Revised:	11/30/15
Kent PD	9.30
WASPC	9.3
Previous Kent PD Policy	8.3.1/8.4.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#9.30</b>	<b>#9.3</b>	<b>Expenditure Approval</b>

Printing order forms are prepared for printed material and approved by Division Commanders. If the item being requested is a new form, it must be approved by an Assistant Chief or designee prior to delivering the form to the Multimedia Division with the City's IT Department. Copies are maintained in the purchase order pending file until printing is received. Some printing will not be individually priced, but charged by prorating a unit's printing budget. Special projects and grants will be individually priced out by IT's Multimedia Division, and a copy is returned to the requisitioner or the Financial Services Unit.

Petty cash forms may be prepared on requests for items that are less than \$25.00 and are not cost effective by issuance of a purchase order. Petty cash requests are reviewed on a case-by-case basis for appropriate application. Petty cash forms are approved by Division Commanders.

### **Emergency Purchases**

In the event of an emergency where minimal supplies or equipment must be purchased or rented, the Division Commander or designee may authorize the purchase. In seeking Division Commander authorization, the officer involved in the emergency must make every attempt to follow established purchasing procedures, if possible. If normal procedures cannot be followed, the officer with Division Commander authorization may authorize the purchase and is responsible to see that the proper procedures are followed the next appropriate business day.

In the event of any major emergency situation, refer to RCW 35A.33.080, 35A.33.090, 35A.33.100, City Procurement Policy 1.1.11, and Chapter 3.70.90

### **Emergency Appropriation and Operating Funds**

The City of Kent allows the police department to over-expend within a line item account as long as the total department budget appropriation is not over-expended.

In the event of a need to request a supplemental appropriation, the request will be made by the Chief of Police or designee to the Chief Administrative Officer and the Finance Department. The request will be presented for Committee and Council approval, as needed. Requests that require Council approval will first proceed to the appropriate Council Committee before being presented to the full City Council for approval. Requests for supplemental appropriation are made by the Chief of Police

Effective:	10/23/95
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Kent PD	9.30
WASPC	9.3
Previous Kent PD Policy	8.3.1/8.4.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#9.30</b>	<b>#9.3</b>	<b>Expenditure Approval</b>

or designee. The Mayor is authorized to make a transfer of funds between line items within any fund (Refer to Kent City Code Chapter 3.45, Transfer of Funds).

Effective:	10/23/95
Revised:	11/30/15
Kent PD	9.30
WASPC	9.3
Previous Kent PD Policy	8.3.1/8.4.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#9.40</b>	<b>#9.4</b>	<b>Overtime Approval</b>

To ensure budget accountability and accuracy of payroll, all overtime and other additional pay requests submitted by employees must be approved by a supervisor using the current payroll approval process. Requests for overtime or additional pay requests must be submitted in advance of accrual, unless the particular circumstances do not reasonably allow such advance authorization to be obtained. Whenever feasible, the supervisor authorizing the overtime or additional pay should be the supervisor completing the approval process. If that supervisor is not available, the employee may seek out another supervisor or someone higher in the chain of command to approve the overtime or additional pay request.

Effective:	
Revised:	10/10/14
Kent PD	9.40
WASPC	9.4
Previous Kent PD Policy	New

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#9.50</b>	<b>#9.5</b>	<b>Non-Exempt Employee Timesheets</b>

Staff schedules for patrol officers are entered into JDE (JD Edwards Software) by the administrative assistants as directed by Division Commanders after shift bid has closed. Civilian staff schedules are communicated to the administrative assistants at time of hire or if there is a shift change in a unit such as Records Unit by the first line supervisor, Support Services Manager or other Command level staff.

All transactions including schedule changes, leave requests, and overtime, are electronically approved by the assigned supervisor or designee in JDE. This includes sick leave, vacation, compensatory time usage, and holiday time.

Effective:	7/1/15
Revised:	1/7/16
Kent PD	9.50
WASPC	9.5
Previous Kent PD Policy	New

Kent PD	WASPC	Title
#9.60	#9.6	Recording Expenditures/Reimbursements

The Kent Police Department limits actual cash collection, safeguarding, and disbursements to personnel within the Detective Unit, Records Unit, Evidence Unit, and Financial Services Unit. Chapter 3.41 of the Kent City Code regulates Petty Cash Accounts (KCC 3.41.030), Gambling Buy Accounts (KCC 3.41.040), Controlled Substances Buy Accounts (KCC 3.41.050), Flash Money Accounts (KCC 3.41.060), and Investigative Buy Accounts (KCC 3.41.070).

The City's Finance Department governs, and an Assistant Chief appointed by the Chief coordinates, preparation of financial statements, internal audits, and related matters.

Audits of specified police department funds are periodically done internally by supervisors in conjunction with the City's Finance Department audit manager, and/or independently by the Washington State Auditor's Office. Refunds are handled by completing a requisition with reference to the appropriate receipt number and the refund is then made by preparation of a batch report, approved by the Support Services Manager.

The following police department employees are responsible for the appropriate handling and collection of cash within their divisions, including but not limited to:

- A. Support Services Assistant Chief - Found property money, firearms dealer licenses money, gambling investigation funds, evidence money, police administration petty cash money, grant funding, mini-grants, and other Community Education contributions.
- B. Investigations Assistant Chief - Investigative fund, narcotics buy fund, Special Investigations Unit (SIU) buy fund, and seizure money.

### **Money Handling by Records Unit Personnel**

Records Unit personnel accept firearms dealer licenses renewal fees (specifically a check that is made out to the Washington Treasurer's Office and is submitted with the completed application). Records Unit personnel issue a receipt to the paying citizen for this check received over the counter and keep a duplicate copy of the receipt for tracking and auditing purposes.

Effective:	10/23/95
Revised:	8/5/19
Kent PD	9.60
WASPC	9.6
Previous Kent PD Policy	8.4.2/29.1.3/8.6.1



<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#9.60</b>	<b>#9.6</b>	<b>Recording Expenditures/Reimbursements</b>

### **Confidential Investigative Funds**

Use of investigative funds, as established by Kent City Code chapter 3.41, allows for special confidential cash account funds for the following areas:

- A. Controlled substance buy account
- B. Investigative buy account – non-narcotics

Use of these funds is for necessary confidential expenditures in undercover criminal investigations that involve unlawful gambling, illegal drug related activities, and non-narcotics or gambling criminal activity.

A Commander is responsible for the money maintained by the Special Investigations Unit (SIU) detectives. The money is closely monitored to ensure that funds are readily available. The supervising detective sergeant and the SIU detectives maintain the funds for the controlled substance buy fund expenses. Each detective maintains an individual bound ledger book to log any incoming or outgoing expenses. The detective sergeant receives all initial buy funds and then allocates funds to individual detectives for authorized use of funds.

The money maintained by SIU is the responsibility of the respective commander. The SIU sergeant maintains money in two separate ledger books. One is for investigative buy funds for non-narcotic or non-gambling related investigations, and the second is for controlled substance buy funds. SIU detectives who are issued funds also maintain ledger books for documenting fund activity.

- A. Requesting buy funds. To request buy funds:
  - 1. The officer/detective completes a requisition form.
  - 2. The officer/detective forwards the form through the sergeant.
  - 3. The requisition goes to the Financial Services Unit's Financial Analyst for financial components.
- B. Criteria for use of investigative buy funds. Authorized expenditures are those funds allocated to three types of law enforcement undercover operations: confidential investigative expenses, confidential purchase of evidentiary items, and the purchase of information from informants.

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Kent PD	9.60
WASPC	9.6
Previous Kent PD Policy	8.4.2/29.1.3/8.6.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#9.60</b>	<b>#9.6</b>	<b>Recording Expenditures/Reimbursements</b>

Expenditures that may be paid from the controlled substance buy account include:

1. Narcotic and illegal drug related purchases
2. Informant expenses for narcotic investigation
3. Narcotic investigation expenses
  - a. Investigative buy account - Expenditures that may be paid from this account include:
    - i. Non-narcotic related illegal activity purchases.
    - ii. Informant expenses not related to narcotics.
    - iii. Investigation expenses not related to narcotics.

Unauthorized expenditures are those that do not directly or indirectly contribute to an investigation and do not fall into the above categories. Unauthorized Expenditures are prohibited.

C. Accounting of investigative funds.

The employee controlling the monies maintains a record of all fund transactions and maintains assigned money in a locked bank bag and in a locked desk or cabinet to include:

1. Documenting transactions by confidential informant receipt or merchandise receipt.
2. Recording transaction in a bound journal provided by the police department.
3. Placing a copy of the receipt in a file maintained by the employee.
4. If the transaction involves a confidential informant (CI), a copy of the receipt is also placed in the CI file.
5. When possible, attach a copy of merchandise receipts to the CI receipt for audit purposes.

Effective:	10/23/95
Revised:	8/5/19
Kent PD	9.60
WASPC	9.6
Previous Kent PD Policy	8.4.2/29.1.3/8.6.1

Kent PD	WASPC	Title
#9.60	#9.6	Recording Expenditures/Reimbursements

D. Auditing of investigative funds.

The SIU Commander conducts periodic audits of the funds:

1. Audits apply to all personnel issued investigative monies. Personnel who are off duty or on leave are audited upon their return.
2. During an audit, all monies, journals, and receipt files are subject to review.
3. A report of the audit is generated by the SIU Commander conducting the audit. Copies are kept with Finance, SIU and Accreditation.

**Seized Money Handled by the SIU Detective Sergeant**

Money that is confiscated by seizure according to RCW 69.50.505 will be deposited by the SIU sergeant into the appropriate following accounts:

1. Narcotics cash account for pending hearing seizures.
2. Narcotics forfeited seized money account.
3. Narcotics seized money 10% state share cash account.

Deposit slips are prepared by the SIU sergeant. Cash amounts and the deposit slip are verified by another employee (evidence staff), and the deposit slip is initialed for verification. The cash and deposit slip are put into a locked bank bag or a sealed plastic bank bag and delivered to the cashier in the Finance Department's Customer Services Division with a completed cash report form. The cashier date stamps and signs all copies of the cash report. All copies of the cash report form are given to the Financial Services Unit for financial tracking, finance entry, and documentation. The cash report and journal receipt entry are approved by the police department's Support Services Manager and then forwarded to the City's Finance Department before entry is released into the JDE System. The SIU sergeant may also keep a copy of the forms.

Effective:	10/23/95
Revised:	8/5/19
Kent PD	9.60
WASPC	9.6
Previous Kent PD Policy	8.4.2/29.1.3/8.6.1

Kent PD	WASPC	Title
#9.60	#9.6	Recording Expenditures/Reimbursements

### **Money Handled by the Evidence Unit**

Refer to Kent PD policy #17.100.

### **Money Handled by the Financial Services Unit**

As part of the function of the Financial Services Unit, money is handled in this area. A petty cash fund is maintained at the police department, and petty cash will be distributed for reimbursement or purchasing items that are or were needed immediately and the cost is under \$25. Receipts for expenses are required. Financial Services Unit staff or employees prepare petty cash slips, which are approved by the Division Commanders. An employee signs these forms to receive reimbursement for their personal funds spent. When the Financial Services Unit petty cash is low, a journal receipt is prepared, approved by an Assistant Chief or designee, and then funds are replenished from the Customer Services Division of the Finance Department.

When the police employee is given the cash, the employee signs the police file copy indicating receipt of the cash. If the money is given prior to the purchase, the employee must return with a receipt and the change. This information is reconciled to the petty cash slip, and change is returned and appropriate signatures received.

Checks may be received for various reasons such as restitution, refunds, reimbursement, grant invoicing, and others. The checks are identified to the appropriate account number and submitted to the City Cashier. A cash report form is prepared. All cash receipts are signed and date stamped by Customer Services staff and given back to the Financial Services Unit's Financial Analyst for entry into JDE.

### **Audits**

Any of the above funds are subject to periodic internal audits without prior notice by the audit manager within the City's Finance Department. Independent audits are done without prior notice by the Washington State Auditor's Office.

Effective:	10/23/95
Revised:	8/5/19
Kent PD	9.60
WASPC	9.6
Previous Kent PD Policy	8.4.2/29.1.3/8.6.1

Kent PD	WASPC	Title
#9.70	N/A	Inventory Control of Agency Equipment

### **Equipment Purchased With Value over \$5,000**

- A. For any equipment item purchased which has a value over \$5,000, the Financial Services Unit prepares an asset inventory form.
- B. This information is provided to the City Finance Department when the equipment is received. The asset form is attached to the purchase order and invoice submitted for payment.
- C. The City Finance Department maintains a citywide fixed asset inventory. The information is also maintained in the department records.

### **Overall Department Inventory**

Equipment to be inventoried includes all items carried on the City of Kent Police inventory lists and all department property that meet the following criteria:

- Firearms - inventoried by department range master.
- Portable radios - inventoried by divisions during operational readiness inspections.
- Computer equipment - inventoried by Information Technology.
- Cellular phones - inventoried by Information Technology.
- Pagers - inventoried by police Financial Services Unit.
- Radars - inventoried by the Traffic Unit.
- SECTOR equipment – inventoried by the Traffic Unit.
- Vehicles - inventoried by Fleet Services
- Mobile Data Computers (MDC's) - inventoried by Information Technology.
- Laptop computers – inventoried by Information Technology.
- Flashlights – inventoried by divisions during operational readiness inspections.
- TASERS – inventoried by Defensive Tactics Instructor or during operational readiness inspections.
- Duty Gear – a quantity of uniforms and other gear are maintained and inventoried by the police Financial Services Unit.
- Any item that in the opinion of the Division Assistant Chief should be included on an inventory list.

Effective:	10/23/95
Revised:	1/7/16
Kent PD	9.70
WASPC	N/A
Previous Kent PD Policy	8.5.1/29.1.4

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#10.10</b>	<b>#10.1</b>	<b>Hiring Criteria</b>

The Kent Police Department keeps on file the following reference materials to assist with the selection and hiring process of all Kent Police Department personnel:

- A. Civil Service Rules and Regulations for the City of Kent.
- B. City of Kent Personnel Policies, including Personnel Policy 2.1, Equal Employment Opportunity.
- C. Revised Code of Washington ("RCW"), including Chapter 41.12 RCW, "Civil Service for City Police."
- D. Kent City Code ("KCC"), including Chapter 2.2, "Police Department."

The above reference materials outline the authority and order of events in the selection and hiring process to ensure proper administrative procedures and processes are followed. A copy of these rules, regulations, policies, procedures, and laws are kept on file by the Support Services Assistant Chief and many are also available online.

Testing for Civil Service positions is a cooperative effort between the Kent Police Department, the City's Human Resources Department, and the Civil Service Commission under the rules, regulations, policies, and procedures listed above. Initial testing segments are monitored by the Civil Service Secretary/Chief Examiner and include the following:

- 1. Physical assessment for entry-level police officers and entry-level corrections officers. Candidates for either a lateral police officer, lateral corrections officer position or a civilian position are exempt from the physical assessment testing segment. The physical assessment will include a 300 meter run, a 1.5 mile run/walk, push-ups, and sit-ups. Minimum scoring for each event will be 30 out of 50 points with a 160 minimum total points as scored by Public Safety Testing.
- 2. Written examinations, 70% minimum to pass (entry-level police officer, entry-level corrections officer, all civilian positions).
- 3. Entry level police officer and entry level corrections officer candidates will be ranked based on the written examination score.

Lateral police officer candidates as well as lateral corrections officer

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Kent PD	10.10
WASPC	10.1
Previous Kent PD Policy	17.1.1/10.2.2

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#10.10</b>	<b>#10.1</b>	<b>Hiring Criteria</b>

candidates will be subject to computer-based assessments in lieu of oral board interviews. Passing scores for the assessments will be 70%.

When the written examination (for entry level police officer and entry level corrections officer candidates), or assessments (for lateral police officer or lateral corrections officer candidates) are completed, eligibility lists are established. Conditional offers of employment may be given to a pre-determined number of candidates to allow for further testing to fill authorized positions.

Additional testing is conducted by the police department, under the authority of the Civil Service Commission, to determine the suitability of candidates to proceed in the hiring process. This additional testing may include the following, in no particular order:

- Background investigation
- Medical examination
- Psychological examination
- Polygraph examination
- Interview with the Chief and Command Staff

Conditional offers of employment are required to Medical and Psychological examinations.

Once all aspects of the testing process are completed, it is determined whether a candidate will be offered a probationary position, be removed from the eligibility list for cause, or be passed over on the eligibility list.

The Human Resources Department, through the Civil Service Secretary/Chief Examiner, performs the candidate testing process for both regular and part-time positions within the police department. Both the Civil Service Commission and the Human Resources Department follow the testing and hiring criteria as set forth in the Civil Service Rules and Regulations and City Policy when performing their respective functions in the selection process. The Civil Service Chief Examiner may, with the approval of the Chief of Police, appoint a designee (Assistant Secretary/Chief Examiner) to administer the computer based assessments for police officer and corrections officer candidates.

Effective:	10/23/95
Revised:	1/18/19
Kent PD	10.10
WASPC	10.1
Previous Kent PD Policy	17.1.1/10.2.2

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#10.10</b>	<b>#10.1</b>	<b>Hiring Criteria</b>

### **Advertising for Specialty Assignments**

Following approval from the Chief of Police, the respective Division Commander or designee generates an announcement for existing and anticipated vacancies in specialty assignments. The announcement is distributed to qualified employees to maximize the number of qualified candidates for the position. The vacancy(s) will be filled and all other qualified candidates will be placed on a list for six months. If other vacancies come up in that six month period, they will be filled from this list. Meeting the minimum qualifications does not guarantee placement on the list.

For supervisory positions, the Division Commander or designee generates an announcement soliciting candidates, conducts a review of interested applicants, may hold a formal or informal interview, and recommends finalist(s) to the Chief of Police via chain of command. When possible, police administration will make every effort to include an Assistant Chief, a commander, sergeant of the unit, and one rank and file member of the unit in the recommendation process. At a minimum, a sergeant and/or a member of the unit will participate in the process.

Line level specialty positions will use the same posting and evaluation process. For either line level or supervisory specialty assignments, the Chief will review the Division Commander's recommendation and make a final appointment. Candidates wanting feedback on their performance during the specialty assignment process may contact the commander in charge of the process and arrange for this feedback. In rare cases, the Chief of Police may decide to forego a selection process and make a direct appointment to the specialty position.

In most cases, the candidate should possess a minimum of three (3) years of experience before qualifying for a specialty assignment. This may be waived by the Chief in special circumstances or when an insufficient number of candidates have applied for the position.

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Revised:	1/18/19
Kent PD	10.10
WASPC	10.1
Previous Kent PD Policy	17.1.1/10.2.2



<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#10.20</b>	<b>10.2</b>	<b>Background Investigations</b>

A background investigation for each candidate, sworn or civilian, is conducted before any offer of employment.

The investigation should be done in person, whenever possible, and may include a home visit with the candidate and his or her family, as well as interviews with the candidate's neighbors, employers, and fellow employees.

The background investigation includes a verification of the candidate's qualifying credentials, and depending upon the position for which the candidate applied, may include any or all of the following:

1. A review of the application packet with the candidate.
2. Receipt of both a notarized waiver and release form and credit waiver.
3. Receipt of one (1) set of fingerprints (for the Civil Service file and a copy sent to the Washington State Patrol electronically).
4. A credit history check and review.
5. Obtain a driving record abstract and review.
6. Obtain a criminal history check and review.
7. Military verification.
8. Educational verification.
9. A check with other agencies with whom the candidate may be testing.
10. Check of personal references (minimum five).
11. Check of employment references.
12. If the candidate is a lateral applicant, a check of the candidate's current agency and any previous agency.

Effective:	10/23/95
Revised:	3/2/18
Kent PD	10.20
WASPC	10.2
Previous Kent PD Policy	17.2.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#10.20</b>	<b>10.2</b>	<b>Background Investigations</b>

13. Obtain and review the candidate's polygraph examination results.
14. A letter indicating a conditional offer of employment.
15. Obtain a medical examination and review its results.
16. Obtain a psychological examination and review its results.
17. A letter indicating a probationary offer of employment.

Proof of successful completion of the background investigation will be submitted to the Washington State Criminal Justice Training Commission for each candidate who is offered a position as a probationary police officer or corrections officer. The proof will be submitted with the application to attend the Basic Law Enforcement Academy, Equivalency Academy, or the Corrections Officer Academy in a form prescribed by the Washington State Criminal Justice Training Commission.

Effective:	10/23/95
Revised:	3/2/18
Kent PD	10.20
WASPC	10.2
Previous Kent PD Policy	17.2.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#10.30</b>	<b>#10.3</b>	<b>Medical Examinations</b>

Candidates for a sworn position with the Kent Police Department are given a pre-employment medical examination by a licensed physician. The medical examination, including a drug screening, is conducted prior to the candidate's appointment to reveal any medical condition that would adversely affect the candidate's ability to perform the duties of the position. The Washington State Department of Retirement Systems supplies the examination format to ensure the candidate's qualification.

Medical examination reports will be maintained by the City's Human Resources Department separate from personnel files in a secure location.

Effective:	10/23/95
Revised:	11/30/15
Kent PD	10.30
WASPC	10.3
Previous Kent PD Policy	17.2.7

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#10.40</b>	<b>#10.4</b>	<b>Psychological Examinations</b>

A licensed psychologist or psychiatrist, experienced in working with law enforcement officers, will conduct psychological fitness evaluations on candidates for a sworn position or those candidates for a civilian position designated to work at crime scenes and handle evidence. These fitness evaluations are designed to screen applicants for emotional stability, maturity, and ability to function under stressful conditions.

The Support Services Assistant Chief will review the written evaluations prepared by the psychologist or psychiatrist. The evaluation is maintained with the Civil Service file in the City's Human Resources Department as a part of the hiring process and kept separate from any personnel file.

Effective:	10/23/95
Revised:	11/30/15
Kent PD	10.40
WASPC	10.4
Previous Kent PD Policy	17.2.8

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#10.50</b>	<b>#10.5</b>	<b>Polygraph Examinations</b>

A polygraph examination is administered by a qualified technician for each police department employment candidate as a condition of employment. A list of areas from which polygraph questions will be drawn is provided with the formal application packet in the personal history statement.

Candidates for employment shall not be disqualified from employment based solely on the analysis of the chart recordings obtained during the polygraph examination. The results form that is signed by the polygraph detective is kept in the Civil Service personnel file and those files are maintained in a secure location maintained by the Civil Service Secretary/Chief Examiner in the City's Human Resources Department.

Effective:	10/23/95
Revised:	11/3/14
Kent PD	10.50
WASPC	10.5
Previous Kent PD Policy	17.2.4/17.2.5/17.2.6

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#10.60</b>	<b>#10.6</b>	<b>Applicant File Security</b>

Application materials and other materials obtained or prepared during the testing or background investigation process will be kept in a secure area in either the Kent Police Department's hiring unit offices or the City's Human Resources Department when not being used. These materials are only made available to those who are authorized to participate in the candidate selection process.

Application, testing, background investigation, or other materials obtained or prepared during the candidate review and hiring process are retained in accordance with the Washington State Records Retention Schedule, unless provided otherwise by any policy herein. Once materials are beyond the retention schedule, they are destroyed. Destruction of materials retained by the Civil Service Commission is under the supervision of the Commission and its Civil Service Secretary/Chief Examiner or designee. Destruction of materials retained by the Kent Police Department is under the supervision of the Support Services Assistant Chief or designee.

Effective:	10/23/95
Revised:	3/2/18
Kent PD	10.60
WASPC	10.6
Previous Kent PD Policy	17.1.7

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#10.70</b>	<b>#10.7</b>	<b>Personnel File Security</b>

A record of each candidate's background investigation is maintained on file with the Civil Service Commission either through its Civil Service Secretary/Chief Examiner located in the City's Human Resources Department or in the Kent Police Department hiring unit's offices, and in accordance with the Washington State Records Retention Schedule, unless provided otherwise by any policy herein. The applicable retention length may depend upon the result of the candidate's application, e.g., non-selection vs. selection.

Employee personnel files are maintained in the City's Human Resources Department separate and secure from other files. Medical, psychological, and polygraph examination records are maintained by the Kent Civil Service Commission, through its Civil Service Secretary/Chief Examiner, and are filed separately from the rest of the background investigation and personnel file as required by the Americans with Disabilities Act.

Effective:	10/23/95
Revised:	3/2/18
Kent PD	10.70
WASPC	10.7
Previous Kent PD Policy	17.2.3

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#11.10</b>	<b>#11.1</b>	<b>Basic Training</b>

All newly hired entry-level officers will successfully complete the basic recruit academy in accordance with the rules and regulations of the Washington State Criminal Justice Training Commission. The Kent Police Department sends all entry-level officers to the 720-hour Basic Law Enforcement Academy for their basic certification. Whether an officer's out-of-pocket expenses are eligible for reimbursement is determined by City of Kent personnel policies and collective bargaining agreement provisions.

Newly sworn officers will not receive any assignment in any capacity in which they are allowed to carry a weapon or be in the position to make an arrest, except as part of the field training program. Newly sworn officers may receive administrative assignments for a period of time prior to entering the formal training program. The Kent Police Department will assign newly sworn officers to the basic recruit academy within six months of their date of hire. Academy start dates are determined entirely by the Washington State Criminal Justice Training Commission.

Lateral entry officers who previously completed the Washington State Basic Recruit Academy and are currently certified will proceed directly into the Kent Police Department's field training program. Lateral entry officers whose basic recruit training occurred in a state other than Washington shall successfully complete the Washington State equivalency testing process within six months of their date of hire.

Effective:	10/23/95
Revised:	11/30/15
Kent PD	11.10
WASPC	11.1
Previous Kent PD Policy	18.2.3/18.4.1



<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#11.20</b>	<b>#11.2</b>	<b>Field Training</b>

Upon successful completion of the requirements of the Washington State Criminal Justice Training Commission for certification as a law enforcement officer, all newly hired sworn personnel will receive in-service field training for a period of not less than four (4) weeks. During a student officer's assignment in the Field Training Officer ("FTO") Program, attempts are made to assign that student officer to each patrol shift. The assigned FTO will maintain liaison status with the administrative sergeant throughout the field training period.

Field training will include curriculum based on the job tasks most frequently assigned to student officers who complete recruit training, including report writing, field interrogation, and traffic enforcement. Field training will also include the use of evaluation techniques designed to measure a student officer's competency in the required knowledge, skills, and abilities, such as practical exercises, written tests, and field observation.

Responsibilities of the FTO include:

- A. Preparation of daily observation reports (DOR's) by the FTO evaluating the student officer.
- B. Preparation of written monthly reports to the shift sergeant to whom the student officer is assigned that evaluates the student officer and his or her progress and ability. Daily observation reports and monthly reports are routed to the administrative sergeant who maintains the student officer's training file during the probationary period.
- C. The student officer must successfully complete each phase of field training prior to assuming law enforcement duties.

### **Field Training Officers**

The patrol commander is responsible for the overall supervision of the field training program. All FTO's receive state-approved instruction prior to being assigned a student officer. Related in-service training is the responsibility of the patrol commander.

When FTO positions become available, commissioned officers may apply by submitting, in writing, the following to the patrol commander:

- A. A letter of intent to be considered for the available training position.

Effective:	10/23/95
Revised:	11/30/15
Kent PD	11.20
WASPC	11.2
Previous Kent PD Policy	18.4.2/18.4.3

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#11.20</b>	<b>#11.2</b>	<b>Field Training</b>

- B. Other documentation that substantiates the officer's particular abilities, skills, and past training that have prepared the officer for this training position.
- C. Other written communications or materials that were outlined in the position announcement.

During the time newly hired officers are attending the academy, the assigned FTO maintains liaison status with the student officer and academy staff.

Effective:	10/23/95
Revised:	11/30/15
Kent PD	11.20
WASPC	11.2
Previous Kent PD Policy	18.4.2/18.4.3

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#11.30</b>	<b>#11.3</b>	<b>Employee Training</b>

Training records for sworn and non-sworn Kent Police Department employees will be updated following participation in training programs. Training records for all Kent Police Department employees are maintained in a training records management system. Training requests and rosters are entered into the training records management system by a division Administrative Assistant. Employees may be asked to provide a brief evaluation of the training the employee received.

Non-sworn employees may be required to attend required in-service training on a variety of subjects.

Additional records maintained by the Training Unit may include:

- A. Course title, content, and lesson plan.
- B. Roster of attendees.
- C. Individual results of tests administered.
- D. Hours of instruction.

Effective:	10/23/95
Revised:	8/17/18
Kent PD	11.30
WASPC	11.3
Previous Kent PD Policy	18.1.6/18.1.7/18.72

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#11.40</b>	<b>#11.4</b>	<b>Recording Agency Training</b>

The Training Unit maintains records of in-service training conducted by the Kent Police Department. In-service training involves sworn and non-sworn employees of the Kent Police Department and may include courses developed for the Friday training program, online training, roll-call training, or video training.

Records maintained by the Training Unit may include:

- A. Course title, content, and lesson plan.
- B. Roster of attendees.
- C. Individual results of tests administered.
- D. Hours of instruction.
- E. Credentials of the presenter/instructor.

All training records are kept up to date by the Training Records Specialist except firearm training records, which are kept by the Range Master. Personnel training records will be updated following participation in training programs. Within 10 calendar days of an employee completing a training course, the employee will complete the online training evaluation form to confirm attendance at class.

All training records will be filed and maintained in Pathlore, a training records management system. Training records included within Pathlore are from 1989 to the present date. Training records prior to those included within Pathlore are supported by written documentation.

Training records maintained in Pathlore include:

- A. Employee name, the employee's Kent ID number, and the employee's date of hire.
- B. An employee's training history from date of employment.
- C. Course titles, training location, and training date(s).
- D. Number of hours of instruction provided.
- E. Criterion test scores/results.

Effective:	10/23/95
Revised:	1/7/16
Kent PD	11.40
WASPC	11.4
Previous Kent PD Policy	18.1.2/18.1.6/18.1.7

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#11.50</b>	<b>#11.5</b>	<b>In-Service Training</b>

Sworn personnel are scheduled for 24 hours of in-service training per year. In-service training topics are identified by the Kent Police Department's Training Unit following the Washington State Criminal Justice Training Commission's (CJTC) requirements for training. Sworn employees are expected to attend each session of training to meet the minimum requirement of 24 hours. This training includes refresher or advanced training, but does not include firearms qualifications. The purpose of in-service training is to keep personnel up to date with new laws, technological improvements, and revision in policy, procedures, rules, and regulations. In-service training may also be designed to provide supervisory, management, or specialized training to participants.

Scheduled block training is considered mandatory training for all sworn personnel. Segments may be deemed mandatory for other personnel, and the training coordinator will make proper advance notification to affected supervisors for scheduling purposes.

Attendance rosters are made at all in-service training sessions. The Training Records Specialist enters training information into the Pathlore training record for the attending employee.

Sworn personnel expected to attend each session of training. Exceptions are allowed under the following circumstances:

- A. Illness
- B. Personal emergency
- C. Police emergency
- D. Court
- E. Direction of the Chief

Sworn personnel will also annually qualify on defensive tactics and semi-annually qualify in an emergency vehicle operations course (EVOC).

Due to the structure of the Friday training schedule, with each block consisting of 4 identical sections, an employee who is unable to attend a session due to one of the above reasons is usually rescheduled by his or her supervisor to make up for the missed training.

Where training is mandatory by law, the training coordinator will make necessary arrangements for makeup training if all sessions for a particular Friday training

Effective:	10/23/95
Revised:	11/30/15
Kent PD	11.50
WASPC	11.5
Previous Kent PD Policy	18.5.1/18.6.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#11.50</b>	<b>#11.5</b>	<b>In-Service Training</b>

block have already been held.

The Training Records Specialist will maintain in-service training records for those trainings conducted by the Kent Police Department. In-service training involves sworn and non-sworn employees of the Kent Police Department and may include courses developed for the Friday training program, online training, roll-call training, or video training.

Records maintained by the Training Unit may include:

- A. Course title, content, and lesson plan.
- B. Roster of attendees.
- C. Individual results of tests administered.
- D. Hours of instruction.
- E. Credentials of the presenter/instructor.

Effective:	10/23/95
Revised:	11/30/15
Kent PD	11.50
WASPC	11.5
Previous Kent PD Policy	18.5.1/18.6.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#11.60</b>	<b>#11.6</b>	<b>Weapons Proficiency</b>

All commissioned personnel shall be proficient in the use of the weapons they carry on duty. This includes both lethal and less lethal weapons. All proficiency training will be conducted by a certified weapons instructor and includes policy training. Weapons proficiency training and demonstration is conducted as follows:

Handguns/ AR-15: Officers will qualify with their service pistol and rifles at least twice a year (once in the first half and once in the second half). Notice of qualification periods are through electronic mail from the rangemaster. All commissioned personnel will attend during those time frames. Officers who choose to carry a secondary gun must qualify with it at least twice a year: once in the first half and once in the second half of the year. The rangemaster determines the course of fire. Officers are required to attend mandatory firearms training twice a year. This training will be as directed by the rangemaster.

Officers who qualify with their service pistols and/or secondary guns are authorized to carry them whether on or off duty. When choosing secondary guns, officers should consider the need to use these guns for law enforcement purposes off duty. When off-duty officers act with police authority, they are considered to be on-duty.

Each officer has three opportunities to pass a semi-annual service pistol and rifle qualification. The first two may be under the direction of a certified firearms instructor or range safety officer. If a third attempt is needed, it only takes place under the direction of the rangemaster or a designated certified firearms instructor. The third attempt is made only after the officer receives specific training to increase skill level.

Officers who do not attend or fail to meet qualification standards during the allotted time period are no longer authorized to carry that service weapon. A written notice of this is immediately forwarded through the chain of command to the Chief of Police.

Semi-annual service pistol and rifle qualifications consist of accuracy standards and manipulation skills. A passing accuracy score is 80%. Manipulation skills are observed and documented. Poor pistol or rifle manipulation skills or unsafe weapons handling can result in a qualification failure even with a score above 80%. Officers may not practice or "warm-up" on the day they attend qualification.

Additional combat/judgment/handling skills training may be added to the quarterly qualification, be a part of bi-annual firearms training, or be included in other in-

Effective:	10/23/95
Revised:	11/30/15
Kent PD	11.60
WASPC	11.6
Previous Kent PD Policy	1.3.10/1.3.11

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#11.60</b>	<b>#11.6</b>	<b>Weapons Proficiency</b>

service training. These courses are evaluated as either "pass" or "needs improvement" at the discretion of the rangemaster or other firearms instructors.

An officer who fails to meet department service pistol or rifle standards must immediately enter into remedial training for that weapon. The length of the remedial training will be determined by the range master and training supervisor. After this corrective training, the officer is required to pass the failed qualification course of fire. The Chief of Police will be notified through the chain of command if the rangemaster is unable to improve the officer's firearms skill.

Officers who fail to meet department standards in the use of other firearms, such as back-up guns, long guns, or VSWAT team firearms, will have their authorization to use these firearms restricted by the rangemaster. Authorization is restored when department standards are met. Only officers who have successfully completed a proficiency training/ qualification course are authorized to carry and use the following special weapons:

VSWAT team personnel issued scoped rifles as part of the marksman team are required to attend monthly 5-10 hr rifle training in addition to their normal SRT training day. During this training, cold shot zeros and group size will be documented and copies forwarded to the rangemaster.

Shotguns: Remington 870 shotgun familiarization training and qualification is conducted every other year with DEF-TEC stabilized beanbag ammunition only. Course content and qualification standards are established by the KPD rangemaster. VSWAT team personnel may also deploy the Saiga shotgun for use with specialty breaching ammunition only. Qualification/certification is done by the VSWAT team.

Colt MK18 VST Rifles: Training and qualifications are conducted quarterly. Course content and qualification standards are the Valley SWAT Team's rifle course, with a passing score being 90%. KPD officers assigned to VSWAT team will also qualify semi-annually on the KPD rifle course with their issued MK18's.

Colt LE901: Officers issued this rifle under the designated marksman program or in a VSWAT team capacity will qualify with that rifle semi-annually. The course content will be established by the range master. A passing score is 80% is required to deploy this weapon.

Effective:	10/23/95
Revised:	11/30/15
Kent PD	11.60
WASPC	11.6
Previous Kent PD Policy	1.3.10/1.3.11



<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#11.60</b>	<b>#11.6</b>	<b>Weapons Proficiency</b>

Less lethal weapons: Officers receive training in the use of all impact weapons, Tasers or other approved electronic controlled weapons, and OC spray at least annually. This training is documented by the training coordinator as part of mandatory in-service training. Officers who cannot demonstrate proficiency with assigned less lethal weapons will have their authorization to carry them restricted by the assigned instructor until remedial training is successfully completed. Remedial training in the use of these weapons will be formulated by the instructor based on the officer's need.

The rangemaster records all firearms training. The rangemaster or range safety officers record all firearms proficiency demonstrations and qualifications. The rangemaster is responsible to ensure that these records are kept on file for an appropriate period of time.

For the protection of officers who become pregnant and the baby, she may not participate in Kent Police Department firearms training or qualifications. She may not be in the range while firearms are being discharged. Upon her return to work, the officer will have to qualify with the weapons that she normally carries.

Effective:	10/23/95
Revised:	11/30/15
Kent PD	11.60
WASPC	11.6
Previous Kent PD Policy	1.3.10/1.3.11

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#11.70</b>	<b>#11.7</b>	<b>Supervisory Personnel Training</b>

As personnel are promoted, the skills necessary to perform at a given level may change to require supervisory, management, and administrative skills and knowledge. The Kent Police Department will provide either in-service or outside training for newly promoted personnel prior to their promotion or at the earliest possible date following the promotion to include Washington State Criminal Justice Training Commission First Line Supervision certification.

The Training Unit will ensure that all supervisors receive training that will enable them to carry out their career development program responsibilities. This training includes but is not limited to:

- A. General counseling techniques.
- B. Skills, knowledge, and abilities assessment.
- C. Salary, benefits, and training opportunities.
- D. Education opportunities and incentive programs.
- E. Awareness of cultural background of ethnic groups.
- F. Record keeping techniques.
- G. Availability of outside resources.

Effective:	10/23/95
Revised:	11/30/15
Kent PD	11.70
WASPC	11.7
Previous Kent PD Policy	18.8.1/18.8.2/18.8.3

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#11.80</b>	<b>#11.8</b>	<b>Use of Force Training</b>

Prior to being authorized to carry any weapon (lethal or less lethal) officers are properly trained in the use of that weapon. This training is conducted prior to issuing the weapon and is updated at least annually as part of in-service training. The content of this training includes but is not limited to:

- A. Instruction on federal, state, and local laws as they pertain to the use of force.
- B. Explanation of Kent Police Department policies regarding the use of force, specifically the Integrated Force Management Model and the use of deadly force.
- C. Safe handling techniques for each of the weapons issued or authorized by the Kent Police Department.

#### Less Lethal

A Washington State Criminal Justice Training Commission ("WSCJTC") certified defensive tactics instructor is responsible for both classroom lecture and hands-on training for most less-lethal weapons. This includes training in the use of impact weapons such as flashlights and batons, Tasers or other approved electronic controlled weapons, and the use of OC spray. Certified extended range kinetic energy projectile instructors are responsible for all training related to the use of beanbag rounds and baton rounds.

#### Lethal

A certified firearms instructor is responsible for the classroom lecture and proficiency training in the use of firearms. Kent Police Department range safety officers may monitor proficiency demonstrations, including use of quarterly weapons qualifications. Demonstrating proficiency includes both safe handling of the firearm and minimum qualification scores.

Members of the Valley Special Weapons and Tactics Team (VSWAT) must also show proficiency in the use of the weapons assigned to them. This training not only includes safe handling techniques but also includes qualifying quarterly with long guns and hand guns. Less lethal training for VSWAT members is done in accordance with department training guidelines.

Effective:	10/23/95
Revised:	11/30/15
Kent PD	11.80
WASPC	11.8
Previous Kent PD Policy	1.3.10/1.3.11

Kent PD	WASPC	Title
#11.80	#11.8	Use of Force Training

Authorization to carry and use department-issued weapons applies to officers while either on-duty or off-duty. Nothing in this policy shall limit the authority of police officers to carry firearms as defined in RCW 9.41.050 and RCW 9.41.060 (1).

As part of annual in-service training, Kent Police Department sworn employees are given information on use of force requirements and expectations and related updates. The Kent Police Department use of force policy includes but is not limited to:

- Verbal commands
- Physical direction or "escort" techniques
- Oleoresin Capsicum (OC) aerosols
- Taser or other approved electrical devices
- Hair holds and counter-joint techniques
- Impact weapons: batons, flashlights, kicks, punches, beanbag/baton rounds
- Lateral Vascular Neck Restraint
- Generalist K-9 applications
- Firearms

All use of force by Kent officers will be in compliance with RCW 9A.16.020 and in all cases, officers will use the minimum force necessary to **safely** and **effectively** overcome the active resistance to arrest or to a lawful order, control a threatening situation, or defend themselves from harm. When the resistance is overcome, the threat gone, and the situation is controlled, the use of force will be stopped or reduced to a necessary level.

Effective:	10/23/95
Revised:	11/30/15
Kent PD	11.80
WASPC	11.8
Previous Kent PD Policy	1.3.10/1.3.11

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#12.10</b>	<b>#12.1</b>	<b>Performance Evaluation Frequency</b>

The purpose of performance evaluations is to provide a formal written review of each employee's work performance, document past performance, set goals for the future, and if necessary, note areas needing improvement. This is accomplished by recognizing and measuring individual performance in accordance with prescribed guidelines. It is the intent of the Kent Police Department to complete performance evaluations consistently across all divisions of the agency. An annual evaluation is not required for the Chief of Police or any employees exempted by controlling legislation. Evaluations are used for the following reasons:

- Identify employee strengths and weaknesses
- Formulate training needs
- Goal setting and career development
- Recognize above average work
- Document substandard performance
- Review for specialty assignments and promotions

### **Measurement Definitions**

Employee performance will be rated by using the following five criteria:

Not Satisfactory: Performance clearly inadequate in the particular area as compared to the department standards. Employee has demonstrated an inability or unwillingness to improve or meet standards.

Some Improvement Needed: Total performance occasionally or periodically falls short of normal standards. This evaluation indicates the supervisor's belief that the employee is capable of meeting standards and will make necessary improvements after having the matter brought to their attention.

Meets Standards: Competent performance in which the employee meets the standard prescribed for the category. Most employees will be rated in this column. It indicates a competent, acceptable level of performance without need for correction or improvements.

Exceeds Standards: Total performance is well above standard for the category. Only a few employees can normally be expected to qualify for this category, as it

Effective:	10/23/95
Revised:	3/28/19
Kent PD	12.10
WASPC	12.1
Previous Kent PD Policy	20.1.1/20.1.2/20.1.4/20.1.5/20.1.6/20.1.8

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#12.10</b>	<b>#12.1</b>	<b>Performance Evaluation Frequency</b>

indicates consistent performance, which exceeds what is acceptable by department standards.

Does not apply: The section of the evaluation form does not apply to the employee's job function.

Employees of the Kent Police Department will be evaluated by using the electronic evaluation form. Raters will complete the evaluation report as outlined in this policy.

### **Rater Responsibilities**

The rating supervisor is responsible to objectively document and evaluate an employee's job performance. The supervisor is also responsible to explain to the employee how to meet the department standard in any given category.

All employees will be evaluated annually or when they change supervisors. The Division Assistant Chief may grant variances to the requirement of submitting a formal performance evaluation report with each change of supervisors where a comprehensive formal evaluation is impractical due to a shortened evaluation period. It is the responsibility of the Division Assistant Chief to track when their assigned employees were last evaluated. All performance evaluations are due March 31<sup>st</sup> of each year.

### **Pre-Meeting With Employee**

Supervisors should meet with their employees prior to completing their performance evaluation. The supervisor should provide feedback to the employee on their performance and take input from the employee. The supervisor has the discretion on whether or not to incorporate the employee's input and feedback. Once the pre-meeting is completed, the supervisor should complete the evaluation electronically and route through the online system.

### **Rater's Signature on Performance Evaluations**

Prior to final distribution of evaluations, the rater's supervisor shall review and sign

Effective:	10/23/95
Revised:	3/28/19
Kent PD	12.10
WASPC	12.1
Previous Kent PD Policy	20.1.1/20.1.2/20.1.4/20.1.5/20.1.6/20.1.8

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#12.10</b>	<b>#12.1</b>	<b>Performance Evaluation Frequency</b>

the completed form electronically.

### **Secondary Approver Responsibilities**

Once the supervisor has completed and signed the employee's evaluation, the supervisor's supervisor is responsible for reviewing and approving the evaluation. The secondary approver has the authority to provide comments and feedback to the supervisor.

### **Employee's Signature and Written Comments**

An electronic copy of the evaluation is sent to the employee. The employee is given the opportunity to agree or disagree with the evaluation and add comments. The electronic signature is simply an acknowledgement that the employee has received the evaluation.

If an employee wants to make written comments about the current evaluation, they are given that opportunity using the electronic system. Employees can access their electronic evaluation via the online system or can print a copy for their records.

This process will not hinder an employee's right to appeal their evaluation. Employees wishing to appeal their evaluation should refer to Kent PD policy #12.40.

### **Performance Evaluation Report Retention**

Employee evaluations are retained in accordance with Kent City Policy 2.13.2.

Effective:	10/23/95
Revised:	3/28/19
Kent PD	12.10
WASPC	12.1
Previous Kent PD Policy	20.1.1/20.1.2/20.1.4/20.1.5/20.1.6/20.1.8

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#12.20</b>	<b>#12.2</b>	<b>Probationary Performance Evaluations</b>

Probationary police officers will have monthly observation reports completed by their supervisors once they leave the department's Field Training Officer (FTO) program. Prior to the completion of the employee's probationary period, their supervisor will submit a memo to the Chief of Police, via their chain of command, including a recommendation regarding granting of regular employment status.

Probationary civilian employees will be evaluated at least one time during their probationary period. These evaluations will be performed by their immediate supervisors.

Once employees pass their probationary period, they will be evaluated under the same guidelines as other regular employees of their division.

Effective:	10/23/95
Revised:	1/12/16
Kent PD	12.20
WASPC	12.2
Previous Kent PD Policy	19.1.7/20.1.1



<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#12.30</b>	<b>N/A</b>	<b>Performance Evaluation Delivery</b>

At the end of an evaluation period, supervisors will arrange a meeting with the rated employee to discuss the contents of the evaluation. Employees should be given a specific time for the meeting when they are given their written evaluation. During this meeting the supervisor should discuss important issues with the employee. Some of the issues discussed might include:

- The results of the performance evaluation just completed.
- Areas for improvement in the next evaluation period.
- Career counseling for the employee. Supervisors should discuss career goals with the employee and provide insight as to how the employee could meet these goals. This discussion should include: expected work levels, training, and resources to assist the employee.

Once a year, during the evaluation counseling session, each supervisor reviews the employee's position description with them. The supervisor records any updates provided by the employee and forwards the position description to the Civil Service Secretary and Chief Examiner.

Effective:	10/23/95
Revised:	11/30/15
Kent PD	12.30
WASPC	N/A
Previous Kent PD Policy	20.1.7

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#12.40</b>	<b>N/A</b>	<b>Appealing an Evaluation</b>

Employees who wish to appeal a performance evaluation must follow this procedure:

1. Within 10 days of signing the evaluation or refusing to sign the evaluation, the employee must notify the supervisor who completed the evaluation, in writing, of his or her intent to appeal the evaluation.
2. The employee must submit a memorandum outlining the sections of the evaluation that the employee disagrees with. The employee will give reasons and/or cite facts that support his or her position. This memorandum shall be given to the evaluating supervisor within the 10 day period described above.
3. Within 10 days of receiving a decision of the supervisor, the employee may appeal the evaluation up the chain of command to the Chief of Police until the issues in question are resolved to the satisfaction of both the employee and the evaluating supervisor. Any appeal to the next level in the chain of command shall be submitted in writing, no later than 10 days from the decision of the previous level in the chain of command. The intent of this policy is to have these issues resolved at the lowest possible level in the chain of command.
4. If the employee still disagrees with evaluation content after appealing to the Chief, that employee may draft a written response to the issues in question. The employee may print the evaluation from the electronic system and per city policy 2.10.3 (7), attach the appeal documentation to the evaluation and submit to Human Resources. The appeal documentation is attached to the evaluation document and filed with the evaluation in the employee's personnel file.

### **Performance Evaluation Report Retention**

All employee performance evaluation reports will be kept on file in Human Resources for retention purposes per Kent City Policy 2.13.

Effective:	10/23/95
Revised:	1/12/16
Kent PD	12.40
WASPC	N/A
Previous Kent PD Policy	20.1.5/20.1.6

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#12.50</b>	<b>N/A</b>	<b>Personnel Early Warning System</b>

The Kent Police Department has a responsibility to its employees and the community to identify and assist employees who demonstrate symptoms of job stress and/or performance problems. Although there is no exclusive set of criteria that can determine job stress or performance problems, it is important that possible indicators are routinely reviewed for possible patterns that suggest that job stress and/or performance problems may exist.

The Personnel Early Warning System has been established to provide a systematic review of indicators that may identify symptoms of job stress or performance problems which otherwise may not be identified in a timely manner. Management of the Personnel Early Warning System is the responsibility of the Division Assistant Chiefs. The Research and Development Analyst will alert each Assistant Chief when reviews are due.

### **Criteria**

The criteria identified below may be considered at risk indicators and should be included in the review. The list of criteria is not intended to be all-inclusive in relation to risk indicators and other factors should be included, as appropriate:

1. Substandard performance evaluations
2. Employee injury reports
3. Preventable department vehicle collisions
4. Officer involved shootings
5. Use of force reports involving baton, Taser, feet/hands, and OC
6. Sustained/not sustained complaints
7. Any other behavior that may serve as an Early Warning indicator

### **Scheduled Reviews**

Quarterly reviews are generated by each Division Assistant Chief. These reviews should identify employees who have shown indicators or behaviors that may demonstrate symptoms of job stress or performance problems. Indicators and behaviors are contained on a matrix, along with Division employee names, that allows for effective management of the system.

Effective:	10/23/95
Revised:	11/30/15
Kent PD	12.50
WASPC	N/A
Previous Kent PD Policy	20.1.9

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#12.50</b>	<b>N/A</b>	<b>Personnel Early Warning System</b>

### **Review Initiation**

Information obtained from the quarterly review may trigger follow up by their Commander or Manager. The affected Commander or Manager shall meet with the supervisor(s) of the involved employee(s), discuss the content of the matrix, and when necessary, devise an action strategy to assist the employee. When employees meet triggering criteria, the Commander or Manager will forward an after action report to the Division Assistant Chief explaining their findings and recommendations.

### **Criteria and Standards**

1. A combined total of three or more sustained and/or not sustained complaints during the previous 12 month period; or
2. Any combination of five or more occurrences as outlined in the criteria section listed above during the previous six month period.

Recommendations may include, but are not limited to:

- Assessment that no problem exists with no need for further action
- Counseling by the immediate supervisor
- Remedial training
- Referral to the Employee Assistance Program for counseling or referral assistance
- Referral for drug testing, if reasonable suspicion exists
- Referral for psychological or medical fitness for duty examinations
- Assessment that a problem does exist and action of some classification is needed

The Personnel Early Warning System reports provide no conclusions concerning job stress or performance problems. The reports are used by supervisors as a resource in helping to determine if job related stress or performance problems exist. The system is intended to be a resource to assist supervisory personnel in evaluating and guiding the employees they supervise. First line supervisors are expected to monitor their assigned employees, and if they perceive that a problem or potential problem exists, initiate a review. They shall notify their assigned Commander of the review and work with them to aid the employee and offer the appropriate referral for assistance when necessary.

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Kent PD	12.50
WASPC	N/A
Previous Kent PD Policy	20.1.9

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#12.60</b>	<b>N/A</b>	<b>Probationary Status</b>

All Civil Service appointed candidates, civilian and sworn, shall serve a one year probationary period as defined in the City of Kent Civil Service Rules, Rule 12.01. Entry level sworn personnel have a probationary period of one year that begins upon the successful completion of the Washington State Criminal Justice Training Commission Basic Law Enforcement Academy.

Extensions of probationary periods must be by written request from the Chief of Police to the Civil Service Commission. The request must include reasons for the requested extension and estimated time frames for the completion of the probation as cited in Rule 12.01 in Civil Service Rules and Regulations. Reasons include interruption of probation as a result of temporary disability, active military duty, or allowing for completion of 12 months of satisfactory performance.

Effective:	10/23/95
Revised:	5/8/15
Kent PD	12.60
WASPC	N/A
Previous Kent PD Policy	17.2.10/19.1.7

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#13.10</b>	<b>#13.1</b>	<b>Conditions of Work</b>

The purpose of this policy is to set reasonable guidelines for employee conduct both on and off duty. Violation of these rules by employees may be sufficient cause for counseling or discipline, up to and including termination.

When on duty, employees will devote their time to the duties and responsibilities of their assignment. Whether on or off duty, employees shall obey all laws, department policies, and lawful court orders. Certain employees, due to their assignments, may be authorized to deviate from the following standards with supervisor approval.

### **Code of Conduct**

Knowledge of Laws and Policies: Employees are expected to maintain a good working knowledge of all local laws and department policies/procedures.

Unbecoming Conduct: Employees of the Police Department shall conduct themselves at all times, both on and off duty, in a manner that does not reflect negatively on the Department. Employee conduct, which brings discredit on the Department, may subject the employee to discipline.

Use of Alcohol: No off-duty employee shall consume alcoholic beverages to an extent rendering them unfit to report for their assigned duty shift. No employee will report for a regular duty shift or off-duty job with alcohol on their breath.

Employees of the police department shall not appear for duty or be on duty while under the influence of alcohol. Employees who have consumed alcohol and are called to duty must notify their supervisor of the alcohol consumption. The supervisor will evaluate the situation and decide whether the employee should respond to duty.

No employee in recognizable uniform dress shall purchase or drink alcoholic beverages in public view.

Possession or Use of Drugs: Employees of the police department shall not unlawfully possess or use any illegal drugs or products that contain THC. On-duty employees using any prescription drugs which could affect or impair their ability to function will notify their supervisor.

Drug and Alcohol Testing: The testing for drug and/or alcohol use by an employee shall be governed by the employee's collective bargaining agreement. If the

Effective:	5/9/14
Revised:	11/6/18
Kent PD	13.10
WASPC	13.1
Previous Kent PD Policy	13.1.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
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affected employee is not represented by a collective bargaining agreement, the department shall follow City policy.

Use of Tobacco: Smoking is not permitted in public view, within any city owned or provided vehicle, within any building, or within 25 feet of any building.

The use of smokeless tobacco is not permitted within public view, within any city owned or provided vehicle, or within any classroom, meeting room, briefing room or on any range.

Employees must appropriately dispose of their smoking or tobacco by-products. Smokeless tobacco by-products must be disposed of into an empty container that shall be sealed with a cap and then placed into the garbage.

Officers will take reasonable steps to avoid being in public view. For the purposes of this policy, "public view" is any place where the employee can be seen or come into contact with the public.

Gifts and Gratuities: Department employees shall not solicit or receive any thing of monetary value that would, to a reasonable person, appear to have been accepted with the intent to give or obtain special consideration or influence. If circumstances arise where a gift or other item of value comes into the possession of an employee, the item will be forwarded to the Chief of Police. In the event an item of little value (example: coffee, meal, etc.) comes into the possession of an officer or where the refusal of such item would degrade the public image of the department, the officer may accept this item. An email to the Chief, via the chain of command, explaining the circumstances of receipt will then be required by the end of the officer's shift.

Neglect of Duty: On-duty employees of the police department will not engage in any activity or personal business which causes them to neglect their duties.

Abuse of Authority: Employees of the police department will not use their official position, identification cards, or badges for:

1. Personal or financial gain.
2. Obtaining privileges not otherwise available to them.

Treatment of Persons in Custody: Officers will not mistreat persons in their custody.

Effective:	5/9/14
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Kent PD	13.10
WASPC	13.1
Previous Kent PD Policy	13.1.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
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Equipment Care and Maintenance: Employees shall properly care for and maintain all department equipment.

Courtesy: Employees shall at all times be courteous and civil to the public and to one another. At a minimum, employees should be attentive, respectful, and demonstrate patience and discretion in the performance of their duties.

Assistance: Employees will provide necessary assistance to co-workers. Employees will take appropriate actions toward aiding a fellow employee exposed to danger or in handling situations in which danger is likely.

Conduct Toward Fellow Employees: Employees, while on duty, will treat all personnel with respect and courtesy. While on duty and in the presence of the public, supervisory personnel shall be referred to by rank.

Association with Known Criminals: Employees will not knowingly socialize with any known active criminal suspect. This policy does not apply to members of an employee's family.

Organizational Membership: Employees shall not belong to or participate in any organization or other group that advocates the violent or unlawful overthrow of the United States government.

Personal Advertisement: Employees will not permit the use of work-related photographs or titles for advertising purposes, public or private, without the permission of the Chief of Police.

Misuse of Privileged Information: Employees shall not use information gained through their employment for their personal benefit or the benefit of others.

Department Letterhead: Department letterhead shall not be used for private correspondence.

Insubordination: Employees are required to promptly obey lawful orders of a supervisor. This includes those orders relayed from a supervisor through an employee of the same or lesser rank.

Illegal Orders: Employees shall not obey any order they know is illegal.

Telephones/Addresses: Employees of the police department are required to have

Effective:	5/9/14
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Kent PD	13.10
WASPC	13.1
Previous Kent PD Policy	13.1.1



<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#13.10</b>	<b>#13.1</b>	<b>Conditions of Work</b>

working telephones in their residences. Employees will immediately report any changes in home telephone numbers or residential addresses to the records section and complete the necessary paperwork, forwarding it to the Chief's office, via the chain of command. All officers have department issued cellular phones. Employees will notify the Chief's office when they change their security code and/or Apple ID password.

Release of Phone Numbers: Employees of the police department will only release employee phone numbers to other members of the department. If a source outside the department requests an employee phone number, the identity of the caller will be relayed to the employee being sought. That employee can decide whether to call the person requesting phone contact.

Court Appearances: Employees required to be in court shall be prompt in attendance and shall remain until excused by proper authority. Officers shall testify in a clear, concise, and distinct manner. Officers will answer all questions truthfully. The department Class A uniform or proper business attire will be worn for all Federal and Superior court appearances. Class B uniform or proper business attire shall be worn for all Municipal court appearances. Officers on duty at the time of court will be allowed to appear in their department issued jumpsuit.

Department Credentials: Official credentials will be displayed only in connection with police business or when requested to establish identity. No employee will permit any other person to use their credentials. Loss of credentials will immediately be reported to the Chief of Police via the chain of command.

Computer Software: Only City installed or approved software will be used on department owned computers. Employees shall not install any software without authorization from the department automation coordinator and Information Technology.

Truthfulness: Police department employees are expected to be truthful at all times on matters that affect the department.

Fraternization: The police department prohibits any dating or romantic relationship between one employee who is in either a supervisory or other position of authority, and another employee who is directly subordinate to the first employee or whose work is managed or coordinated by the first employee.

An employee involved in a dating or romantic relationship with a candidate under

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Kent PD	13.10
WASPC	13.1
Previous Kent PD Policy	13.1.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
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consideration for hire, promotion, or specialty assignment shall not be involved in the selection or recruitment process, and shall take no action to influence the hiring, promotion, or recruitment process.

For purposes of this policy, the term "employee" shall include a regular or probationary employee, a temporary employee, a volunteer or intern, a person working for the department on contract, or a person working for or at the department who is employed by another government agency or private entity.

### **Reporting for Duty**

Employees will report for duty at the time and place indicated by the department schedule. When employees report for duty they shall be appropriately attired, properly equipped, and ready to assume job responsibilities. Any employee who fails to appear for duty at the date, time, and place as scheduled will be deemed to be absent without authorization.

### **Use of Sick Leave**

A request for leave from scheduled duty due to illness or injury will be made to the on-duty supervisor no less than two hours in advance of scheduled duty time. Incapacity due to sudden injury or illness or other emergency circumstances may be sufficient to allow departure from the two-hour limitation. Whenever possible, an employee should notify his/her supervisor well in advance of a request for leave to facilitate scheduling adjustments. KPOA or AFSCME labor agreements govern use and notification of sick leave.

### **Duty Responsibilities**

Employees of the Kent Police Department will protect and preserve life and property, maintain community order, and enhance the peace and safety of the community.

All employees will perform their duties as required by law, department policy, or by order of a supervisor. On-duty employees will respond to the concerns of citizens as promptly as possible depending on the prioritization of services and available staffing.

A high level of performance is expected from each employee. Performance is

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Kent PD	13.10
WASPC	13.1
Previous Kent PD Policy	13.1.1

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<b>#13.10</b>	<b>#13.1</b>	<b>Conditions of Work</b>

evaluated using the performance evaluation system outlined in Kent PD policy #12.10.

### **Outside Employment**

Outside agency employment is defined as employment outside the department that does not involve enforcement of laws or other police related activities.

The Kent Police Department recognizes that employees may choose to work outside the department. Restrictions to outside agency employment include:

- Employees may not work any place where it is known to them that illegal activities are conducted or any job which may be in conflict with their law enforcement duties.
- Employees may not work outside the agency to the extent that it affects their fitness for duty at the Kent Police Department.

The Chief of Police has advised that he does not need any notification of an employee's outside employment.

### **Reporting Requirements for Employee Convictions**

Convictions of certain offenses can restrict or prohibit an employee's capacity to perform their official duties. With that in mind, all employees are required to promptly notify the department of any past or current criminal convictions.

Washington State and Federal Laws prohibit individuals that are convicted of certain crimes or are a respondent in certain court orders from lawfully possessing a firearm. All employees (police officers) are responsible for guaranteeing that they are not prohibited from possessing a firearm by either conviction or by a court order against them. Any officer that has been convicted of a domestic violence crime or is a party in an order prohibiting possession of a firearm shall promptly report this to their supervisor.

All employees of this department will promptly notify their immediate supervisor of any past or current criminal conviction in writing. All employees will also notify their immediate supervisor in writing if they are a party in any type of court order involving an allegation of domestic violence. If an employee fails to notify their supervisor of any conviction or their involvement in a court order they will be

Effective:	5/9/14
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Kent PD	13.10
WASPC	13.1
Previous Kent PD Policy	13.1.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#13.10</b>	<b>#13.1</b>	<b>Conditions of Work</b>

subject to discipline. If an employee (police officer) has a conviction or is party to an order that restricts them from performing their duties they may be subject to discipline up to and including termination.

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Kent PD	13.10
WASPC	13.1
Previous Kent PD Policy	13.1.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#13.20</b>	<b>#13.2</b>	<b>Unlawful Harassment</b>

### **Purpose**

The Kent Police Department seeks to maintain a work environment free of sexual harassment and discrimination. To this end, the department strictly prohibits any form of harassment and/or discrimination.

### **Responsibilities**

Employees of the Kent Police Department support and follow the city's established policies and procedures: 2.03 – Harassment Free Workplace and 2.12 – Discrimination which provides guidelines for reporting unlawful or improper conduct.

### **Reporting**

Employees are encouraged to promptly report any discriminating or harassing conduct or known violations to a supervisor. Any employee who is not comfortable reporting violations of this policy to his or her supervisor may go outside of his or her chain of command and make the report to a higher ranking supervisor or manager. Complaints may also be filed with the Chief of Police or to Human Resources directly.

### **Whistle-Blowing**

Washington law protects employees who make good faith reports of improper government actions. Improper government actions include violations of Washington law, abuse of authority, gross waste of funds, and substantial and specific danger to the public health or safety (RCW 42.40.010 et seq.; RCW 49.60.210; RCW 42.41.01 et seq.).

Employees who believe they have been the subject of any retaliation for engaging in such protected behaviors should promptly report it to Human Resources.

### **Training**

All new employees of the Kent Police Department receive a copy of this policy along with the above referenced City of Kent policies at time of their new hire orientation.

Effective:	7/7/06
Revised:	1/15/19
Kent PD	13.20
WASPC	13.2
Previous Kent PD Policy	13.1.3

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#13.30</b>	<b>#13.3</b>	<b>Biased-Based Policing Prohibition</b>

The Kent Police Department does not condone the use of biased-based profiling as a law enforcement tool. Biased-based profiling is the selection of individuals based solely on a common trait, i.e., race, gender, sexual orientation, ethnic background, religion, economic status, age, or culture. The purpose of this policy is to govern biased-based profiling. At a minimum, KPD employees are expected to comply with the following provisions:

- Biased-based profiling in traffic contacts, field contacts, and in asset seizure and forfeiture efforts is prohibited.
- Enforcement personnel shall receive training in biased-based profiling issues which will include legal updates as needed.
- Any incidents of alleged biased-based profiling shall be reviewed by the appropriate division commander/or designee. All sustained violations of biased-based profiling may subject the employee(s) to disciplinary action, up to and including termination.
- In an effort to identify any incidents of biased-based profiling, the Patrol Division Assistant Chief shall conduct a documented annual review of its policies and of citizen complaints.

Effective:	1/25/07
Revised:	5/14/15
Kent PD	13.30
WASPC	13.3
Previous Kent PD Policy	1.2.9

Kent PD	WASPC	Title
#13.40	#13.4	Domestic Violence Investigations Involving Law Enforcement Employees

The purpose of this policy is to establish clear procedures, protocols, and actions for investigating, reporting, and responding to domestic violence incidents involving agency employees and law enforcement officers from other agencies.

### **Definitions**

**Domestic violence** incidents include two elements: first, a relationship between the perpetrator and the victim as defined in RCW 10.99.020 (3), and second, that a criminal act has occurred as defined in RCW 10.99.020(5).

**Domestic dispute** is an incident involving a relationship as defined in RCW 10.99.020(3) where there was no criminal action.

**Domestic violence specialist** refers to an individual with professional credentials in the dynamics of battering, advocacy, and victim safety. The specialist may be associated with the agency of jurisdiction, employing agency, or by partnership with another agency.

**Commissioned officer** means a general authority Washington peace officer as defined in RCW 10.93.020, any person appointed under RCW 35.21.333, or any person appointed or elected to carry out the duties under RCW 36.28.

**Employee** means any person currently employed with an agency.

### **Hiring Procedures**

Pre-hire Screening – The Kent Police Department shall conduct a thorough background investigation of all police applicants which will include a search for past or active domestic violence, child abuse, and child neglect incidents and any past or existing court orders relating to these types of incidents.

Conditional Offer of Employment – The Department requires a psychological assessment of all police officer candidates performed by a licensed psychologist or psychiatrist. This screening will include a focus on indicators of violent or abusive behaviors of the applicant.

Training – All employees receive training and a copy of this policy during

Effective:	5/10/05
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Kent PD	13.40
WASPC	13.4
Previous Kent PD Policy	13.1.11

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
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orientation. Commissioned employees receive Domestic Violence training at the Basic Academy and also receive periodic Domestic Violence updates through the in-service and briefing training processes. Employees may also participate in regional training activities with other police agencies.

### **Employee Responsibilities**

Any employee who is involved in a domestic violence incident or domestic dispute that results in a police response, or is being investigated for an allegation of child abuse or neglect, or is party to any domestic violence related court order, shall immediately self-report to the Command Duty Officer or an on-duty commissioned supervisor.

Any employee who becomes aware of a domestic violence incident committed by a department employee must immediately report that allegation to their supervisor.

Employees are encouraged to seek confidential assistance from the Employee Assistance Program (EAP) to prevent a domestic problem from escalating to the level of criminal conduct against a family or household member. Employees shall consider their supervisors as a resource to provide them with EAP information.

Employees who interfere with the investigation of domestic violence cases, involving themselves or other employees, will be subject to investigation, disciplinary action, and possible criminal charges.

### **Incident Response Protocols**

Notification of an incident of domestic violence involving any law enforcement officer requires:

- A prompt response
- Full investigation
- A complete written report
- Notification to the employing agency

All reports of domestic violence occurring in the city of Kent that implicate an employee of the Department shall be documented in a full case report. A copy of

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<b>#13.40</b>	<b>#13.4</b>	<b>Domestic Violence Investigations Involving Law Enforcement Employees</b>

this report shall be routed through the chain of command to the Chief of Police before the end of that duty shift. A copy of the report shall also be forwarded to the City of Kent Domestic Violence victim advocate.

In the event that the reported incident involves the Chief of Police, the Command Duty Officer shall notify the Mayor as soon as possible. In responding to domestic violence incidents where either party are commissioned employees, standard domestic violence response and investigative procedures will be followed. If probable cause and the primary aggressor are determined, an arrest will be made and all service weapons and credentials of the accused party will be confiscated.

### **Communications Response**

Communications personnel should handle incidents involving Kent Police employees as they would any other domestic violence call. If information exists identifying any party as a commissioned employee or law enforcement officer prior to the responding officer's arrival, this information should be forwarded to the responding unit and to the Patrol supervisor.

### **Patrol Response**

Upon arrival at the scene of a reported domestic violence call involving a police officer, the primary patrol unit shall immediately notify dispatch and request a supervisor be sent to the scene. Responding officers shall investigate the officer involved domestic violence incident the same as any other domestic violence investigation. Any incident of domestic violence by a Department employee requires prompt notification of the Command Duty officer and the Chief of Police.

### **On-Scene Supervisor Response**

A supervisor shall respond to the scene and assume command of all officer-involved domestic violence situations occurring within Kent city limits, regardless of the involved officer's jurisdiction. The supervisor shall ensure that the situation is handled following departmental policy.

In cases where probable cause exists to make an arrest, the on-scene supervisor shall ensure that a thorough investigation is made, and mandatory arrests of the

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primary aggressor are made. In discretionary arrest situations, the supervisor shall assist the investigating officer in determining if an arrest should be made. If the suspect has left the scene, the supervisor shall ensure that officers conduct a search for the suspect.

If a commissioned officer is arrested following a domestic violence incident, the on-duty Commander or Supervisor shall relieve the accused officer of his/her department issued weapon(s), ammunition, badge, and commission card. If the incident involves a commissioned officer from another agency, the on-duty Commander or Supervisor shall promptly contact a supervisor of the affected agency, advise them of the incident and assist with the seizure of agency property. Other weapons in the household may be removed at the request of the victim.

When a domestic violence incident involving a Department employee does not result in an arrest, the on-scene supervisor shall submit a written report to the Chief of Police, via chain of command, before the end of their duty shift.

### **Departmental Follow-up**

Arrest warrants charging police officers with domestic crimes or court order violations shall be served by no fewer than two officers, with at least one officer being a Supervisor.

Employees arrested or charged pursuant to a domestic violence incident will immediately be placed on administrative leave by a command level officer. Within five (5) business days, the Chief of Police shall review the facts and circumstances of the incident and make a determination whether the employee will:

- Continue administrative leave.
- Work in a limited duty capacity as defined by the Chief of Police.
- Return to full duty.

### **Victim Safety and Protection**

Employees shall keep all information concerning victims confidential. The on-scene supervisor shall inquire whether the victim wants any weapons removed from his/her home for safekeeping by the Department.

Effective:	5/10/05
Revised:	1/7/16
Kent PD	13.40
WASPC	13.4
Previous Kent PD Policy	13.1.11

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#13.40</b>	<b>#13.4</b>	<b>Domestic Violence Investigations Involving Law Enforcement Employees</b>

The Watch Commander, Command Duty Officer, or field supervisor shall provide victims of domestic violence by agency employees a copy of this policy and will provide an agency point of contact to update and answer questions of the victim throughout the investigative process. Consideration should be given to selecting a point of contact at least one rank higher than the perpetrator and ideally someone other than the investigator.

The department shall also provide victims of domestic violence by agency employees contact information about public and private nonprofit domestic violence specialists and information regarding confidentiality policies related to the victim's information.

All officers shall be aware of possible witness or victim intimidation and coercion. If an officer suspects this to be occurring, they shall prepare a written report before the end of their duty shift and deliver it to the Chief of Police via chain of command.

Department employees who are victims of domestic violence committed by another employee are encouraged to request assistance but are not subject to punitive measures for failing to report the abuse. Once aware that an employee is a victim of domestic violence, the department shall provide a point of contact, review safety concerns, and discuss domestic violence services with the victim employee.

### **Internal Investigation Protocol**

If any employee is a suspect in a domestic violence incident, an internal investigation will be conducted. This investigation is separate and distinct from any criminal investigation.

### **Ordering of Internal Investigation**

If a member of KPD is a suspect in a domestic violence incident, the Chief of Police or designee will order an internal investigation. The Chief may ask an outside agency to conduct the investigation.

The assigned investigator(s) shall conduct a thorough investigation. The completed investigation will be forwarded to the Chief of Police.

Effective:	5/10/05
Revised:	1/7/16
Kent PD	13.40
WASPC	13.4
Previous Kent PD Policy	13.1.11

Kent PD	WASPC	Title
#13.40	#13.4	Domestic Violence Investigations Involving Law Enforcement Employees

KPD employees shall observe all appropriate policies and procedures applicable to the internal investigation. The agency shall respect the rights of the accused employee under applicable collective bargaining agreements and case law.

### **Criminal Conviction**

Federal and state law prohibits individuals who have been convicted of misdemeanor domestic violence crimes from possessing a firearm and ammunition. (RCW 9.41.040)

Any police officer found guilty of domestic violence through any criminal court shall be prohibited from possessing a firearm and if still employed by the Department shall be terminated from employment.

This policy applies to past convictions for domestic violence, as well as existing and future offenses.

### **Deferred Prosecution**

Any employee subject to a "deferred prosecution" that does not yield an actual conviction is not statutorily prohibited from possessing firearms and ammunition. However, such employees are subject to discipline and/or termination.

### **Restraining Orders**

Restraining orders may remain in effect for years and can preclude a commissioned employee from possessing firearms or ammunition. Under these circumstances, the Chief of Police will revoke the commissioned employee's arrest powers and terminate them from employment.

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Revised:	1/7/16
Kent PD	13.40
WASPC	13.4
Previous Kent PD Policy	13.1.11

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#13.50</b>	<b>#13.5</b>	<b>Potential Impeachment Information</b>

This policy addresses potential impeachment disclosure information that may be in the possession of law enforcement agencies. It sets forth law enforcement duties and procedures regarding disclosure of information about law enforcement employee/officer witnesses pursuant to the Brady rule. It is intended to meet prosecutorial obligations and preserve the constitutional due process rights of defendants, while permitting efficient and effective law enforcement investigation and prosecution of criminal cases. This policy is intended to function in conjunction with established Brady policies/procedures applicable to prosecutors. Kent Police Department is familiar with the Brady policies of the prosecuting attorneys in Kent and King County.

### **The Brady Rule**

The prosecution must disclose to the defense evidence that is favorable to a defendant (*Brady vs. Maryland*, 373 US 83 (1963)). This duty to disclose such evidence is applicable even though there has been no request by the accused (*United States vs. Agurs*, 427 US 97, 107 (1976)). The rule encompasses material exculpatory evidence including impeachment evidence (*United States vs. Bagley*, 473 US 667, 676 (1985)). Evidence is material "if there is a reasonable probability that had the evidence been disclosed to the defense, the result of the proceeding would have been different", i.e. prejudice to the defendant must have occurred as a result (*Kyles vs. Whitley* 514 US 419, 433-434 (1995)). Suppression by the prosecution of material exculpatory evidence violates due process where the evidence is material either to guilt or to punishment irrespective of the good faith or bad faith of the prosecution. Thus, violations can occur whether the State willfully or inadvertently suppressed the evidence (*Strickler vs. Greene*, 527 US 263, 280-281 (1999)). In order to ensure compliance with these rules, the United States Supreme Court has urged the "careful prosecutor" to err on the side of disclosure (*Kyles vs. Whitley*, 514 US 419, 440 (1995)).

### **Definitions – Potential Impeachment Evidence**

**Recurring Government Witnesses** are those law enforcement employees/officers for whom it is reasonable to believe will or may be called to testify more than once or on a regular basis.

**Exculpatory Evidence** is evidence favorable to the defendant, material to the guilt, innocence, or punishment of the defendant, and impeachment evidence that

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may impact the credibility of a government witness, including a police officer. Exculpatory evidence must be disclosed.

**Impeachment Evidence** is evidence that might be used to impeach a witness is exculpatory evidence and must be disclosed to the defense by the prosecutor. Impeachment evidence is evidence that demonstrates that a witness is biased or prejudiced against a party, has some other motive to fabricate testimony, has a poor reputation for truthfulness or has past specific incidents that are probative of the witness' truthfulness or untruthfulness. Prior inconsistent statements are impeachment evidence. Impeachment evidence that is merely cumulative (i.e. Duplicative to evidence already provided or presented) or impeaches on a collateral issue need not be disclosed. Admissibility of impeachment evidence is determined on a case by case basis by the courts. Therefore even evidence that is likely to be inadmissible can still be considered potential impeachment evidence information, and thus be required to be submitted by the prosecutor.

Evidence is material only if there is a reasonable probability that had the evidence been disclosed to the defense, the result of the proceeding would have been different. A "reasonable probability" is established when the failure to disclose the evidence could reasonably be taken to put the whole case in such a different light as to undermine confidence in the verdict. Such evidence must have a specific, plausible connection to the case and must demonstrate more than minor inaccuracies. Evidence is material if it is facially apparent as exculpatory.

### **Law Enforcement Agency Duties**

Kent Police officers must collect and document exculpatory and impeachment information discovered pursuant to administrative and criminal investigations and provide the same to the prosecution. Law enforcement agencies with information that could impeach any non-law enforcement witness must provide that information to the prosecution as well.

### **Training**

All Kent Police employees are properly trained on the department's obligation to disclose potential impeachment information. An employee is defined as anyone employed by the agency who may be called to testify under oath.

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Kent Police shall investigate all complaints regarding officers in accordance with established policies. If an agreement, settlement, or other understanding is reached between Kent Police Department and an employee regarding a complaint, investigation, or response, Kent Police will consider the impact of the subject matter of the complaint, investigation, or response on the employee's ability serve as a witness in any criminal proceeding for any jurisdiction.

### **Law Enforcement Agency Response to Potential Impeachment Information Request**

Kent Police will review each internal investigation file to determine if any possible potential impeachment information exists on any employee who may be called as witnesses by prosecution. If such information is identified, Kent will submit the information to the prosecutor. The prosecution is under a continuing duty to disclose potential impeachment information and therefore agencies must also notify the prosecutor any time they become aware of new potential impeachment information.

If Kent Police receives a request from a prosecutor for possible potential impeachment information on an employee/officer, Kent shall comply with the request as soon as practicable and according to the procedures below:

### **Substantiated/Sustained Findings of Misconduct Related to Dishonesty**

Kent Police shall disclose to the prosecution as potential impeachment material information regarding any final determination by the Kent Police Chief of a substantiated or sustained finding related to an employee's/officer's dishonesty or untruthfulness, regardless of whether or not discipline was given. Kent will follow state retention schedules for sustained/unfounded findings and disciplinary processes.

### **Criminal Convictions**

Kent Police will disclose to the prosecution as potential impeachment material information regarding criminal convictions of an employee/officer related to dishonestly or untruthfulness if known.

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### **Unsubstantiated Finding**

There is no requirement that law enforcement provide prosecutors with information concerning unsubstantiated findings about an employee.

### **In-Lieu-of Actions/Agreements**

Actions/agreements such as resignation, demotion, retirement, or separation from service of an employee/officer in lieu of disciplinary action do not control whether information is potential impeachment information. The Chief of Police will consult with the Kent City Attorney's Office in making a determination if information not related to substantiated findings is potential impeachment information or in cases where he or she is uncertain regarding what action to take.

### **Current or Ongoing Investigations**

Pending criminal or administrative investigations are considered preliminary in nature, and the prosecution should be notified for their existence. Kent Police has an obligation to communicate confirmed or acknowledged Brady information which occurs during the course of a criminal or administrative investigation. The Chief of Police will consult with the City Attorney's Office in making a determination if information not related to substantiated findings is potential impeachment information or in cases where he or she is uncertain regarding what action to take.

### **Expert Witnesses**

Kent Police information regarding agency employee expert witnesses may be considered potential impeachment evidence. Any final agency determination of a substantiated or sustained finding related to an expert witness' unsatisfactory employment performance that comprises the expert's conclusions or ability to serve as an expert witness, regardless of whether or not discipline was given, must be turned over to the prosecution.

### **Other Potential Impeachment or Relevant Information**

The Chief of Police will consult with the City Attorney's office in making a determination if evidence not related to substantiated or sustained findings of dishonesty or untruthfulness is potential impeachment information. This may include evidence related to current or ongoing investigations, disciplinary actions,

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in-lieu-of actions, and employment agreements or when he or she is uncertain regarding what action to take. The City Attorney's office will assist in identifying cases regarding potential disclosure of other evidence that may be relevant in a case (such as excessive use of force findings in current cases with allegations of excessive use of force, findings of bias, etc.).

Allegations that are not sustained, not credible, without merit, false or have been determined to be unfounded are not potential impeachment information.

### **Notification to Subject Employee/Officer**

If potential impeachment information is found in Kent Police Department complaint or internal affairs investigation files, the Internal Affairs Commander shall notify the Chief of Police who will then notify the employee/officer who is the subject of the potential impeachment information. The employee/officer notification shall include the opportunity to review the information that has been presented to the prosecutor. The notification shall comply with all policies and procedures, collective bargaining agreements, and other regulations applicable to the agency and the employee/officer. If the possible potential impeachment information identifies any other individual who may have privacy rights to the information, Kent Police will notify that person of the provision of the information to the prosecutor and/or court.

### **Maintaining Records**

If the information is provided to the prosecutor and determined to be potential impeachment information, Kent will make note in the employee/officer personnel file that such information was subject to disclosure. In cases where a court determines that information must be disclosed to the prosecution and defense, Kent will also include documentation in the file that the information was subject to disclosure. A copy of the court order with the information will also be included in the file. If the court determines that the information should not be disclosed to the prosecution and defense, the agency should note in the file that the information was not subject to disclosure and include a copy of the court's finding in the file.

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<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#13.60</b>	<b>N/A</b>	<b>Take Home Vehicles</b>

Within the functions of the Kent Police Department, certain positions are authorized to use their department vehicle for commuting to and from work. These positions require personnel to be able to respond to work immediately and with minimal delay. Other positions are authorized the use of the vehicle for transportation of department equipment or responding to the scene of an incident.

The maximum allowable commuting distance is 35 miles. This distance will be calculated from the employee's residence to the city limits. The Chief must authorize any exceptions to the 35-mile rule.

Employees commuting in a city owned vehicle must notify the Chief's office, via the chain of command, when changing residences. This notification will include an updated mileage calculation.

All employees using city owned vehicles should exercise good judgment and discretion. If there is a questionable use of the vehicle, the employee shall discuss this usage with their supervisor prior to using the vehicle. All employees should be prepared to justify all vehicle usage.

### **Responsibilities as to Use/Non-Use of City Vehicles**

1. Remember that while in a city vehicle, you are a representative of the Kent Police Department and should act accordingly.
2. Assigned vehicles are designed to offer employees quick and efficient response capabilities for emergency response.
3. The Kent Police Department has complete authority over assignment and use of the vehicle.
4. Use during all work-related activities.
5. Use during normal shift assignments.
6. Use as transportation to and from the employee's residence.
7. Community functions for department purposes.
8. Any circumstances outlined in the current collective bargaining agreements.

### **Responsibilities of the Department**

1. Furnish assigned vehicles which are in good condition to meet the needs of the employees called in to handle emergency situations.

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2. Help and assist employees as to the exact circumstances and parameters of vehicle usage.
3. Ensure that those employees assigned to the vehicles are responsible for maintaining the vehicle appropriately and that the vehicle is inspected periodically.
4. Ensure that the vehicle usage follows all rules and regulations of the Kent Police Department and the City of Kent.
5. Ensure that those employees assigned vehicles understand that the vehicle and all contents are part of the tool kit assigned to officers and select employees of the Department and will always be City of Kent property.
6. The assigned vehicle program can be eliminated at the discretion of the City at any time.

The Commander in charge of fleet will administer the assigned vehicle fleet.

### **Responsibilities of Employees**

1. Use good care and safety while operating your assigned vehicle.
2. Vehicle should be maintained so that it is available for use by others at all times.
3. Make the vehicle and all city issued property available for inspections.
4. For the safety of the officers utilizing MDC's in their vehicles, the officer should turn off their MDC AVL at least a mile prior to reaching their residence. The officer should turn on their MDC a mile after leaving their residence which will then turn on their AVL. At all other times, the MDC AVL will be turned on.
5. Use the City shops fueling system unless there is an emergency.
6. If the commute takes you over toll bridges or toll lanes on the freeway, those fees are at the employee's expense.
7. Keep the vehicle clean on the inside and outside. Washing and cleaning of your work vehicle should be done on duty.
8. Incidental use of a vehicle congruent to your commute such as quick stops for sustenance items or the use of a fitness center will be allowed. If using a fitness center, department firearms will be properly secured in the vehicle or on your person and will not be secured in the gym lockers.

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9. Officers utilizing an assigned vehicle that do not report to the station at the beginning or end of their shift must be in their assigned sector, logged in and ready to respond to calls for service for the duration of their shift. Any deviation from this requirement must be approved by the officer's supervisor. All other requirements for completion of routine tasks prior to the end of shift such as evidence submission, completing reports etc. remain in effect.
10. Pool car assignment criteria and usage. Pool vehicles are subject to the operational needs of the Patrol Division.
  - a. Probationary officers and officers in need of a patrol vehicle while their assigned vehicle is in maintenance and/or repair will use vehicles assigned to a pool of designated patrol vehicles. The pool vehicles will be stored in the bull pen and the keys left in the designated location at the end of each use.
  - b. Pool assigned vehicles may be used by patrol officers off probation while their assigned vehicle is in for repair/maintenance as long as sufficient vehicles are available for probationary officers and others needing pool cars to perform patrol duties. Officers who desire a pool vehicle as an assigned vehicle will obtain permission from their supervisor and notify the administrative sergeant of the temporary assignment in writing. In the event an assigned vehicle, pool or otherwise, is not available the officer is responsible to make arrangements to obtain transportation to and from the workplace. These arrangements will not overlap with scheduled hours of work. The administrative sergeant, with the approval of a Patrol Commander, will make final determinations of pool vehicle usage in the event a conflict arises, to include denial of use of a pool vehicle as an assigned vehicle.
  - c. The traffic unit, SWAT and SOU will have dedicated pool vehicles and use outside of that unit must be approved by the respective supervisor of each unit.
  - d. The administrative sergeant is responsible for maintenance and oversight of the fleet of pool vehicles.
11. Enforcement actions
  - a. While operating the vehicle, Officers will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on duty.

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- b. In the event an officer takes enforcement action while in transit to or from the work place the time required to complete the action will be annexed to the officer's shift and not subject to a 3 hour minimum.
  - c. Officers should limit their enforcement actions to necessary contacts while in transit to and from the workplace and outside of city limits. These would include assisting blocking motorists, responding to requests for assistance from citizens and taking actions to stop subjects driving in an unsafe manner.
  - d. If any judicial process is initiated from these contacts the officer is responsible for submission of any documentation to the appropriate jurisdiction in a timely manner.
- 12. The employee is responsible for coordinating vehicle maintenance with the city shops. The employee will respond in a timely manner to requests from maintenance personnel and keep appointments made for service. In the event an appointment for maintenance or repair is missed the employee will notify their supervisor and the administrative sergeant in writing. If the vehicle has a factory recall it is the responsibility of the employee to get the vehicle to the correct dealer should fleet services not be able to. All weapons shall be removed from any vehicle left for maintenance.
- 13. Any damage to their assigned vehicle that occurs outside of assigned work hours must be promptly reported to the employee's supervisor. Employees will not make arrangements for repairs to damaged vehicles without approval from their supervisor and the city shops. Damage that is not the result of a collision, shall immediately be reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Shift Supervisor. An administrative review will be completed if there is evidence of abuse or misuse.
- 14. Vehicles are to be parked off-street at the employee's residence unless prior arrangements have been made with the Chief of Police or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence. If the employee does not have a secure safe within their residence for these items, the employee shall lock these items in their vehicle lock box.
- 15. Vehicles are to be secured at the employee's residence or the appropriate department facility, at the discretion of the Department when a member will be away (e.g. on vacation) for periods exceeding twelve (12) calendar

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- days. If the vehicle remains at the employee residence, the Department shall have access to the vehicle. If the employee is unable to provide access to the vehicle, it shall be parked at the Department.
16. When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.
17. Prohibited Practices
- Officers will not allow friends, family or any observer in an assigned vehicle without a proper ride along waiver form, or whose appearance and/or conduct would bring discredit to the Department.
  - There shall be no modifications, additions or deletions to the vehicle without prior written authorization by the administrative sergeant or Fleet Commander.
  - The placement of unauthorized stickers, license plate frames or advertisements on the interior or exterior of the vehicle is prohibited without prior written authorization by the Chief of Police.
  - Officers shall not use issued vehicles on secondary employment as part of that employment unless that employment is paid for through the City of Kent payroll.
  - The purchasing or drinking of alcoholic beverages while using an assigned vehicle is prohibited

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<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#13.70</b>	<b>N/A</b>	<b>Retired Officer Hand Gun Qualification</b>

Federal legislation authorizes retired police officers to carry a concealed weapon throughout the United States under the Law Enforcement Officer's Safety Act (LEOSA). The Kent Police Department supports this legislation and has developed a protocol for qualifying retirees under this program to be recognized and authorized by the Chief of Police. The Chief of Police or designee will review each retired officer's request for a LEOSA qualification on an individual basis.

Those retired Kent Police Department officers opting to carry a concealed weapon must pass an annual Washington State Criminal Justice Training Commission (CJTC) Retired Law Enforcement Officer Firearms Qualification. They will qualify with their own personal hand gun. The Kent Police Department will provide the ammunition for the qualification in only those calibers that it currently issues.

The Kent Police Department will provide the requesting retired police officers with a Department issued identification card. At the request of the retired officer, and upon successful completion of the Washington State CJTC Retired Law Enforcement Officer Firearms Qualification course, the department will issue a LEOSA certificate good for one year from the qualification date. Records of their qualifications will be maintained and kept by the department rangemaster and treated like active duty officers records. Retired officers living out of state can qualify with their local agency for LEOSA certification.

The Department may revoke these credentials if it is determined that the retired officer has become unsafe, is unable to maintain their passing qualification scores, and/or has developed a physical injury or mental affliction that has affected their judgment and/or ability to safely carry the weapon. A review of the influencing condition by the Chief of Police and/or designee shall be consistent with those used to determine disability retirements. If the retired officer is involved in a criminal act or is the respondent in any form of protection order or domestic violence arrest, the credentials shall be revoked and returned to the Kent Police Department.

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Kent PD	WASPC	Title
<u>#13.80</u>	<u>#13.1</u>	Employee Grooming and Appearance

### **Grooming and Appearance**

Uniforms: On-duty employees, for whom the department has provided uniforms, are expected to wear the uniforms during duty hours. The uniforms will consistently project a neat and clean appearance and may be worn in transit to and from duty or at an approved off duty assignment.

Civilian Attire: Employees of the department not working in uniformed positions are authorized to wear civilian clothing. Only clothing commonly accepted as business attire will generally be worn by employees in these positions. Employees in certain assignments or performing certain job functions may be granted exceptions to this by the division Assistant Chief.

Tattoos - The Department has instituted a policy regarding tattoos, body art, and branding in order to promote uniformity of appearance and professionalism. This policy pertains to all department personnel, sworn and non-sworn. Visible tattoos, body art, and/or brands on the hands, ears, head, face, or neck area are prohibited. Visible tattoos, body art, and/or brands that are obscene, sexually explicit, gang related, or can be perceived as inappropriate are prohibited from being exposed while the employee is on duty.

All tattoos deemed inappropriate and located in visible areas must be covered by clothing while on duty and representing the Kent Police Department. Cosmetic tattoos, such as eyeliner, eyebrows, and lips for female employees is an exception to this policy as long as they are natural in appearance. The Chief of Police reserves the right to determine the acceptability of tattoos and other body art for the purposes of this policy.

Grooming: Employees of the department are required to follow these standards for grooming:

### **Commissioned Officers/Corrections Officers**

Hair - Officers will wear their hair in a neatly groomed, clean, professional looking style.

Male Officers - Male officers will keep their hair cut so that it does not extend below collar length in the back, below the middle of the ear on the sides, or below the eyebrows in the front.

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<u>#13.80</u>	<u>#13.1</u>	Employee Grooming and Appearance

Sideburns - Sideburns will not extend downward below the lowest part of the earlobe. Sideburns will not exceed a width greater than one-and-one-half inches.

Facial Hair - Facial hair is to be neatly trimmed and consistent with the stipulations outlined below. Male employees may choose to have a moustache or goatee, but may not choose to wear facial hair that is a hybrid of both styles (commonly known as Vandyke's, or soul patches, or any other variation).

Moustaches - Moustaches may not be more than one half-inch in depth, may not extend laterally more than one half-inch beyond the corner of the mouth and may not extend over the upper lip.

Beards and Goatees- ~~Beards or goatees may not be worn by commissioned officers or corrections officers~~Goatees may not be more than one half inch in depth, may not extend more than one half inch beyond the corners of the mouth, and may not extend more than one half inch below the chin. The facial hair directly above the upper lip may not extend over the upper lip.

Beards-Beards may not be worn.

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If it is determined that ~~a mustache~~facial hair worn by an officer does not meet the above standard, the officer will be asked by a supervising officer or member of command staff to trim ~~the mustache~~the facial hair so that it is within standard. Officers who repeatedly fail to meet facial hair grooming standards may be directed by the Chief of Police or his designee to be clean shaven. The allowance of the goatees by employees may be eliminated at the discretion of the city at any time.

At the discretion of the Division Assistant Chief, ~~Sworn-sworn Personnel-personnel~~ working in a plain clothes capacity may be allowed to deviate from the aforementioned hair and facial hair grooming standards in an effort to support the effectiveness of their operations.

Female Officers - Hair length is at the discretion of the female officer. However, officers working in uniform are encouraged to wear hair that is longer than shoulder length in a secured manner. "Secured" means either up in a ponytail, braid or bun. If officers choose to wear their hair in this manner, no colorful or ornamental hair clips/clasps shall be used. Hair styles may not interfere with the wearing of the uniform hat or other form of headgear required for police personnel.

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Jewelry and Makeup - Jewelry and makeup will be worn at minimal levels and will adhere to standards of professional appearance and taste. The wearing of jewelry associated with facial and tongue piercings is prohibited while on duty.

**Non-Commissioned Personnel**

Hair - Non-commissioned personnel are generally not restricted in how their hair is worn except that it must be clean, trimmed, and suitable for the work environment.

Facial Hair - Beards, moustaches, and sideburns are permitted but must be kept clean and trimmed.

Jewelry and Makeup - Jewelry and makeup must be worn at levels consistent with professional appearance and taste. The wearing of jewelry associated with facial and tongue piercings is prohibited while on duty.

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<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#13.90</b>	<b>#13.1</b>	<b>Employee Use of Social Media</b>

### **Employee Speech, Expression, and Social Networking**

The Kent Police Department ("KPD") recognizes that the use of "social media" is prevalent and growing in this age of rapidly expanding technology. The term "social media," for the purposes of these guidelines, means communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, personal web site, social networking website or vehicle (such as Facebook, Twitter, and the like), or web-based bulletin board or a chat room.

Social media postings are often public and permanent space which can be viewed, printed, and forwarded by others at any time. Once posted, the employee loses the ability to control the distribution of the posting.

When employees post information regarding work or their employer using social media, a nexus could be created between the employee's off-duty conduct and their employment. Depending upon the content of the post, this may create the potential for discipline for unacceptable conduct even though it occurs off-duty. While KPD does not wish to unduly regulate/monitor its employees' off-duty use of social media, it does have a legitimate interest in prohibiting certain types of unacceptable conduct. KPD understands and appreciates that its needs must be balanced against its employees' constitutionally protected rights relating to freedom of speech and freedom of other forms of expression, as well as its employees' statutory right to engage in protected concerted activities.

With the foregoing in mind, KPD has drafted the following guidelines to assist its employees in gaining a clear understanding of KPD's expectations in regard to employees' off-duty use of social media. It is KPD's goal that, by establishing these guidelines, it can assist its employees in avoiding inappropriate social media use which could adversely affect their job performance, or the job performance of other KPD/City of Kent employees, and thus potentially subject the employee to disciplinary consequences.

By way of example, KPD views the types of conduct set forth below in regard to the off-duty use of social media as unprofessional and unacceptable:

- Purporting to speak on behalf of KPD without permission of the Chief of Police or his/her designee.
- Posting information which could contribute to a hostile work environment in violation of KPD's and/or the City of Kent's policies against unlawful

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discrimination/harassment on the basis of race, religion, gender, pregnancy, age, honorably discharged military or veteran status, national origin, citizenship status, mental or physical disability, sexual orientation, or any other category protected by applicable law.

- Posting information that violates another's right to privacy.
- Posting information that compromises KPD's ability to effectively investigate and enforce the law. By way of example, it would be inappropriate for a KPD employee to describe details of a criminal investigation when such description would compromise the investigation or compromise the investigation of future crimes.
- Posting information on social media when the posting itself constitutes a violation of KPD's Code of Conduct 13.10.

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<b>#14.10</b>	<b>#14.1</b>	<b>Complaints in General</b>

From time to time, the Kent Police Department receives complaints regarding the conduct of its officers and other police personnel. These complaints may be made by citizens, City employees, outside agency employees, and others. Complaints are considered by the Department whether they are received in person, by mail, by email, by phone, through the Citizen Feedback Form, or by other means, and irrespective of whether the complaining party is identified or anonymous. The Kent Police Department strives to maintain professionalism, accountability, and public trust. As such, the Department will review all complaints and will contact the complainant and inform him or her of the outcome of the complaint.

If the complaint is received from a citizen, a supervisor or command level officer will respond to the complaint and use a Supervisor Citizen Contact Summary form to document the complaint, how it was processed, and how it was concluded. Completed Supervisor Citizen Contact Summary forms are routed through the chain of command and up to the Assistant Chief.

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Kent PD	14.10
WASPC	14.1
Previous Kent PD Policy	14.1.1/14.2.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#14.20</b>	<b>#14.2</b>	<b>Types of Investigations and Procedures</b>

Investigations into employee conduct or performance may be initiated as a result of supervisor or command staff observation, complaints, information obtained through the Personnel Early Warning System, evidence of poor performance, or by other means. Whether an investigation is warranted, and the appropriate level of investigation, will be dictated by the type of issue presented.

Damage to Department vehicles will be subject to the process set forth in Policy 14.70, unless it is determined by the Chief that an Internal Affairs Investigation is appropriate.

### **Levels of Investigation**

There are three levels of investigation as described below. The level of investigation shall be determined by the seriousness of the alleged offense, as well as the complexity of the investigation required as such are known at the time the Initial Inquiry, Divisional Investigation or Internal Affairs Investigation is initiated. The level of investigation initiated shall be at the discretion of the employee's supervisor or command staff as indicated in this policy. It is recognized that at the time the investigation is initiated, facts may not be known to the supervisor or command staff, and thus, it is recognized that an investigation may start at one level, and later be transferred to another in accordance with this policy and as information is discovered.

**Initial Inquiry:** An Initial Inquiry may be conducted when the alleged conduct, as reasonably understood by the investigating officer, is less serious than that which would warrant a Divisional or Internal Affairs Investigation; are minor violations of policy or procedure that can be corrected by a supervisor through counseling or the lowest level of discipline; there is reasonable doubt as to the validity of the complaint; or it is obvious the alleged conduct would not constitute a violation of law or policy even if committed.

- An Initial Inquiry is generally conducted by the direct supervisor of the employee, but may be conducted by a command level officer; provided, in the case of an Initial Inquiry related to the conduct of an AFSCME employee, the direct supervisor, a command level officer, or the Kent Corrections commander or police support services manager may conduct the Initial Inquiry.
- During an Initial Inquiry, and for the purposes of obtaining a better understanding of the allegation(s), the person performing the Initial

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Kent PD	14.20
WASPC	14.2
Previous Kent PD Policy	14.1.4/14.2.1/14.2.2

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#14.20</b>	<b>#14.2</b>	<b>Types of Investigations and Procedures</b>

Inquiry may discuss with the employee who is the subject of the inquiry, either in person or in writing, the facts surrounding the complaint, but subject to the following conditions:

- The employee is first provided with an explanation of the allegations which is sufficient to reasonably apprise the employee of the relevant circumstances;
  - The employee's responses, if any, shall be voluntary;
  - The employee may terminate the discussion of the complaint at any time without penalty (meaning that the employee shall not be subject to discipline for insubordination, or otherwise, for terminating the discussion);
  - The employee shall have an opportunity to have a bargaining unit representative present if he/she desires; and
  - The person performing the initial inquiry shall immediately stop the discussion if it becomes reasonably apparent that the employee may be subject to discipline that exceeds a verbal reprimand.
- For objectively appropriate reasons, an Initial Inquiry may be transferred to a Divisional Investigation or Internal Affairs Investigation at which time further investigation, including a formal interview of the employee, may occur; provided, transfer shall not occur in the event a written decision on the Initial Inquiry has been issued to the employee who is the subject of the investigation.
  - No discipline exceeding a verbal reprimand may follow an Initial Inquiry unless a Divisional Investigation or an Internal Affairs Investigation is first conducted and allegations are sustained.
  - A direct supervisor or command level officer may issue discipline following an Initial Inquiry, subject to approval by an assistant chief; provided, in the case of an AFSCME employee, the direct supervisor, command level officer, or the Kent Corrections commander or police support services manager may issue discipline subject to approval by an assistant chief.
  - Initial Inquiry decisions may be documented on a Supervisor Citizen Contact Summary form and/or by other means as deemed appropriate.
  - An Initial Inquiry is not considered an "internal investigation" or an "investigation" for purposes of the Officers' Bill of Rights as set forth in the City's collective bargaining agreements with KPOA, or the

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Kent PD	14.20
WASPC	14.2
Previous Kent PD Policy	14.1.4/14.2.1/14.2.2

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#14.20</b>	<b>#14.2</b>	<b>Types of Investigations and Procedures</b>

Employee Rights as set forth in Appendix B to the City's collective bargaining agreement with AFSCME. (For purposes of this Policy, reference herein to "Bill of Rights" shall mean the foregoing collective bargaining agreement provisions).

**Divisional Investigation:** A Divisional Investigation is conducted to address issues or complaints related to misconduct, quality of service, or performance-related deficiencies that warrant more than an Initial Inquiry. Examples of issues addressed at the Divisional Investigation level include but are not limited to: a pattern of rudeness or inappropriate language; unresponsiveness to duties, deadlines or requests; inconsistent enforcement measures; or failure to comply with departmental policies, procedures or directives.

- A Divisional Investigation is generally conducted by a command level officer; provided, in the case of an investigation of an AFSCME employee, the Divisional Investigation may be conducted by a command level officer, or the Kent Corrections commander or police support services manager.
- An employee who is the subject of a Divisional Investigation shall be notified of the allegations against him/her at the time the Divisional Investigation is opened.
- An employee who is the subject of a Divisional Investigation shall be afforded the protections contained in the Bill of Rights.
- If the investigation will result in an inquiry into a new type of conduct factually distinct from the type of conduct which the employee was previously notified that he/she was being investigated for, the 24 hour interview notice requirement set forth in the Police Officers' Bill of Rights shall apply to an interview of the subject employee that occurs as a result of the inquiry into the new type of conduct. If it is unclear to the investigator whether the conduct is "factually distinct", the investigator shall err on the side of providing the additional notice described above to the employee who is the subject of the investigation.
- Discipline, up to and including a written reprimand, may follow a Divisional Investigation.
- An assistant chief or the Chief shall have the authority to issue discipline following a Divisional Investigation.

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Kent PD	14.20
WASPC	14.2
Previous Kent PD Policy	14.1.4/14.2.1/14.2.2



Kent PD	WASPC	Title
#14.20	#14.2	Types of Investigations and Procedures

- For objectively appropriate reasons, a Divisional Investigation may be transferred to an Internal Affairs Investigation; provided, transfer shall not occur in the event a written decision on the Divisional Investigation has been issued to the employee who is the subject of the investigation.
- At the conclusion of the Divisional Investigation, the following will be notified of the results of the investigation: the employee subject to the investigation, the employee's chain of command, and the complainant.
- In the event discipline is issued following a Divisional Investigation, and in addition to an official disciplinary document issued to the employee, a summary of the investigation and the discipline issued may be noted in the employee's performance evaluation; provided, in the event a grievance regarding the discipline is pending at the time the performance evaluation is conducted, the information may appear in the performance evaluation following the conclusion of the grievance.

**Internal Affairs Investigation:** An Internal Affairs Investigation is conducted when it is determined that the conduct, if proven, would constitute a serious violation of law, a serious violation of Department or City policy or procedure, or serious poor performance of the employee, or when it is determined, prior to the initiation of the investigation, that more than a written reprimand may be imposed if the allegations are sustained. Examples of the types of allegations handled at the Internal Affairs level include, but are not limited to: repeated and/or serious violations of department policy; repeated and/or serious instances of poor performance; biased-based policing; sexual harassment; credible reports of excessive force or inappropriate uses of force; untruthfulness; violations of the law or criminal activity; or neglect of duty.

- The Chief shall have the sole discretion to order an Internal Affairs Investigation. The Chief must approve the commencement of the Internal Affairs Investigation prior to the assignment of an Internal Affairs Investigation number.
- An Internal Affairs Investigation shall be conducted by either the Internal Affairs Commander, another command level officer, or an outside investigator selected at the sole discretion of the Chief. Sergeants shall not conduct Internal Affairs Investigations, nor shall

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Kent PD	14.20
WASPC	14.2
Previous Kent PD Policy	14.1.4/14.2.1/14.2.2

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#14.20</b>	<b>#14.2</b>	<b>Types of Investigations and Procedures</b>

the Kent Corrections commander or police support services manager in the case of an investigation of an AFSCME employee.

- An employee who is the subject of an Internal Affairs Investigation shall be afforded the protections contained in the Bill of Rights.
- An Internal Affairs Investigation shall be conducted as follows:
  - An internal Affairs Investigation shall be initiated by completion of the Internal Affairs Complaint form. The Internal Affairs Complaint form shall identify the type of conduct being investigated; provided, specific details of the conduct will not be known until the conclusion of the investigation. The Internal Affairs Complaint form shall be delivered to the employee who is the subject of the Internal Affairs Investigation. However, in the rare circumstance that notice to the employee who is the subject of the investigation could compromise evidence or place the employee or another at risk of physical harm or property damage, notice to the employee may be withheld; provided, that withholding notice pursuant to this subsection shall not relieve the Department from following the terms of the employee Bill of Rights.
  - The Internal Affairs Complaint form may be amended at any time during the course of the investigation and prior to the predisciplinary/Loudermill hearing. If the amendment adds a new type of conduct factually distinct from the type of conduct referred to in the previous Internal Affairs Complaint form, the 24 hour interview notice requirement set forth in the Police Officers' Bill of Rights shall apply to an interview of the subject employee that occurs as a result of the amendment. If it is unclear to the investigator whether the conduct is "factually distinct", the investigator shall err on the side of providing the additional notice described above to the employee who is the subject of the investigation.
  - The Department shall endeavor to complete Internal Affairs Investigations with due diligence. The Internal Affairs Investigation should be completed within 30 days of the assignment of the investigation to an investigator; provided, the time for completing the investigation may be extended by the investigator or Chief as the need arises.

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Kent PD	14.20
WASPC	14.2
Previous Kent PD Policy	14.1.4/14.2.1/14.2.2

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#14.20</b>	<b>#14.2</b>	<b>Types of Investigations and Procedures</b>

- The Chief shall have the authority to issue discipline following an Internal Affairs Investigation.
- At the conclusion of the Internal Affairs Investigation, the following will be notified of the results of the investigation: the employee subject to the investigation, the employee's chain of command, and the complainant. In the event discipline is issued following an Internal Affairs Investigation, and in addition to any official disciplinary document issued to the employee, a summary of the investigation and the discipline issued may be noted in the employee's performance evaluation; provided, in the event a grievance regarding the discipline is pending at the time the performance evaluation is conducted, the information may appear in the performance evaluation following the conclusion of the grievance.

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Kent PD	14.20
WASPC	14.2
Previous Kent PD Policy	14.1.4/14.2.1/14.2.2

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#14.30</b>	<b>#14.3</b>	<b>Dispositions of Investigations and Levels of Discipline</b>

### **Authority to Approve Disposition**

The disposition of an Initial Inquiry may be approved by any person in the subject employee's chain of command. The disposition of a Divisional Investigation may only be approved by an Assistant Chief or the Chief. The disposition of an Internal Affairs Investigation may only be approved by the Chief.

### **Dispositions**

The following dispositions may be issued as a result of an investigation into employee conduct:

- Unfounded: The complaint was falsely made, or the facts alleged did not occur.
- Exonerated: The facts alleged did occur, but the employee was justified and acted lawfully, properly, and within the bounds of accepted police conduct.
- Not Sustained: There is insufficient information to either prove or disprove the allegation.
- Sustained: The allegation is supported by substantial evidence.
- Other Misconduct Sustained: Misconduct was discovered during the investigation that was not known or alleged at the time of the original complaint (but for which the employee had been properly notified pursuant to the terms this Policy), and the allegation is supported by substantial evidence.
- Failure of Policy: The policy allegedly violated was unclear or outdated, and that fact played a significant role in the complaint or the conduct of the employee subject to the investigation.

### **Levels of Discipline**

Discipline may be imposed only in the event of a finding of sustained or other misconduct sustained. In either event, the following discipline may be imposed:

- Verbal Reprimand (also known as "Oral Reprimand" in the AFSCME collective bargaining agreement): A verbal Reprimand may be issued by any person in the employee's chain of command and is appropriate when the employee's misconduct is more serious than that which would warrant counseling, but not serious enough to warrant a written reprimand. A verbal reprimand shall be reduced to writing.
- Written Reprimand: A written reprimand may be issued by a command level officer subject to approval of the Chief, and is appropriate when misconduct

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Kent PD	14.30
WASPC	14.3
Previous Kent PD Policy	14.2.7

Kent PD	WASPC	Title
#14.30	#14.3	Dispositions of Investigations and Levels of Discipline

or poor performance is more serious than that which would warrant a verbal reprimand, or the misconduct is part of a pattern or repeated error.

- Suspension: A suspension may only be issued by the Chief and is appropriate when the misconduct is of a serious nature or is part of a pattern of misconduct or repeated error, and in either case, termination is not warranted.
- Demotion: A demotion may only be issued by the Chief and is appropriate when the misconduct is of a serious nature or part of a pattern of misconduct or repeated error, and the evidence supports a determination that the employee cannot effectively perform in his or her current role but can effectively perform in a lesser role in the Department.
- Termination: A termination may only be issued by the Chief and is appropriate when the misconduct or repeated error is of such a nature that the employee cannot effectively perform his or her duties, when there is evidence that the employee is unable or unwilling to correct his or her behavior, or when the misconduct is of such a serious nature that it would be detrimental for the Department or the public health, safety, or welfare to continue to employ the employee, or the employee is unable to perform his/her job duties.

The Department shall follow a progressive discipline model; provided, in appropriate circumstances, steps in the disciplinary process may be skipped due to the severity of the misconduct, or in instances of repeated errors/deficiencies where the employee has failed to correct the errors/deficiencies after being given a fair opportunity to do so.

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Kent PD	14.30
WASPC	14.3
Previous Kent PD Policy	14.2.7

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#14.40</b>	<b>#14.4</b>	<b>Predisciplinary/Loudermill Hearing – Appeals and Grievances</b>

### **Predisciplinary/Loudermill Hearing**

In the event a sustained finding may result in the imposition of a suspension, demotion, or termination, the Department shall, in accordance with Kent's Civil Service Rules and applicable law, provide and arrange for a predisciplinary/Loudermill hearing (hereinafter "Loudermill hearing") prior to the imposition of the suspension, demotion, or termination.

- The employee shall be provided, in writing, with a notice of the charges and an explanation of the Department's evidence, to include the investigation file. The foregoing shall be provided to the employee at least 14 calendar days in advance of the Loudermill hearing.
- The Department's explanation of evidence shall be sufficient to apprise the employee of the basis for the proposed action. This requirement, however, shall not be construed to limit the Department at a subsequent grievance or civil service hearing from presenting a more detailed and complete case, including the presentation of witnesses and documents not presented at the Loudermill hearing, unless otherwise prohibited by law/rule.
- At the Loudermill hearing, the employee will be given an opportunity to provide information and respond to the charges, orally and/or in writing, as to why the Department's proposed action should not be taken.
- The employee may have union representation present at the Loudermill hearing; provided, civil service employees may, in addition to union representation, have legal counsel present.
- If, after the Loudermill hearing, it is determined that a suspension, demotion, or termination will be issued, written notice of discipline shall be issued to the employee. The notice shall include the charges against the employee and a general statement of the evidence supporting the charges and the basis for the disciplinary decision.

Effective:	10/1/07
Revised:	11/3/16
Kent PD	14.40
WASPC	14.4
Previous Kent PD Policy	14.2.4

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#14.50</b>	<b>#14.5</b>	<b>Paid Administrative Leave</b>

### **Nature of Paid Administrative Leave**

An employee who is on paid administrative leave is paid his or her regular salary and benefits. The employee is not permitted to be present at work or perform work-related duties, unless authorized by the Chief or an Assistant Chief. Paid administrative leave is not discipline.

### **Paid Administrative Leave During Investigation**

Paid administrative leave may be ordered by the Chief or an Assistant Chief when an employee is subject to an Internal Affairs Investigation and the Chief or Assistant Chief determines that placing the employee on leave is a reasonable measure to preserve evidence, assist in or maintain the integrity of the investigative process, protect the welfare of the employee under investigation or others, protect the rights of the employee or others, protect City property, or preserve the reputation of the Department. Paid administrative leave may also be ordered if it is determined that the allegations being investigated, if proved true, could lead to termination.

### **Paid Administrative Leave at Other Times**

Paid administrative leave may be ordered by a first line supervisor or command level officer at any time, whether the employee is under investigation or not, when there is reason to believe the employee's physical or psychological fitness for duty is compromised. All orders that an employee be placed on paid administrative leave for this purpose shall be reviewed by the Chief, or in his or her absence an Assistant Chief, no later than the next business day (Monday through Friday, excluding holidays).

### **Restrictions While on Paid Administrative Leave**

The supervisor or command level officer placing the employee on paid administrative leave may confiscate the employee's duty weapon, badge, security card, entry keys, and any other department equipment, and may prohibit the employee from accessing computer databases, or entering City facilities or property not open to the general public without supervisory approval. While on administrative leave, the employee may be required to be available during his or her normal shift or during regular City business hours, and may be required to check-in with a supervisor on a daily basis during the foregoing times. Employees may not work overtime shifts while on paid administrative leave.

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Kent PD	14.50
WASPC	14.5
Previous Kent PD Policy	14.1.2/14.2.1/14.2.8/14.5

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#14.60</b>	<b>N/A</b>	<b>Counseling</b>

### **Counseling Process in General**

The counseling process is intended to communicate supervisor expectations, inform supervisor evaluations, assist with employee development, and address minor incidents of unsatisfactory performance and patterns of behavior. **The counseling process is not discipline**, though counseling and training may separately be ordered as part of the disciplinary process.

### **Communicate Supervisor Expectations**

Counseling may be conducted at the beginning of an employee's rotation with a new supervisor. The supervisor may advise the employee of his or her expectations, discuss an individual's strengths and weaknesses, and develop an employee's short-term and long-term goals. Expectations should be written and the employee should acknowledge receipt of the written expectations. Counseling may occur during the rotation as needed.

### **Address Minor Performance Concerns and Patterns of Behavior**

Counseling may be used to address minor performance concerns that do not warrant a discipline. Also, training may be required as a result of a counseling session. Counseling may occur without an investigation.

### **Inform Supervisor Evaluations**

Counseling sessions or training may be reduced to writing and may later be incorporated into performance evaluations. The documents relating to counseling sessions should be destroyed once they are incorporated into performance evaluations, and if not incorporated into the performance evaluation, destroyed after the completion of the performance evaluation. In the event counseling results following a disciplinary process, the records of the disciplinary process shall be retained in accordance with those processes.

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Kent PD	14.60
WASPC	N/A
Previous Kent PD Policy	14.2.8



<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#14.70</b>	<b>N/A</b>	<b>Vehicle Accidents – Investigation and Corrective Action</b>

The intent of this policy is to resolve, in a consistent and fair manner, issues surrounding vehicle collisions that constitute accidents. For the purpose of this policy, the term "vehicle" includes Department motor vehicles of all kinds, including but not limited to marked and unmarked cars, SUVs, trucks, vans, utility/evidence vehicles, motorcycles, and boats.

This policy shall apply when an employee is operating or responsible for a Department vehicle and he or she is involved in a collision that constitutes an accident. For the purposes of this policy, the term "accident" shall include a collision that occurs for any reason other than the use of the vehicle to intentionally collide with another object or person, and which results in injury or damage. This policy shall not apply to intentional vehicle collisions that constitute a use of force.

The Chief may determine that due to an extraordinary circumstance, an Internal Affairs Investigation will occur in order to investigate an accident, in which case, the terms of this vehicle accident policy shall not apply. Such "extraordinary circumstances" may include, by way of example and not by limitation, an accident involving a fatality or severe injury, or an allegation involving the operation of a vehicle in a negligent or reckless manner.

Except as otherwise provided, when an employee is operating or responsible for a Department vehicle and he/she is involved in an accident, the matter shall be processed as follows:

### **Reporting and Processing Responsibilities**

#### **Employee Responsibility**

- The employee shall immediately contact the on-duty supervisor if physically able to do so.
- The employee shall complete a yellow "Injury/Incident Report" form and deliver it to his/her supervisor
- If the employee is injured, the employee shall complete an on-line injury form and SIF-2 and shall submit them electronically to the Human Resources Department with a cc to his/her chain of command if he/she is physically able to do so.

#### **Supervisor Responsibility**

- The supervisor shall investigate the vehicle accident or delegate the investigation to a traffic officer. The investigation shall be documented in Tiburon if the damage is below the damage threshold (with diagram if necessary), or by way of a state accident form in Sector if the damage is over the damage threshold.

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Kent PD	14.70
WASPC	N/A
Previous Kent PD Policy	N/A

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#14.70	N/A	<b>Vehicle Accidents – Investigation and Corrective Action</b>

- The supervisor shall ensure the employee completes all required forms. The Supervisor shall complete the supervisor portion of the yellow Injury/Incident Report form. If the employee is injured, the supervisor shall ensure that the employee receives a claim number and injury packet.
- The supervisor shall route all reports and forms to the commander

#### Commander Responsibility

- The commander shall review the documentation related to the accident, and shall conduct any further appropriate investigation. The investigation may, at the discretion of the commander, include an interview of the employee subject to the investigation. The employee shall have the right to a union representative at any such interview. In the event an interview is performed and the employee may receive discipline of more than a written reprimand, the Bill of Rights set forth in the City's collective bargaining agreements with KPOA, or the Employee Rights as set forth in Appendix B to the City's collective bargaining agreement with AFSCME, will apply.
- The commander shall make a preliminary determination regarding whether the accident was preventable or not preventable.
- The commander shall review the employee's accident history
- The commander shall prepare a document setting forth preliminary findings and if discipline is appropriate, shall deliver it to the Assistant Chief or Chief for review.
- Upon review and approval by the Assistant Chief or Chief, the commander shall issue written findings and discipline to the employee

#### Assistant Chief and Chief Responsibility

The Assistant Chief shall review all investigations into collisions or damage and shall approve discipline before it is issued; provided, a suspension, demotion, or termination shall first be approved by the Chief. The Assistant Chief or the Chief, as the case may be, may require additional investigation prior to the issuance of findings and discipline to the employee.

#### Findings and Discipline

Upon conclusion of the investigation, the commander shall prepare written findings and discipline (if appropriate) that contains a classification of the accident as either preventable or not preventable. The written findings shall contain an explanation of the facts upon which the commander based his or her disciplinary decision.

If the discipline is a written reprimand or lower, the written findings and discipline shall be final, and the matter shall be closed upon issuance; provided, however, the discipline may be grieved pursuant to the terms of the applicable Collective

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Kent PD	14.70
WASPC	N/A
Previous Kent PD Policy	N/A

Kent PD	WASPC	Title
#14.70	N/A	Vehicle Accidents – Investigation and Corrective Action

Bargaining Agreement. If the discipline is a suspension, demotion, or termination, the written findings and discipline shall be preliminary, and subject to the predisciplinary process set forth below.

### **Discipline**

Vehicle accidents shall be categorized as not preventable or preventable.

Accident - Not Preventable: There shall be no discipline if the accident is determined to be not preventable.

Accident - Preventable Resulting in Minor Injuries or Damage: In the event the accident was preventable in which minor injuries or damage results, the following schedule of sanctions shall apply:

- First preventable accident in two year period = Counseling (not discipline)
- Second preventable accident in two year period = Verbal Reprimand/Oral reprimand
- Third preventable accident in two year period = Written Reprimand
- In excess of three preventable accidents in a five year period = Discipline up to termination

At the discretion of command staff, training may be required in addition to any of the above sanctions.

The periods referenced above shall be measured on a rolling basis with the date of the collision under review constituting the last day in the period.

Accident - Preventable Resulting in Major Damage or Major Injuries: In the event the preventable accident resulted in major damage or injuries, or the employee was driving in an extremely negligent manner or recklessly, the Department may skip one or more of the above levels of sanctions.

### **Predisciplinary Hearing**

In the event discipline of a suspension, demotion, or termination is proposed in preliminary findings and discipline, the Department shall, in accordance with Kent's Civil Service Rules and applicable law, provide and arrange for a predisciplinary/Loudermill hearing (hereinafter "Loudermill hearing") prior to the imposition of the final findings and discipline.

- The employee shall be provided, in writing, with a notice of the charges and an explanation of the Department's evidence in the form of the preliminary

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Kent PD	14.70
WASPC	N/A
Previous Kent PD Policy	N/A

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#14.70</b>	<b>N/A</b>	<b>Vehicle Accidents – Investigation and Corrective Action</b>

findings and discipline, as well as the investigation file. The foregoing shall be provided to the employee at least 14 calendar days in advance of the Loudermill hearing.

- The Department's explanation of evidence shall be sufficient to apprise the employee of the basis for the proposed action. This requirement, however, shall not be construed to limit the Department at subsequent grievance or civil service hearing from presenting a more detailed and complete case, including the presentation of witnesses and documents not presented at the Loudermill hearing, unless otherwise prohibited by law/rule.
- At the Loudermill hearing, the employee will be given an opportunity to provide information and respond to the charges, orally and/or in writing, as to why the Department's proposed findings and discipline should not be finalized.
- The employee may have union representation present at the Loudermill hearing; provided, civil service employees may, in addition to union representation, have legal counsel present.
- If, after the hearing, it is determined that a suspension, demotion, or termination will be issued, final written findings and discipline shall be issued to the employee. The notice shall include the charges against the employee, a general statement of the evidence supporting the charges, and the basis for disciplinary decision.

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Kent PD	14.70
WASPC	N/A
Previous Kent PD Policy	N/A

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#14.80</b>	<b>#14.5</b>	<b>Investigative Records Retention</b>

### **Records Retention - IA Investigative Files**

Except as required by state law, IA investigative files will be considered confidential records of alleged misconduct. These records are managed and secured as a function of the IA Commander. All materials are secured in file cabinets which are key-locked. The IA file cabinets are secured in offices or storage rooms which are locked at all times.

The IA file records are not part of the employee's personnel records or centralized records system. All IA files, irrespective of the finding or resolution, shall be retained by the IA Commander as follows:

1. The entire IA file, except electronically recorded statements, will be retained for six (6) years from the date the Chief makes his or her official finding regarding the IA investigation, or if no official finding is made, six (6) years from the date the IA investigation is closed, or such longer time as state records retention schedules may require. Once an official finding is made, or the IA investigation is closed, or any employee grievance period has passed, whichever date is later, any electronically recorded statement that has been reduced to a written transcript may be destroyed. The written transcript will then be retained in accordance with this policy.
2. If the official finding results in discipline, a copy of the Chief's decision document and the investigative summary report will be maintained in the subject employee's personnel file for the minimum time period required by the applicable state records retention schedule, as may be extended by any applicable collective bargaining agreement or city policy provision.
3. After the retention period identified in subsection 1 above has passed, the IA investigation file may be destroyed or archived as required by the state records retention schedules, except for the following documents that will be retained by the IA Commander permanently:
  - a. The IA Commander's investigative summary report(s);
  - b. The Chief's pre-disciplinary letter (if any);
  - c. Any response document to the pre-disciplinary letter received from the subject employee;
  - d. The Chief's letter memorializing his or her official decision regarding the IA investigation; and
  - e. Any settlement document with the subject employee.

Effective:	5/12/15
Revised:	2/27/17
Kent PD	14.80
WASPC	14.5
Previous Kent PD Policy	14.1.2/14.2.1/14.2.8/14.5

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#14.80</b>	<b>#14.5</b>	<b>Investigative Records Retention</b>

### **Annual Report to Chief – IA Investigations**

The IA Commander compiles an annual statistical summary of all IA complaints received within the Kent Police Department. The information, including the type of complaint, number of employees involved, and how the complaint was resolved, is forwarded to the Chief for review. The report includes all IA complaints received and investigated as a formal complaint by the IA Commander or other designated command staff officer.

In the annual report, the number of internal affairs complaints is noted, with the final determination/finding, and made available to the employees of the department and the general public.

Effective:	5/12/15
Revised:	2/27/17
Kent PD	14.80
WASPC	14.5
Previous Kent PD Policy	14.1.2/14.2.1/14.2.8/14.5

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#15.10</b>	<b>#15.1</b>	<b>Patrol Coverage</b>

The Kent Police Department maintains patrol coverage 24 hours a day, seven days a week by sworn employees who have completed Basic Training per the Washington State Criminal Justice Training Commission. The patrol division's shift hours of work are:

Days: 0600-1600.

Days – Power: 0800-1800.

Early Swings: 1030-2030.

Late Swings: 1500-0100.

Swings – Power: 1800-0400.

Graves: 2000-0600.

Each shift has two squads. Patrol command assigns officers to each squad.

Patrol sergeants assign officers to beats/service areas.

Officers bid for shifts twice annually. The right to bid shifts does not apply to probationary officers.

Effective:	10/23/95
Revised:	12/29/15
Kent PD	15.10
WASPC	15.1
Previous Kent PD Policy	21.1.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#15.20</b>	<b>#15.2</b>	<b>Emergency and Non-Emergent Responses</b>

Response to calls can be broken into two main categories: calls for service, and officer requests for assistance. The type of response to calls and requests for assistance varies depending on the seriousness of the situation.

### **Calls for Service**

Calls for service are broken down into three basic types: non-emergency, urgent, and emergency.

- A. A non-emergency call is one that is not affected by officer response time. Examples include: report calls of prior incidents (burglary, theft, etc.), suspicious subject or circumstance calls, non-injury/non-blocking accidents.
- B. An urgent call is a more serious call where the safety of the public or apprehension of a suspect is affected by police response time. Officers may need to exceed the posted speed limit when responding to these calls. Officers are required to maintain safe vehicle operations and at a minimum, use overhead emergency lights. Use of the siren is optional, but recommended when clearing intersections. Examples of urgent calls are: robberies or burglaries just occurred.
- C. An emergency call is where a person's life is in danger. Responding officers have their lights and siren on constantly. The officer may exceed the posted speed limit, but must operate the vehicle within the officer's and vehicle's capabilities. Examples are: An officer's request for a "code 3," violent crimes against persons in progress, or life threatening vehicle accidents. Police pursuits also are considered emergency calls.

### **Responsibilities of On-Duty Driving**

When officers are not responding to calls, they are expected to drive in a safe manner and operate the vehicle in compliance with the R.C.W.'s.

Nothing in this section is meant to reduce officer's responsibilities as outlined in RCW 46.61.035 "Authorized Emergency Vehicles."

Effective:	10/23/95
Revised:	11/30/15
Kent PD	15.20
WASPC	15.2
Previous Kent PD Policy	21.2.1



<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#15.20</b>	<b>#15.2</b>	<b>Emergency and Non-Emergent Responses</b>

### **Officers Request for Assistance**

Officers make requests for assistance over the radio using one of four codes, depending on the need for priority backup.

- A. Code 4 - means officer is okay and does not need backup.
- B. Code 1 - the officer requests one additional officer, but a priority response is not needed.
- C. Code 2 - the officer needs two additional officers and an expedited response. Based on circumstances, the responding officers may use their lights and siren.
- D. Code 3 - the officer is in serious trouble and needs multiple officers to assist. Officers respond immediately with lights and siren.

### **Responsibilities During Emergency Response**

- A. Responsibility of the responding officers:
  - 1. Drive their police vehicle and use emergency equipment as outlined above.
  - 2. Advise Valley Communications and other officers, via radio, when they are responding to an emergency call.
  - 3. Slow or discontinue their response when an adequate number of closer units are en route.
- B. Responsibility of the shift sergeant:
  - 1. Determine the nature of the response.
  - 2. Limit the number of units responding.
  - 3. Monitor the information to determine the continuing need for an emergency response.

Effective:	10/23/95
Revised:	11/30/15
Kent PD	15.20
WASPC	15.2
Previous Kent PD Policy	21.2.1

Kent PD	WASPC	Title
#15.20	#15.2	Emergency and Non-Emergent Responses

C. Responsibility of the Dispatcher:

1. Confirm that the sergeant heard the emergency call.
2. Advise the sergeant and others how many units are responding.
3. Keep the reporting party on the line (if appropriate) to determine the continued need for an emergency response.
4. Advise officers of known hazards that dispatch is aware of.

**Opticom System Safety Statement**

The Opticom System will be used to assist officers while operating a fully marked police vehicle in safely negotiating through intersections. The use of the Opticom will only be used during emergency operations in accordance with RCW 46.61.035 and with Kent Police policy.

If fire department apparatus and a police vehicle are approaching an intersection at the same time and are responding to the same incident, the police officer will allow the fire vehicle to proceed through the intersection first. The police officer will turn off their Opticom device.

The use of the Opticom System does not release the officer of the responsibility for the safe operation of his/her police vehicle with due regard for the safety of all persons. Police officers will first successfully complete training prior to being allowed to use the Opticom System.

Effective:	10/23/95
Revised:	11/30/15
Kent PD	15.20
WASPC	15.2
Previous Kent PD Policy	21.2.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#15.30</b>	<b>#15.3</b>	<b>2-Way Radio Communications</b>

Valley Communications uses an 800 MHz system that provides constant two-way radio communication capabilities to all on-duty officers at all times.

It is Valley Communication's responsibility to maintain its radio system to provide satisfactory radio transmissions between the Communications Center and officers on duty. The Kent Police Department is responsible for the ordering and maintenance of mobile and portable radios. Equipment is maintained by contracting with a licensed radio service shop.

Effective:	10/23/95
Revised:	4/23/15
Kent PD	15.30
WASPC	15.3
Previous Kent PD Policy	39.2.3

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#15.40</b>	<b>#15.3</b>	<b>Authorized Emergency Equipment</b>

Officers may choose to or be required to use vehicle emergency equipment depending on the type of call or request for assistance they are responding to. When responding to calls or requests for assistance officers will follow these guidelines:

- A. Slow to a reasonable speed or stop before proceeding through intersections.
- B. Proceed through red lights with at least emergency lights activated and use audible signal when appropriate.
- C. Never pass on the right when emergency equipment is activated.
- D. Remember it is the officer's responsibility to drive with due regard for all persons.

Effective:	10/23/96
Revised:	11/30/15
Kent PD	15.40
WASPC	15.3
Previous Kent PD Policy	21.2.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#15.50</b>	<b>#15.4</b>	<b>Motor Vehicle Pursuits</b>

### **Vehicle Pursuit Defined**

A vehicle pursuit is the use of a marked police vehicle, operated by a commissioned police officer in department uniform, with the intent to stop a suspect who is intentionally trying to elude and/or evade the pursuing officer.

### **The Decision to Pursue/Evaluating the Circumstances**

There are many factors to be considered before deciding to pursue a suspect. Each situation is unique. The policy of this department is to apprehend violators of the law, but that policy is balanced against a greater concern for the safety of the public and the employee. This may result in traffic violators or criminal suspects avoiding apprehension. Following this philosophy, officers are encouraged and supported to end the pursuits as soon as possible whether through forcible stopping, suspect error, or termination.

A police officer will not be criticized in any way for a decision to not initiate or discontinue a pursuit. Officers shall not initiate or engage in a pursuit while they have arrestees in their vehicle. Officers shall exercise their discretion before participating in a pursuit if they have a civilian rider, (i.e. family member, citizen academy member, employee applicant, etc.).

Officers must consider these factors before deciding whether or not to pursue:

1. The nature and seriousness of the initial offense.
2. The reason the suspect is fleeing, if known.
3. Whether there is a need for immediate apprehension, whether the suspect can be identified, the potential for apprehension of the suspect at a later time, and the danger to the officer and the public if the defendant is not apprehended immediately.
4. Other important considerations include: Traffic and pedestrian volume, roadway and weather conditions, familiarity with geography, the speed of the pursuit, the time of day, and the ability of other motorists and pedestrians to hear and see police emergency equipment.

Effective:	10/23/96
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Kent PD	15.50
WASPC	15.4
Previous Kent PD Policy	21.2.2

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#15.50</b>	<b>#15.4</b>	<b>Motor Vehicle Pursuits</b>

### **Responsibilities of Officer Initiating a Pursuit (Primary Unit)**

1. Pursuits shall only be initiated by officers who are in uniform and who are operating a police vehicle that is equipped with functioning visual signals (lights) and audible signals (siren). Patrol cars without external light bars may initiate the pursuit but must request a vehicle equipped with an external light bar, to assist and assume primary responsibility. Police motorcycles shall not initiate or become involved in pursuits.
2. The primary unit shall comply with RCW 46.61.035 "Authorized Emergency Vehicles."
3. The primary unit shall immediately notify Valley Communications of the circumstances of the pursuit. Provide at a minimum: Vehicle description, speed, direction of travel, and reason for the pursuit.
4. The primary unit shall provide updated information to Valley Communications regularly as the circumstances reasonably permit, provided that this duty may be assumed by secondary units who join the pursuit.
5. The primary unit shall complete a case report documenting the pursuit and a pursuit form.

### **Responsibility of Secondary Units**

1. Secondary units joining in the pursuit will notify Valley Communications immediately or as soon as reasonable.
2. The second unit's primary responsibility is to assist the primary unit by assuming the duty of communications during the pursuit and allowing the primary unit to concentrate on their driving.
3. The secondary units shall comply with RCW 46.61.035 "Authorized Emergency Vehicles."

Effective:	10/23/96
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Kent PD	15.50
WASPC	15.4
Previous Kent PD Policy	21.2.2

Kent PD	WASPC	Title
#15.50	#15.4	Motor Vehicle Pursuits

4. A pursuit ordinarily will involve no more than three units. Other units shall follow at a safe distance and shall comply with RCW 46.61.035 "Authorized Emergency Vehicles."

### **Responsibility of Valley Comm**

1. On notification of a pursuit announce that the air is restricted.
2. Rebroadcast initial communications from the pursuing officer.
3. Confirm the supervisor knows of the pursuit. Supervisor may suspend rebroadcasts by the dispatchers to minimize communications interference.
4. Advise officers of known hazards affecting involved or responding units.
5. Notify surrounding agencies of the pursuit and/or requests for assistance.

### **Responsibility of Supervisors**

1. State over the radio that he or she is monitoring the pursuit.
2. Direct the number of units to be involved in the pursuit.
3. Decide whether to let the pursuit continue or direct its termination.
4. Authorize the use of forcible stops.
5. Respond to the pursuit termination point, if at all possible, to provide guidance and supervision.
6. Assure that case reports, pursuit form, and pursuit critique are forwarded to the division commander.

### **Mandatory Pursuit Termination**

Vehicle Pursuits will be terminated when:

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Kent PD	15.50
WASPC	15.4
Previous Kent PD Policy	21.2.2

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#15.50</b>	<b>#15.4</b>	<b>Motor Vehicle Pursuits</b>

1. Directed by a supervisor or commanding officer.
2. The suspect is identified, immediate custody is not necessary to protect officers or the public, and apprehension at a later time is reasonably certain.
3. The danger of continuing the pursuit outweighs the immediate necessity of arresting the suspect.
4. Pursuing officer loses contact with the eluding vehicle.
5. Speed of the pursuit is beyond the driving skill of the officer.
6. Pursuing officers are unfamiliar with local geography or radio communication cannot be maintained.

When officers terminate a pursuit, they will pull to the side of the roadway, slow their vehicle, and de-activate their emergency equipment. They will announce by radio their location and that they have terminated their involvement. Terminated pursuits will be documented by case report, pursuit form, and pursuit critique form.

### **Pursuits That May Leave Kent Jurisdiction**

For Kent Police Department pursuits that leave the city and go into another jurisdiction, officers should:

1. Have dispatch notify the outside agency sergeant and the Kent sergeant that the pursuit may be leaving the city before it occurs.
2. Consider having a unit from the other jurisdiction take over the pursuit if they are in a position to do so.
3. If there are no units available from the other jurisdiction, the officer should again consider the need to continue the pursuit due to unfamiliarity of the geography.
4. If a unit from the other jurisdiction is able to take over the pursuit, no more than two Kent (including K9) units shall remain in the pursuit. Other Kent

Effective:	10/23/96
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Kent PD	15.50
WASPC	15.4
Previous Kent PD Policy	21.2.2



<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#15.50</b>	<b>#15.4</b>	<b>Motor Vehicle Pursuits</b>

units in the area should consider setting spikes in key locations within the outside agency jurisdiction.

### **After Action Reports/Pursuit Critique**

All pursuits are to be documented by case report and pursuit form by the end of their duty shift. These reports are submitted to the shift supervisor for approval and critique. The patrol commander or designee is responsible for holding an after action critique for all vehicle pursuits.

The patrol Assistant Chief is responsible for storing the pursuit reports and the Support Services Commander will compile an annual statistical analysis, which is forwarded to the Chief or designee for review.

Effective:	10/23/96
Revised:	11/30/15
Kent PD	15.50
WASPC	15.4
Previous Kent PD Policy	21.2.2

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#15.60</b>	<b>#15.5</b>	<b>Investigating Vehicle Crashes</b>

The first officer arriving at the scene of a collision on public or private property has three primary responsibilities. They include:

- A. **Check for Injuries:** Provide immediate first aid to those injured in the collision. Call for the fire department or Medics as needed.
- B. **Clear the Roadway:** If damage to vehicles is so extensive they cannot be moved, or the investigation requires the vehicles be left on the roadway, establish a safe traffic pattern around the collision. This action protects the scene, those involved in the collision, and the other motorists. Call for further assistance and tow trucks if necessary. If an entire roadway is blocked, instruct other officers how you want traffic rerouted. Contact the street supervisor who can call the Washington State Patrol and issue a traffic alert. Be particularly aware of any fire hazards such as gasoline before using flares to redirect traffic.

If the roadway can be cleared, have the vehicles moved to the shoulder or a parking lot as quickly as possible. This minimizes danger to other motorists.

- C. **Begin to Investigate:** Identify drivers and vehicle occupants. Interview them to determine how the collision occurred. Check the road and vehicles for possible evidence. Gather any evidence that may be lost quickly.

The first officer on the scene assumes command of that scene. This officer remains in charge until a street supervisor or traffic officer arrives. When a traffic officer arrives, they assume command of the scene and conduct the investigation. Serious injury and fatality collisions usually require call out of the collision investigation team, including the traffic supervisor. If on scene, the traffic investigator or supervisor has command of the scene.

If the collision involves a train or bus or is on the property owned by either, then the investigating officer should have dispatch notify the appropriate agency.

### **Hazardous Materials**

Any officer at a collision scene should look for hazardous materials. If a collision involves a vehicle containing hazardous materials or a hazardous material spill occurs, immediately notify the fire department. Fire fighters are responsible for

Effective:	10/23/96
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Kent PD	15.60
WASPC	15.5
Previous Kent PD Policy	22.2.1/22.2.2/22.2.3/22.2.4/22.2.5

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#15.60</b>	<b>#15.5</b>	<b>Investigating Vehicle Crashes</b>

cleanup of materials such as gasoline, oil, battery acid, and anti-freeze. If officers find a spill of toxic material, they are responsible to isolate and evacuate the area and call the fire department Haz-Mat team. Every patrol and traffic car contains a hazardous materials guide. Officers use these guides to appropriately handle these spills.

### **Collecting Information**

Officers investigating collisions collect evidence according to the severity of the collisions. Evidence collection consists of but is not limited to:

- A. **Interviews**: Officers in charge of an investigation shall interview drivers and witnesses. The officer obtains identifying information from each person and as much detail as possible about the collision. This information is recorded in field notes, collision reports, and captured in e-reporting (SECTOR).
- B. **Vehicle Damage**: The investigating officer shall thoroughly examine each vehicle involved in the collision. The officer will enter damage information on the collision report form.
- C. **Roadway Damage**: The investigating officer shall examine the roadway looking for damage to the surface, signs, signals, or other equipment. The officer will determine if damage was there before or was caused by the collision.
- D. **Measurements**: In serious collisions or other collisions where there is significant physical evidence, the officer may measure the collision scene for later reconstruction. Measurements include: position of the vehicles, bodies, debris, or any significant item of evidence. The officer also measures and records the dimensions of the roadway and intersections if applicable. City engineers may be utilized for this purpose. Investigating officers should also take measurements if, in their opinion, the collision may result in city liability.
- E. **Photographs**: Photographs of the collision may be taken. Photographs should record the same things outlined in the measurement section.

Effective:	10/23/96
Revised:	1/7/16
Kent PD	15.60
WASPC	15.5
Previous Kent PD Policy	22.2.1/22.2.2/22.2.3/22.2.4/22.2.5

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#15.60</b>	<b>#15.5</b>	<b>Investigating Vehicle Crashes</b>

### **Property Control**

The officer at the scene of a collision will ensure that property belonging to the collision victims is protected from theft and is removed to a place of safekeeping if the owner is unable to care for it. All property removed from vehicles is noted on the vehicle impound form if appropriate and is entered into the evidence room if a suitable person cannot be located to take custody of the property. The officer determines whether or not items are of such value that safekeeping is necessary. If the vehicle is impounded, the officer advises the tow truck operator if there is any property left in the vehicle. The officer conducts an inventory of property removed from and left in the vehicle. This inventory is part of the vehicle.

### **Follow-Up Investigation**

Certain collisions require follow up investigations. The officer assigned to the investigation conducts the follow up investigation. The follow-up investigation may include:

- A. Medical records
- B. Fire Department/Medic/Physicians reports
- C. Toxicology reports
- D. Vehicle condition examinations
- E. Laboratory reports
- F. Medical Examiner reports

Officers are encouraged to take taped statements from victims and witnesses at the scene. If this is not practical, officers will obtain complete identifying information so that the investigating officer can contact them at a later date.

The Kent Police Department has specially trained collision reconstructionists for collision investigation. These investigators are normally assigned to serious injury and fatality collisions. The Traffic Sergeant is responsible for the coordination and follow-up investigation assignments pertaining to serious injury and fatality collisions.

Experts from outside the department may be used during the collision investigation if the field of expertise does not exist within the department. This use is authorized

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Revised:	1/7/16
Kent PD	15.60
WASPC	15.5
Previous Kent PD Policy	22.2.1/22.2.2/22.2.3/22.2.4/22.2.5

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#15.60</b>	<b>#15.5</b>	<b>Investigating Vehicle Crashes</b>

unless payment is required, in which case the division commander must approve. These experts may include:

- A. Vehicle inspection teams
- B. Traffic engineers
- C. Washington State Crime Laboratory
- D. Washington State Patrol Commercial Vehicle Inspectors
- E. Photographers
- F. Mechanical Engineers

This is done on a case by case evaluation by the traffic unit supervisor.

RCW 46.52.030 (4) gives the Chief of the Washington State Patrol the responsibility to prepare and distribute sample forms of collision reports. RCW 46.52.070 mandates that police officers make a report of collisions that involve fatality, injury, or damage threshold. The damage threshold is established by the State of Washington.

The Kent Police Department uses State of Washington e-reporting forms, or SECTOR. These forms are designed to facilitate the development of uniform data on motor vehicle collisions.

Effective:	10/23/96
Revised:	1/7/16
Kent PD	15.60
WASPC	15.5
Previous Kent PD Policy	22.2.1/22.2.2/22.2.3/22.2.4/22.2.5

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#15.70</b>	<b>#15.6</b>	<b>Hazardous Road Conditions</b>

Roadway hazards, roadway defects, debris in roadway, defective lighting equipment, abandoned vehicles, and damaged or missing street signs can all become conditions that lead to collisions or vehicle damage.

Officers observing debris in the roadway should attempt to clear it to the shoulder. If an officer observes a roadway or roadside hazard, they shall contact the Kent Police Records Unit and advise them of the situation. A Records Specialist may notify the Public Works Department.

Situations that create an immediate hazard will result in the Public Works Department being called out immediately by a Records Specialist with the approval of the shift supervisor.

Effective:	10/23/96
Revised:	11/30/15
Kent PD	15.70
WASPC	15.6
Previous Kent PD Policy	22.4.2

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#15.80</b>	<b>#15.7</b>	<b>Domestic Violence Investigations</b>

Calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered a high priority in terms of response. The response to a domestic violence incident will be determined by the officers that are responding to the call (code or non-code). All responses are to be in accordance with this department policy and will include a minimum of a two officer response.

The following guidelines should be followed by officers when investigating domestic violence cases:

1. When practicable, officers should obtain and document statements from the victim, the suspect and any witnesses, including children, in or around the household or location of occurrence.
2. Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
3. When practicable and legally permitted, audio record all significant statements and observations.
4. All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Victims whose injuries are not visible at the time of the incident should be instructed on how to request a follow-up officer contact in the event that the injuries later become visible.
5. Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
6. If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement and make an arrest or seek an arrest warrant if appropriate.
7. Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.

Effective:	8/12/14
Revised:	1/7/16
Kent PD	15.80
WASPC	15.7
Previous Kent PD Policy	New

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#15.80</b>	<b>#15.7</b>	<b>Domestic Violence Investigations</b>

If after the initial investigation of the incident it is determined that an assault has taken place and officers can establish probable cause, an arrest is required per state law RCW 10.31.100. If the suspect has fled the scene prior to police arrival, an effort shall be made to locate the suspect within a reasonable amount of time (four hours).

### **Verification and Service of Court Orders**

Determining the validity of a court order, particularly an order for another jurisdiction, can be challenging. In determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available and when practicable:

1. Being aware of Miranda requirements, ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms, and efforts to respond to the order.
2. Check available records or databases that may show the status or conditions of the order.
3. Contact the issuing court to verify the validity of the order.
4. Contact the law enforcement agency from the jurisdiction where the order was issued to verify information.

When an officer has confirmed that a valid court order exists and has probable cause to believe the defendant has violated that order, the officer shall make a physical arrest (RCW 10.99.055; RCW 10.31.100). Whenever a member of this department serves or assists in serving a court order and that service is completed, a return of service form shall be completed and submitted to the Records Unit for submission to the Washington Crime Information Center (WACIC).

When completing a case report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order and the provision of the order that the subject is alleged to have violated. The arresting officer should attach a copy of the order to the incident or arrest report if available.

Effective:	8/12/14
Revised:	1/7/16
Kent PD	15.80
WASPC	15.7
Previous Kent PD Policy	New



<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#15.80</b>	<b>#15.7</b>	<b>Domestic Violence Investigations</b>

### **Foreign Court Orders**

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian Tribe, or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued. An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

### **Victim Assistance**

In domestic violence cases, officers shall:

1. Recognize that a victim's behavior and actions may be affected.
2. Provide the victim with the department's "Victim's Rights Pamphlet."
3. Standby for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.
4. Seek medical assistance as soon as practical for the victim if he/she has sustained injury or complains of pain.
5. Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.
6. Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
7. Provide the victim information on how to obtain an emergency order if appropriate.
8. If a suspect is arrested, advise the victim that there is no guarantee the suspect will remain in custody.

Effective:	8/12/14
Revised:	1/7/16
Kent PD	15.80
WASPC	15.7
Previous Kent PD Policy	New

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#15.80</b>	<b>#15.7</b>	<b>Domestic Violence Investigations</b>

9. Advise the victim whether any type of court order will be in effect when the suspect is released from jail.
10. If no arrest is made, advise the parties of any options including but not limited to voluntary separation of the parties, appropriate resource referrals, and document the resolution in the case report.
11. Notification may occur if a weapon is taken for safekeeping.

All domestic violence cases where it is believed that an assault occurred require a case report to be taken.

Effective:	8/12/14
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Kent PD	15.80
WASPC	15.7
Previous Kent PD Policy	New

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#15.90</b>	<b>#15.8</b>	<b>Public Alert Systems</b>

The Kent Police Department takes missing person reports when the information provided to the officer indicates that the person is "at risk." The investigating officer should take into account such factors as the person's age, need for medical attention, mental health status, parental abduction or custodial interference, victim of a crime, or any other circumstances that can be deemed to put the person "at risk" or are out of character for the person.

The Department also recognizes that adults sometimes will voluntarily leave their home due to personal reasons and do not desire to be located by their family, friends, and/or police.

For a missing persons investigation the following will occur:

- Officers obtain as much identifying information about the person as possible, noting the information on the missing person form. If a photograph of the person is available, obtain and attach it to the case. Obtain the name of the missing person's dentist whenever possible. Officers also try to determine the missing person's last known location and any area the person is known to frequent.
- After obtaining identifying information, officers look for the missing person in areas that information indicates the person might be. If the last known location is in a wooded area, King County Search and Rescue should be notified to assist in the search. The officer should also send out an "attempt to locate" through Valley Communications to the other valley agencies. If additional information is received, officers will make attempts to locate the person, documenting the information in a supplemental report. If officers/detectives learn of additional identifying features, they will contact the Records Unit so that ACCESS databases can be updated.
- Reporting officers contact the Records section as soon as possible and provide them with a complete description of the missing person. A Records Specialist enters the information into WACIC and NCIC. Missing persons are removed from the computer only after a records specialist receives appropriate notification from a Kent or outside agency employee.

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Revised:	6/13/19
Kent PD	15.90
WASPC	15.8
Previous Kent PD Policy	21.2.5/23.1.1/21.2.6

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#15.90</b>	<b>#15.8</b>	<b>Public Alert Systems</b>

Reporting officers indicate the case status as "referred to detectives." Detectives conduct any follow-up investigation including any subsequent contacts with the reporting party.

### **Endangered Missing Persons Advisory (EMPA)**

The Kent Police Department may opt to use an EMPA to get information out about a person who is believed to be in danger and not able to return safely on their own. The EMPA assists in disseminating information about a person to the media, public, and local law enforcement agencies with the goal of a safe return as quickly as possible.

Criteria for issuing an EMPA:

1. Person of any age who is missing and in danger because of age, physical or mental health, severe weather conditions and not able to return to safety without assistance.
2. Enough information is available to assist in the recovery of the missing person.
3. The incident is reported to and investigated by law enforcement.

The Kent Police Department will look at missing persons cases when they are notified that the person is missing and determine if the person meets the activation criteria for the EMPA or Amber Alert. If they meet the criteria for the EMPA, law enforcement should enter the person in the EMPA database within six hours and activate the alert. Once activated, social media sites, the news media and the reverse 911 system would be notified to help inform the public of the person's disappearance and vulnerability. Freeway signs would not be used.

### **Missing Children**

The Kent Police Department responds to and investigates incidents when information is received that a child is or may be missing. These incidents include runaways, abandoned, abducted, or any other missing status, i.e., lost etc. The officer completes an incident report and makes an effort to identify and locate the missing child.

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Previous Kent PD Policy	21.2.5/23.1.1/21.2.6

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#15.90</b>	<b>#15.8</b>	<b>Public Alert Systems</b>

If it appears that the child is lost or the victim of a criminal act, the original investigating officer notifies their on duty shift supervisor. Based on the information provided from the preliminary investigation, the shift supervisor decides whether to notify the command duty officer, and if other special efforts to locate the child should be initiated (i.e. BOLO's, Amber Alert).

The officer provides pertinent information relating to the missing child for Records staff to enter into WACIC/NCIC systems including name, age physical description, clothing, and medical/dental information.

Parents are reminded to immediately notify Kent Police when the child returns in order to clear the child from the communication systems and to cancel any other search efforts being utilized.

### **Follow-Up Investigations**

- A. Copies of all cases involving missing children will be forwarded to the detective section for review. If further follow up investigation is required, the case will be assigned to a detective. The assigned detective will be responsible for further investigative efforts and be the point of contact for the missing child's family. The investigating detective will also be responsible for the filing of criminal charges if an arrest is made.
- B. If after 30 days the missing child has not returned, the Washington State Patrol Missing Children Clearinghouse will be notified. Additionally, the juvenile's parent(s) may be contacted to obtain dental records or any other information that may help in locating the child. If dental records are available they will be forwarded to the State Patrol Dental Investigation Unit.

### **Returned Missing Child**

- A. When information is received indicating that a missing child has been found or returned, clear the report through records after verifying the information.
- B. Records staff clears the WACIC/NCIC entry upon notification from the detective/patrol units. If Kent locates a missing child reported from another agency, a locate is sent to WACIC and NCIC, which in turn notifies the Missing Children Clearinghouse that the child is no longer missing or on

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Kent PD	WASPC	Title
#15.90	#15.8	Public Alert Systems

runaway status. Records will clear from WACIC/NCIC if missing child reported missing in Kent.

### **AMBER Alert**

The Kent Police Department participates in the utilization of the AMBER Alert system. Criteria have been established to initiate the system. The criteria are as follows:

1. Victim is under 16 years of age.
2. The victim is not a voluntary runaway (a previous history of runaway reports is **NOT** a sole factor for exclusion).
3. A risk of injury or death to the victim is present, in the judgment of the reporting law enforcement agency investigator.
4. It must be reported to and investigated by a law enforcement agency.

### **Implementation Procedures**

1. The law enforcement investigator verifies possible abduction details with his or her supervisor and obtains duty officer approval.
2. The law enforcement investigator completes the standardized AMBER Alert Report, in addition to the required department report(s).
3. **Required** information:
  - a. Victim's name (include any nicknames)
  - b. Victim's age
  - c. Victim's physical description (recent photo, if possible)
  - d. Victim's clothing description
  - e. Victim's known illnesses and/or medical concerns
  - f. Last location where victim was seen (including date and time); and
  - g. Any suspect information (name, description, clothing, vehicle, direction of travel, etc.).
4. Kent Police will fax the AMBER Alert form to Valley Communications Center. Phone contact will also be made to confirm the arrival of the faxes. The AMBER Alert form will also be sent to the media in a similar format to a media release. The Records Unit will issue a statewide teletype to other agencies as soon as possible.

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Kent PD	WASPC	Title
#15.90	#15.8	Public Alert Systems

5. Valley Communications Center will notify King County's 911 Communication Center via fax and confirm receipt by phone contact. Valley Communications Center will also send messages to the King County Regional Communications Centers.
6. King County's 911 Communication Center will make the initial broadcast using the Emergency Alert System. Additional information and updates will be disseminated by the investigating law enforcement agency.
7. The information will be broadcast four times an hour for the first two hours, reducing to two times an hour for the next four hours, then once an hour until cancelled by the investigating law enforcement agency or at the media's discretion if longer than 24 hours. This **WILL NOT** be accomplished by re-broadcasting on the Emergency Alert System.
8. Citizens with information about the case provided in the AMBER Alert will be instructed to call 911. The local 911 dispatch center will document calls and information on the standardized AMBER Alert Tip Sheet, and forward it to the investigating law enforcement agency.
9. Updates will be phoned and/or faxed to Valley Communications Center and the media as they become available.
10. Valley Communications will update the other area 911 centers as information changes.
11. Kent Police will notify Valley Communications Center if a recovery is made, or if the AMBER Alert is cancelled. Valley Communications Center will forward the information to area 911 centers.
12. The media may cover any news of the abduction within its normal news guidelines but will not compromise the AMBER Alert plan with updates or information other than what they receive via the official alert protocols.
13. Following the recovery of the child and the completed investigation, a copy of the case will be submitted to the **AMBER Alert Review Committee** as soon as reasonably possible without jeopardizing the case investigation and any criminal prosecution.

### **Dispatch Responsibilities**

The Kent Police Department contracts with Valley Communications Center as the provider of 911 dispatching services. Valley Communications, as an accredited agency with CALEA, has an established protocol outlining its duties involving AMBER

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<b>#15.90</b>	<b>#15.8</b>	<b>Public Alert Systems</b>

Alerts. Employees of the Kent Police Department are to follow all department policies and procedures regarding juvenile matters.

### **Blue Alert System**

The Kent Police Department participates in the "Blue Alert" system. Blue Alert is a system to give law enforcement the means to speed the apprehension of violent criminals who kill or seriously injure law enforcement officers.

The Kent Police Department may request activation of the blue alert system and notify appropriate participants in the Blue Alert system when it believes that:

- A suspect has not been apprehended.
- A suspect may be a serious threat to the public.
- Sufficient information is available to disseminate to the public that could assist in locating and apprehending the suspect.
- Release of the information will not compromise the investigation.
- Criteria to ensure that releasing the victim information is proper, as to avoid improper next of kin notification.

When a blue alert is activated, the Kent Police Department shall provide descriptive information under the criminal justice information act (Chapter 10.98 RCW), and the national crime information center system.

The Kent Police Department shall terminate the blue alert with respect to a particular suspect when the suspect is located or the incident is otherwise resolved, or when the Kent Police Department determines that the blue alert system is no longer an effective tool for locating and apprehending the suspect.

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Kent PD	WASPC	Title
#15.100	#15.9/15.1049	Responding to the Mentally Ill

Members of the Kent Police Department, both sworn and civilian, may have contact with people in our society who ~~suffer from mental illnesses~~are in behavioral crisis. This includes people exhibiting signs of mental illness, as well as people suffering from substance abuse and personal crises. These contacts may be through in-station reporting, self-initiated activity, or calls for service. The objective of the Department's policy in dealing with the mentally ill is for the employees to be able to recognize symptoms of mental illness and to know where to refer for appropriate resources.

For the purposes of this policy, a behavioral health crisis is defined as an episode of mental and/or emotional distress in a person that is creating significant or repeated disturbances and is considered disruptive by the community, friends, family or the person themselves.

Officers should utilize the following practices when interacting with anyone exhibiting signs of mental illness:

- A. Remain calm and not overreact.
- B. Be helpful and professional.
- C. Indicate a willingness to help and understand.
- D. Remove distractions and disruptive people.
- E. Be aware that your uniform may frighten them.
- F. Announce your actions before starting them.
- G. Limit physical contact unless it becomes necessary.
- H. ~~Don't~~ Avoid expressing anger or impatience.
- I. ~~Don't~~ Avoid ~~maintain~~ direct eye contact.

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The Kent Police Department recognizes the need to bring community resources together for the purpose of safety and to assist and resolve behavioral crisis issues. The Department further recognizes that many people suffer crises, and that only a small percentage has committed crimes or qualifies for an involuntary evaluation. Persons suffering crises will be treated with dignity and will be given access to the same law enforcement, government and community service provided to all members of the public.

Kent Police officers are instructed to consider the crises that subjects may be experiencing during all encounters. Officers must recognize that subjects may require law enforcement assistance and access to community mental health and

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#15.100	#15.9/15.1040	Responding to the Mentally Ill

substance abuse resources. The ideal resolution for a crisis incident is that the subject is connected with resources that can provide long-term stabilizing support.

Officers are trusted to use their best judgment during behavioral crisis incidents, and the Department recognizes that individual officers will apply their unique set of education, training and experience when handling crisis intervention. The Department acknowledges that officers are not mental health professionals. Officers are not expected to diagnose a subject with a mental illness, nor are they expected to counsel a distraught subject into composure. When officers need to engage with a subject in behavioral crisis, the Department's expectation is that they will attempt to de-escalate the situation, when feasible and reasonable. The purpose of de-escalation is to provide the opportunity to refer the subject to the appropriate services. This expectation does not restrict an officer's discretion to make an arrest when probable cause exists, nor are officers expected to attempt de-escalation when faced with an imminent safety risk that requires immediate response. An officer's use of de-escalation as a reasonable alternative will be judged by the standard of objective reasonableness, from the perspective of a reasonable officer's perceptions at the time of the incident. Officer safety is paramount and these calls should be handled by a minimum of two officers. These individuals may be taken into custody when their behavior/ actions present a likelihood of serious harm to themselves or others or the person is gravely disabled. When a person meets these criteria, the officer can take them into custody for evaluation. The mental health professional will evaluate and determine whether the person is sufficiently incapacitated to require that they be kept in custody for up to 72 hours.

#### Common Symptoms — Mentally Ill Subjects

Recognition of the symptoms exhibited by people suffering from a mental illness is an important part of resolving contacts with them. Dealing with mentally ill subjects has an inherent risk and officers should use caution in their approach and demeanor. The following symptoms may be exhibited during the contact and should be considered in an officer's evaluation of the person:

- A. — Hallucinations
- B. — Distorted perception of reality
- C. — Neglected basic hygiene
- D. — Disorganized thinking

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- E. ~~Sad, anxious, moody, and/or suicidal~~
- F. ~~Aggressive or submissive behavior~~
- G. ~~Dramatic mood swings~~
- H. ~~Easily startled~~
- I. ~~Compulsive behavior~~
- J. ~~Combination of these and others~~

### Training

Department personnel receive training on mental illness and related issues through ~~in-service training and through briefing scenario training~~ the Washington State Criminal Justice Training Center. All officers are required to have completed the CIT 8 hour course. New officers receive training in the academy and new civilian employees receive training through the training unit. ~~Refresher training occurs every three years.~~

### Procedures

Officers may call the Crisis Clinic to Connect with the On-Duty Designated Mental Health Professional (DMHP) During any- Incident Involving a Subject in Behavioral Crisis.

The Crisis Clinic is the resource through which officers can be referred to the available resources that are located throughout the region. Officers may call the Crisis Clinic for an on-site evaluation by the on-duty designated mental health professional (DMHP).

When communicating with a DMHP, the officer may:

- Calls (206) 263-9200 Monday through Friday, 0830 hours to 2230 hours;
- Calls (206) 461-3210 ext. 1 outside of the above hours;
- If the incident requires immediate action, officers may take the subject into protective custody and arrange for a transport to the nearest appropriate hospital. See (Involuntary Mental Health Evaluation).

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Kent PD	WASPC	Title
#15.100	#15.9/15.1040	Responding to the Mentally Ill

Officers may Refer Eligible Subjects with mental illness and/or Substance Use Disorders to the Crisis Solutions Center (CSC/mobile crisis team).

#### Voluntary referrals may take place:

- As part of an officer's community caretaking function, or
- — During a Terry stop

#### Certain subjects are not Eligible for CSC Referrals. Individuals who meet at least one of the following criteria are not eligible for CSC referral:

- Suffer from an acute mental health crisis which meets the criteria for a mental health evaluation under RCW 71.05.153;
- — Require medical treatment;
- — Have an active and extraditable criminal warrant;
- — Violent offender status in the past ten years;
- — Sex offender status in the past ten years;
- or,
- — Juveniles (under 18)

#### Referring a Subject for an Involuntary Mental Health Evaluation

The Officer will:

1. — Determines that the subject may be eligible for evaluation;
2. — Determines (with or without the assistance of a DMHP) that the subject meets the involuntary mental health evaluation criteria, per RCW 71.05.153(2), ÷ Emergent Detention of Persons with Mental Disorders;
3. — Takes the subject into protective custody;

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Kent PD	15.100
WASPC	15.9/15.1040
Previous Kent PD Policy	21.2.7

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Kent PD	WASPC	Title
#15.100	#15.9/15.1040	Responding to the Mentally Ill

3. 4. Arranges for the subject to be transported via ambulance or patrol car to the closest appropriate hospital;
4. 5. Completes the Involuntary Commitment Form.

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In some cases, an officer will be asked to ~~Taking a Subject into Custody by~~ Order of a Designated Mental Health Professional (DMHP) or be asked to assist with field evaluations, emergent detentions, or a service of a court order. In these situations, the following response shall be followed:

1. Receives request from a DMHP for officers to assist with field evaluation, an emergent detention, or service of a court order
2. This should be a two officer's call;
  - a. Dispatches at least one CIT-Certified officer, if one is available;
3. Upon the request of the DMHP, the officer will ~~then~~ take the subject into protective custody;
4. The officer should review the incident with a sergeant before taking the subject into custody or entering if:
  - a. The subject is likely to resist custody.
  - b. The subject is barricaded.
  - c. The subject has a history of violence or weapons, or
  - d. Forced entry is necessary.

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5. If necessary, consults with a CIT-Certified sergeant via Communication.

**Referrals to a mental health professional ~~should~~ shall occur in instances where:**

1. A person is the subject of a report of threatened or attempted suicide;
2. The responding officer(s) believe, based on their training and experience that the person could benefit from mental health services;
3. The person does not consent to mental health services;

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4. The person is not involuntarily committed or involuntarily transported for a mental health evaluation under RCW 71.05;
5. The person is not being transported to a hospital or jail.

Upon responding to a report of threatened or attempted suicide where all of the aforementioned criteria are met, the officer ~~is encouraged to~~ should refer the person to Valley Medical Center Crisis Counselor – 206-575-2574, Auburn Medical Center Crisis Counselor – 253-545-2535, or Harborview Medical Center for evaluation by a mental health professional. The referral can also be faxed to the Crisis Clinic at 206-461-0171 or emailed to LE@crisisconnections.org.

Referrals shall be made via written documentation (Involuntary Commitment Form), coded in Tiburon to allow the law enforcement agency to identify specific reports where a referral is being made, and include sufficient narrative for the mental health agency to understand the nature of the call to include the behavior of the individual which will assist the mental health agency prioritize their level of response.

#### Paperwork to be completed

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Whenever an officer determines a person needs medical attention, the subject should be involuntarily committed. Regardless of the subject's willingness to voluntarily seek treatment the involuntary commitment form will be completed. This is necessary in the event the subject changes their mind enroute to the hospital or on arrival.

#### If a criminal act was committed

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If the actions of the emotionally disturbed person constitute a criminal act, the following actions can be selected:

1. The officer can transport the emotionally disturbed person to the Kent Corrections Facility for booking. The ~~officer~~ corrections staff should contact mental health professional to evaluate the emotionally disturbed person at the Kent Corrections Facility. The correction staff should be informed of the subject's mental state, specifically any suicidal ideations.
2. On an involuntary commitment where the crime committed is minor or does not require booking the subject will be transported, after clearance by fire, via ambulance to Valley Medical Center or Harborview for evaluation by the

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mental health professionals. The filing of criminal charges if applicable can be completed at a later time.

- When the person has been arrested for a felony, at the initial stage of the investigation the mental health professionals will not respond. However, the officers should articulate in their report the need for Mental Health evaluation at a later date. Also, on the SIR form under "Objection to Release" officer needs to state that examination by Mental Health Professionals is required prior to consideration for release.

#### Other Resources

There are outside agency information and resources available. A list is maintained in Records and contact numbers are in the department issued code books. The primary resources available are:

- King County Mental Health
- Valley Cities Mental Health
- North West Mental Health
- Sound Mental Health
- Crisis Solution Center
- Harborview Medical Center
- Auburn Medical Center
- [Valley Medical Center](#)
- [Mobile Crisis Team](#)

Officers may be called to assist one of these agencies in dealing with one of their patients. These requests are a standby to provide assistance and to deter any assaultive behavior. There is no requirement to document our assistance unless there is action taken. Self-initiated incidents and calls for service that result in an involuntary commitment require a case report. Officers may be called upon to testify before a mental health evaluation panel regarding the involuntary commitments they investigate.

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Previous Kent PD Policy	21.2.7

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#15.110</b>	<b>N/A</b>	<b>Civilian Ride-Along Program</b>

The ride-along program was developed to help the public better understand the Kent Police Department and to help individuals who are interested in law enforcement get exposure to the profession. The Patrol Division Assistant Chief assigns a Commander who is responsible for approving ride-along requests. Once approved Sergeants will assign officers a civilian rider. The following guidelines should be applied to any requests for rides.

Notification - Officers will notify the on-duty shift supervisor and Valley Communications any time they have a civilian rider.

Hold Harmless - Prior to any ride-along, the civilian rider will complete the department hold harmless agreement. If the rider is a juvenile then a signature from the rider and the rider's parent(s)/guardian(s) is required.

Department/Valley Communications Employees - Employees of the Kent Police Department and Valley Communications are authorized to ride at any time with approval of the shift supervisor.

Relatives/Friends/Civilians/Spouses/Police Explorers - Are authorized to ride with a sponsoring officer one shift per year. Civilian riders will be at least 18 years of age unless a waiver of the age standard is given by the Patrol Division Assistant Chief. Civilians under age 16 are prohibited from participating in the Ride-along program.

Prospective New Employees - Persons who are under consideration for employment with the police department are authorized one ride-along with approval of the Recruitment Officer and coordinated by a Commander.

Probationary Employees – Probationary officers are **not** authorized to have civilian riders.

Community Police Academy participants – Are authorized to ride for one four-hour shift by the assigning Commander who works in conjunction with the Community Police Academy coordinator.

Effective:	10/23/95
Revised:	1/7/16
Kent PD	15.110
WASPC	N/A
Previous Kent PD Policy	10.5.2



<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#15.120</b>	<b>N/A</b>	<b>Extra-Duty Employment</b>

With the approval of the Chief of Police, officers of the Kent Police Department are authorized to work in a law enforcement capacity as an employee of a local business. This program helps to augment the Police Department's presence in the city. Probationary officers working in a "solo" status may be approved on a case by case basis by the Chief of Police.

When working extra-duty, officers maintain the same enforcement authority and are required to abide by the same standards of behavior and conduct as on-duty officers. The Chief has the authority to terminate extra-duty employment believed to be in conflict with the goals and objectives of the City of Kent and the Kent Police Department. It may also be denied as a result of disciplinary action or a work action plan.

The Administrative Sergeant oversees the scheduling of any extra-duty employment. Payment for all extra duty is routed through the City of Kent Finance Department and disbursed in the employee's bi-monthly paychecks.

The significant aspects of extra-duty employment include:

- Provide a uniform presence.
- Provide security to businesses.
- Make arrests as necessary.
- Direct traffic.

Law enforcement related employment is defined as employment that requires department authority and defined as follows:

- Employment where the officer's arrest authority, either City of Kent or King County, may be utilized.
- Employment where the City of Kent Police Department's uniform, equipment, or other property is properly utilized.
- Employment which may involve criminal investigations activity.

### **Employment Likely to be Authorized**

- An open house for businesses.
- School functions (i.e., dances, sporting events).
- Skating rinks.
- Movie theaters.

Effective:	10/23/95
Revised:	11/30/15
Kent PD	15.120
WASPC	N/A
Previous Kent PD Policy	12.3.4/12.3.5

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#15.120</b>	<b>N/A</b>	<b>Extra-Duty Employment</b>

- Events in City facilities (i.e., Kent Commons, etc).
- Traffic control (i.e., fun runs, bike-a-thons, road construction).
- Security at construction sites.
- Security at businesses.
- Security escorts (i.e., banks, jewelry stores, precious metals).
- Other special requests approved by the Chief of Police.

### **Conditions of Employment**

An extra-duty officer may call for an available on duty officer to handle any investigation that results in a disposition other than a warning. If the incident results in a physical arrest and booking (no PR), the extra-duty officer will obtain approval from the on-duty supervisor and complete all necessary paperwork prior to securing. Overtime pay required due to completing paperwork generated during an extra-duty shift that is completed after that shift ends will be charged to the city and not the extra-duty contractor. Otherwise, all other documentation will be completed upon the officer returning to their first regular duty shift.

In the event that the Kent Police Department cannot fully staff an event or job request, the Administrative Sergeant or designee, may contact other police agencies to assist. Officers from other agencies shall be paired with a Kent officer during the duty shift, when possible.

Officers who sign up for extra duty assignments are expected to report to the job on time. If an officer is unable to make a shift, they are directed to contact with the Administrative Sergeant and make arrangements for a replacement.

### **Responsibilities of the Extra-Duty Employment Coordinator**

The Administrative Sergeant is the Extra-Duty Employment Coordinator. The duties are as follows:

- Oversee and respond to requests for extra duty employment.
- Provide vendor with extra duty contract and confirm proof of insurance.
- Provide completed vendor contract to Finance Department.
- Confirm that requesting vendor and location of employment is in the city of Kent.
- Confirm that vendor is current on payments of prior billings.
- Devise and implement any necessary procedures for specific jobs.
- Respond to complaints by vendors.

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Revised:	11/30/15
Kent PD	15.120
WASPC	N/A
Previous Kent PD Policy	12.3.4/12.3.5

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#15.120</b>	<b>N/A</b>	<b>Extra-Duty Employment</b>

- Liaison with Finance Department on extra duty employment issues.
- Preview any outside agency requests for KPD assistance at extra duty sites.

The Administrative Sergeant will also prepare quarterly and annual reports and submit them to the Chief of Police, indicating:

- Types of employment.
- Personnel assigned (by name).
- Dates of employment.
- Hours worked per officer.
- Location of employment.
- Significant events that occurred.
- Financial reports.

### **Employment Opportunities That are Not Likely to Be Authorized**

As a general rule, the following jobs are not likely to be authorized; however, exceptions can be made and these employment opportunities shall be reviewed on a case-by-case basis by the Chief of Police for approval.

- Taverns and cocktail lounges.
- Labor strikes, disputes, or walkouts.
- Private parties in non-city facilities.

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Revised:	11/30/15
Kent PD	15.120
WASPC	N/A
Previous Kent PD Policy	12.3.4/12.3.5

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#15.130</b>	<b>N/A</b>	<b>Forcible Stopping</b>

## **General**

The purpose of this policy is to establish guidelines for the use of forcible stopping techniques to apprehend suspects in vehicles who refuse to stop at the order of an officer.

## **Types of Forcible Stopping Techniques**

The following forcible stopping techniques may be used in conformance with this policy:

1. Roadblocks/Blockades
2. Vehicle "Boxing"
3. Spike Strips/Tire Deflation Devices
4. Pursuit Immobilization Technique (PIT)
5. Intentional Striking

## **Reasonableness**

The successful use of a forcible stopping technique is considered a seizure, and thus, the use of a forcible stopping technique must be objectively reasonable under the circumstances. In determining reasonableness, the officer should consider the risk of bodily injury presented to the fleeing suspect by use of the forcible stopping technique in light of the threat to the officer or the public presented by the fleeing suspect's actions. While each situation is unique, officers, in making this determination, may consider, among other factors, the following:

1. Whether the continued movement of the suspect vehicle presents a substantial and immediate risk of serious physical injury or death to officers or the public.
2. The nature and seriousness of the offense committed by the fleeing suspect or the reason the suspect is fleeing, if known to the officer at the time of the use of the technique.
3. The danger presented by the manner in which the suspect is driving when avoiding apprehension, and the dangerousness of the manner in which the suspect is avoiding apprehension in general.

Effective:	10/20/14
Revised:	1/6/2020
Kent PD	15.130
WASPC	N/A
Previous Kent PD Policy	New

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#15.130</b>	<b>N/A</b>	<b>Forcible Stopping</b>

4. Whether other means of apprehension are available and would prove effective, including continuing the pursuit, calling for air support, or calling for other department assistance.
5. Other important considerations may include: Traffic and pedestrian volume in the area of the pursuit and in the area in which the pursuit will be entering, roadway and weather conditions, the speed of the pursuit, and the time of day of the pursuit.

For their own safety, officers should be aware of their vehicle's airbag system and its operation.

### **Roadblocks/Blockades**

Roadblocks or blockades are the physical blocking of the roadway by any means. Because of their inherent danger, roadblocks shall only be used on serious felony suspects when no other reasonable means of apprehension are available. Prior to establishing a roadblock or blockade, officers shall follow this procedure:

1. Receive authorization for the blockade from a supervisor.
2. The blockade shall only be established in areas plainly visible to the suspect driver. Blockades shall not be set at the end of a curve or the crest of a hill. At least one police car shall be positioned near the blockade, with overhead lights activated, to alert the suspect driver.
3. An escape route shall be made available to the suspect (spike strips may be deployed within the escape route).

The Kent Police Department shall not use roadblocks for spot checking driver's licenses, vehicle equipment violations, or DUI checkpoints.

### **Vehicle Boxing**

Vehicle boxing is the use of police vehicles to surround and physically force a vehicle to slow down/stop. Officers may use this technique with the approval of a commissioned supervisor. Officers should remain aware of the dangers vehicle boxing presents to them, especially if the suspect is armed.

### **Spike Strips/Tire Deflation Device(s)**

Officers may use spike strips in an attempt to stop a vehicle's movement. When

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Kent PD	15.130
WASPC	N/A
Previous Kent PD Policy	New

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#15.130</b>	<b>N/A</b>	<b>Forcible Stopping</b>

deploying spike strips officers shall:

1. Notify dispatch and other police units by radio of the location where the spikes will be deployed.
2. Deploy the spike strips in an area that provides a safe stopping distance for the suspect vehicle. Spike strips shall not be deployed in curves.
3. Place spike strips in the road when there is minimal risk of uninvolved motorists driving over the spikes.

Supervisors shall terminate the use of spike strips if, in their evaluation, the location or other factors may create more of a hazard to the public and to those involved in the pursuit. If spike strips are utilized, the deploying officer shall complete a use of force form and supplemental narrative documenting their usage.

The use of spike strips on vehicles with two or three wheels, including motorcycles, may be considered the use of deadly force.

Personnel shall refrain from deploying tire deflation devices until they have been trained in their use.

### **Pursuit Immobilization Technique**

The pursuit immobilization technique ("PIT") is a forced rotational vehicle stop of a non-compliant suspect in an effort to end the suspect's flight. Pinning of a suspect vehicle after a PIT is intended to prevent the vehicle from further movement and is not meant to keep occupants of the suspect vehicle from exiting. When circumstances allow, PIT maneuvers should be executed as soon as possible to bring a pursuit to a conclusion.

Site assessment is crucial when considering the use of a PIT. In most circumstances, a PIT maneuver shall not be employed in an area where any of the following conditions exist:

1. Blind Curves.
2. Bridge abutments/major obstacles on roadsides.
3. Oncoming traffic.

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Kent PD	15.130
WASPC	N/A
Previous Kent PD Policy	New

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#15.130</b>	<b>N/A</b>	<b>Forcible Stopping</b>

4. Pedestrians.

#### **PIT - 40 Miles per Hour and Under**

PIT maneuvers 40 miles per hour and under may be executed at the discretion of a pursuing officer after considering the factors set forth above in the section entitled "Reasonableness."

Officers shall not be disciplined for a decision against executing a PIT maneuver in a pursuit situation. Officers are not authorized to execute PIT maneuvers until they have successfully completed the PIT training program.

Whenever the PIT maneuver is utilized, it shall be documented in a case report, use of force form, and on the pursuit report form.

#### **PIT - Over 40 Miles per Hour**

Due to the increased likelihood of injury to suspects, other occupants of suspect vehicles, or police officers, PIT over 40 mph is prohibited.

#### **Intentional Striking**

An intentional striking is the deliberate act of hitting another vehicle with a patrol vehicle for the purpose of functionally damaging or forcing the other vehicle off the road. The use of the PIT is not an intentional striking. This technique will be limited to the following circumstances:

1. It is to be used for felony violations only.
2. Striking speeds will be 20 miles per hour or less.

#### **Intentional Striking as Deadly Force**

Intentionally striking the center section of a vehicle where persons are seated, or striking speeds higher than 20 miles per hour, must meet deadly force requirements.

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Kent PD	15.130
WASPC	N/A
Previous Kent PD Policy	New

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#15.140</b>	<b>N/A</b>	<b>Automatic Vehicle Locator (AVL)</b>

The purpose of this policy is to provide guidelines for the use of the Automatic Vehicle Location (AVL) system that is associated with the new Tiburon CAD system being implemented by Valley Communications.

The AVL technology will provide the location of vehicles equipped with a GPS transmitter on a map display visible to Valley Communications, patrol units and the Kent Police Department (KPD). Currently, the AVL system is not capable of providing historical data.

AVL data may be displayed on a video screen that shows real-time/live KPD vehicle locations. These video screens may be located at various locations within police department facilities or vehicles and are subject to view by all personnel. In addition, a commissioned officer may request dispatch to broadcast real-time/live AVL data when a legitimate reason exists (for example, locating an officer for safety purposes, coordinating resources, etc).

For the safety of the officers utilizing their MDC's in their vehicles, the officer should turn off their AVL at least a mile prior to reaching their residence. The officer should turn on their MDC a mile after leaving their residence which turns on their AVL. At all other times, the AVL will be turned on.

The AVL system is designed to increase employee safety, increase dispatching effectiveness, and to facilitate the effective coordination, management, and usage of patrol resources and operations. AVL data may be used by KPD to assist in coordinating patrol resources; to assist in specific law enforcement investigations and police emphasis work; to develop department or crime statistical information; to assist with the defense of a civil claim or lawsuit, or in response to an inquest; in response to an investigation of KPD or the activities of its employees; and other police related purposes. The AVL system will not be monitored with the primary purpose being to impose discipline. Instead, if an employee is suspected of engaging in possible misconduct, the AVL data may be consulted as evidence in any resulting investigation. However, no discipline would be imposed except in accordance with City policy or any applicable collective bargaining agreement. The Human Resources office will be notified of any investigation of employee misconduct if that investigation results in discipline greater than a written reprimand.

Effective:	4/30/14
Revised:	6/14/18
Kent PD	15.140
WASPC	N/A
Previous Kent PD Policy	13.1.17



<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#15.150</b>	<b>#15.12</b>	<b>Order Service</b>

## **Introduction**

This policy is designed to provide the Kent Police Department with clear direction, and procedures for entry, service, and enforcement of all types of court orders, to include Extreme Risk Protection Orders (ERPO). The purpose of these guidelines is to most effectively reduce risk of harm to victims, the community, and law enforcement.

## **Definitions**

**Extreme Risk Protection Order (ERPO)** – An order prohibiting a named person from controlling, owning, purchasing, possessing, receiving or otherwise having custody of any firearms and/or a concealed pistol license.

**Ex Parte Extreme Risk Protection Order** – An Extreme Risk Protection Order that has been issued in the absence of, or without notification to the named person.

**Family or Household Member** – Individuals who have the following types of relationships with a restrained person:

- Persons related by blood marriage or adoption
- Dating partners
- Persons with a child in common, regardless of whether such persons have been married or have lived together
- Persons who reside or have resided together (for ERPO, the persons must have resided together with in the past year)
- Domestic Partner of the respondent
- Person in a biological or legal parent-child relationship, including stepparents and stepchildren, and grandparents and grandchildren
- Persons acting or have acted as the respondent's legal guardian

**Intimate Partner** - A person who is or was married, in a state-registered domestic partnership, or in an intimate or dating relationship with another person at the present or at some time in the past. Any person who has one or more children in common with another person, regardless of whether they have been married, in a domestic partnership with each other, or lived together at any time, shall be treated as an Intimate Partner.

**Petitioner** – The person who files the initial paperwork, requesting the order.

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Kent PD	15.150
WASPC	15.12
Previous Kent PD Policy	New

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
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**Protected Person** – The person who asks the court to issue a Protection Order. In the case of ERPO's, there is no Protected Person, there is a Petitioner, who may be an individual or a law enforcement agency.

**Respondent** – The person who must respond to the order filed by the Petitioner. In an ERPO, the Respondent is the person ordered to surrender firearms/concealed pistol license.

**Restrained Person** – The person to whom the order applies. The Restrained person may be prohibited from having contact with the Protected Person or other family members, or having access to any firearm and/or concealed pistol license.

### **Types of Orders**

**Court Orders** – Court orders come in many forms and may be issued by a Superior Court, Juvenile Court, District Court, Municipal Court, other states, or a Tribal Court. For some orders, the court may issue an Ex Parte (Temporary/Emergency) Order that is effective until the court holds a hearing.

Different types of orders include:

**Order for Protection** - This is a civil order from the court telling the family or household member who threatened or assaulted you not to harm you again. These types of orders are issued at the request of an alleged victim. Presence of a related criminal case is not required. Protection Orders are most often issued by a Superior or District Court. Some Municipal Courts accept Protection Order filings, but not all. Some orders originate in District Court, while others can be filed directly into Superior Court. When the person seeking protection alleges that harm could result if an order is not issued immediately without prior notice to the Respondent, the court may grant an Ex Parte Temporary Protection Order, which lasts until the full hearing, for which the Respondent will be served notice. Some Temporary Orders entered in District Court will be transferred to Superior Court for the full hearing (Most commonly when children are involved.) The following types of Protection Orders are available:

- a. Domestic Violence (RCW 26.50)
- b. Vulnerable Adult (RCW 74.34)
- c. Stalking (RCW 7.29)
- d. Sexual Assault (RCW 7.90)
- e. Anti-Harassment (RCW 10.14)

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Kent PD	15.150
WASPC	15.12
Previous Kent PD Policy	New

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
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**Restraining Order (RCW 26.09, 26.10, 26.44)**- This is broader than a domestic violence protection order, since it can deal with property issues, child support, spousal support, as well as domestic violence and temporary custody issues. A restraining order is filed as part of a divorce case, a paternity case, or other family law case.

**No-Contact Order** - This type of order does not require you to fill out a petition, because it is part of a criminal action. The court will decide whether to issue this order when it decides if the Respondent is to be released on bail or personal recognizance, or when the Respondent is arraigned (formally charged) or being sentenced. Generally, this order does not last as long as a protection order, and it does not award custody, establish visitation, or order counseling.

**Civil Anti-Harassment Order** - This order typically applies to situations when the persons are not married or related to each other, for example, in disputes between neighbors, and stalking (stranger-stranger) situations. This order is helpful when a person is being harassed but has not been assaulted or threatened with physical harm.

**Order to Surrender Weapons (OTSW) (RCW 9.41.800)** – a court may order a party to surrender any firearm or other dangerous weapon to law enforcement, to the party's legal counsel, or to any person designated by the court. An order to surrender weapons may be issued in conjunction with other orders, or as a standalone order.

**Extreme Risk Protection Order (ERPO) (RCW 7.94)** – A court order that temporarily suspends a person's access to firearms if there is evidence that the person is threatening to harm him or herself or others. Because of the risk of violent behavior, the person, who is called a "respondent" in the court order, is ordered by the court to turn over all firearms and any concealed pistol license to law enforcement. The respondent is also directed not to have a firearm in his or her custody or control, and not to purchase, possess, receive, or attempt to purchase or receive a firearm. A family or household member or a law enforcement officer or agency may ask the court to issue an order by filing a petition. No criminal case is needed.

**Ex Parte Extreme Risk Protection Order** – This temporary order is issued by the court without notification to the respondent. A full ERPO must be issued by Superior Court; however, an Ex Parte ERPO may be initially issued by District or Municipal court and transferred by the court to Superior Court for the full hearing and final order.

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Revised:	N/A
Kent PD	15.150
WASPC	15.12
Previous Kent PD Policy	New

Kent PD	WASPC	Title
#15.150	#15.12	Order Service

An officer may also seek an ex parte ERPO, without notice to the person, by including in the petition detailed allegations based on personal knowledge that the person poses a significant danger of causing personal injury to him or herself or others in the near future by having in his or her custody or control, purchasing, possessing or receiving a firearm (RCW 7.94.030 (10)) and (RCW 7.94.050). Unlike a no-contact order or protection order, ERPO's do not restrict contact with persons or locations. ERPO's are limited to restricting access to firearms.

### **Service of Orders**

**Risk Assessment** – Some orders may carry more risk for the Protected Person, family, community, or law enforcement, and should be prioritized for service. The Records Unit should submit all service packets to the on-duty supervisor for review of appropriate staffing and expertise needed for service.

The reviewing supervisor will conduct a formal risk assessment on all orders involving the surrender of weapons, including Extreme Risk Protection Orders. In conducting the review, the reviewing supervisor should keep in mind that the risk of lethality to a Petitioner is heightened upon a Respondent/Restrained Person's first notification of an order. Timing of order service and any required surrender of weapons should be prioritized to occur as expediently as possible based on factors considered in the risk assessment.

High -risk orders should not be served with fewer than two personnel and might have to be served by on duty SWAT depending on the risk assessment.

Factors that should be taken into consideration during the risk assessment include:

- Prior incidents of assault (domestic violence and non-domestic violence)
- Prior incidents of assault or threat against children
- Prior incidents of assaults against law enforcement
- Any type of physical violence, stalking or sexual harm toward victim
- Threat to harm or kill victim or others
- Conviction or arrest involving violent acts
- Presence of firearms or other dangerous weapons
- History of alcohol or substance abuse
- Violence against animals
- Behavioral crisis indicative of dangerousness to self and/or others including suicidal attempts

Effective:	4/3/19
Revised:	N/A
Kent PD	15.150
WASPC	15.12
Previous Kent PD Policy	New

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#15.150</b>	<b>#15.12</b>	<b>Order Service</b>

### **Order Service**

1. Prior to serving the order, assigned personnel shall read the order and the petition thoroughly and verify that the correct person is being served.
2. Prior to serving the order, assigned personnel shall verify if any firearms were identified in the order and from any available information. For certain orders all firearms must be surrendered upon service. Make sure to review this language carefully.
3. Service is not considered valid unless the Respondent/Restrained Person is personally served, has knowledge of the order, or unless the court specifies otherwise.
4. The first attempt of service should, if possible, occur within 24 hours of receiving the order and not more than 10 days after the agency has received the order. If the first attempt is not successful, no fewer than two additional attempts should be made to serve the order. If the Respondent/Restrained Person was determined to be high-risk, additional attempts at service should be made.
5. Each attempt at service will be noted in the Service Packet and reflected in CAD records, with date, time, address, and the reason service was not completed. Any known or suspected attempts by a Respondent/Restrained Person to avoid service will also be noted on the Return of Service form.
6. Service should be completed at least five court days prior to the hearing date (business days – Monday through Friday, excluding holidays) wherever possible so that the court hearing is not delayed, which can result in ongoing risk to the victim. However, service attempts should continue until the date of the hearing.
7. If the Respondent/Restrained Person is in the Protected Person's presence at the time of contact for service, serving personnel shall take reasonable steps to separate the parties when possible prior to completing the service or inquiring about collecting firearms.

If the Respondent/Restrained Person is served in the Protected Person's presence, serving personnel shall take reasonable steps to help safeguard the Protected Person (Washburn v. Federal Way, 178 Wn.2<sup>nd</sup> 732 (2013)). These steps also apply to civil standbys. Personnel should document any steps taken to ensure the Protected Person's safety. Examples of reasonable steps may include:

- If the order is served at the Protected Person's home, personnel shall remain on-scene until the Respondent/Restrained Person departs.
- If the order is served at the Respondent/Restrained Person's home, personnel shall remain on-scene until the Protected Person departs.

Effective:	4/3/19
Revised:	N/A
Kent PD	15.150
WASPC	15.12
Previous Kent PD Policy	New

Kent PD	WASPC	Title
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- If the order is served at a third-party location, personnel shall remain on-scene until either the Respondent/Restrained Person or the Protected Person departs.
8. If the Protected Person has provided information about additional firearms the Respondent/Restrained Person has access to, personnel shall take reasonable steps to obtain them in accordance with this policy.
  9. Personnel completing the service should take steps, when needed, to ensure that the Respondent/Restrained Person understands the order (e.g. use of an interpreter).
  10. Expired court orders shall not be served and should be returned to the Court Orders Problem-Solver in the Regional Domestic Violence Firearms Enforcement Unit.
  11. Unassigned court orders shall not be served and should be returned to the Court Orders Problem-Solver.
  12. Attempts should be made to notify the Petitioner if the order cannot be served.

### **Successful Service of Orders**

1. Provide the Respondent/Restrained Person with copies of all the forms, EXCEPT:
  - Law Enforcement Sheet (LEIS)
  - Supplemental Law Enforcement Information Sheet – Firearms
  - Return of Service Sheet
2. Complete the Return of Service form. Note that **every box must be marked** for each document that was required to be served or the court may determine that the service was incomplete and will require a continuance and further attempts to serve the Respondent/Restrained Person to ensure proper service. These delays can result in additional risk to the Protected Person. Sign and date the form. Notification to the Records Unit of the time and date service was completed must be accomplished as quickly as feasible.
3. Officers may elect to complete a case report of the service and of any behavior or pertinent evidence (e.g. belligerence at time of service, threats, avoidance of service, description of firearms seen at the time of service, as well as Respondent's statements regarding possession of firearms.) Attach the case report to the Return of Service form. This type of information won't be available to the court unless it is included on the Return of Service

Effective:	4/3/19
Revised:	N/A
Kent PD	15.150
WASPC	15.12
Previous Kent PD Policy	New

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#15.150</b>	<b>#15.12</b>	<b>Order Service</b>

4. Petitioner/Protected Person are encouraged to contact Records Unit by phone for an updated status on the service

#### **Unsuccessful Service of Orders**

If attempts at service are not successful, complete the Return of Service form or the form letter showing that the order was not served, stating the reason. Include all attempts made to serve the Respondent/Restrained Person, including any avoidance attempts made by the Respondent/Restrained Person. The Return of Service form will then be returned to the Records Unit.

Effective:	4/3/19
Revised:	N/A
Kent PD	15.150
WASPC	15.12
Previous Kent PD Policy	New

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#15.160</b>	<b>N/A</b>	<b>Phlebotomy Program</b>

This policy applies to sworn personnel who are actively certified phlebotomists who perform venipuncture for the City of Kent. This policy does not supersede any requirement to maintain certification or any Clinical and Laboratory Standards Institute procedures for collection of blood specimens.

Each officer assigned to this program will be required to keep current with the Department of Health standards set forth by the State of Washington and maintain their certification. If at any time their certification lapses they will be suspended from the program until their certification has been restored.

Officers shall keep a running log of blood draws and attempts. Each blood draw will be documented on a blood draw form as well as a case report. Whenever feasible the blood draw will be performed at a hospital or blood draw area located at the City of Kent Correctional Facility. Blood draws performed in the field should be performed in as sterile of an environment as possible such as a medic unit or ambulance.

Officers will use good judgment and retain the right to decline any draw.

When practical, the drawing officer should ask the patient if they have had any problems with blood being drawn before, have any latex allergies, have had a mastectomy, or have any stints. Officers will sanitize the area prior to taking a blood sample. Officers will take 2 samples and place in two different tubes. The officer who performs the draw shall ensure tubes are properly labeled and retained by the arresting officer. The arresting officer will enter those tubes into evidence.

An officer may only make two attempts to draw blood. If unsuccessful on both attempts the officer shall defer to another qualified individual either within the department or at a medical facility.

In the event of any medical issue, to include; fainting, vomiting, convulsions, or excessive bleeding, medical aide shall be summoned.

After any draw at the City of Kent Correctional Facility, the officer shall sanitize the blood draw area and restock supplies as needed.

Effective:	9/13/19
Revised:	N/A
Kent PD	15.160
WASPC	N/A
Previous Kent PD Policy	N/A



<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#16.10</b>	<b>#16.1</b>	<b>Detective Case Management System</b>

A number of detectives for the Kent Police Department are available 24 hours a day, pursuant to procedures established in the Collective Bargaining Agreement. Detectives from both the crimes against persons and property units are available during business hours Monday through Friday. Requests for a detective response during duty hours shall be made by telephone, pager, or radio. Requests for assistance shall normally be made through the appropriate detective sergeant.

Requests for a detective response during non-business hours shall be made to the appropriate "on call" detective unit supervisor. The schedule for the "on call" detective supervisor is maintained and available at Kent PD Records. The detective sergeant will determine if a callout is needed and if so, designate which detectives will respond.

A first line supervisor reviews all incident reports to decide if a follow-up investigation is necessary.

- A. Copies of felony reports requiring further review are forwarded to the detective section.
- B. Misdemeanor reports generally are investigated by the patrol division unless the incident can be more effectively handled by the detective section.

The detective sergeants decide the time and resources committed to criminal investigations. Commitment is based on established solvability factors, degree of seriousness, and resources. The detective sergeant may suspend investigative efforts when leads or solvability factors no longer exist. This may not apply to those cases of a serious or community sensitive nature.

- A. Solvability factors requiring a follow-up investigation be conducted include:
  - 1. Suspect is arrested
  - 2. Suspect is named
  - 3. Suspect is identified
  - 4. Suspect can be located
  - 5. Suspect vehicle can be identified
  - 6. A major injury or dangerous felony
  - 7. If the crime is of a community sensitive nature
- B. When conditional solvability factors exist, a detective sergeant may direct

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that a follow-up investigation be conducted. Conditional solvability factors may include:

1. Victim hospitalization
2. Traceable stolen property
3. Significant physical evidence present
4. Crime suggests a pattern

C. Besides solvability factors, other elements may be considered for case assignment.

1. Documented departmental experience
2. Documented experience of other law enforcement agencies
3. Research and intelligence conducted within the agency
4. Research and intelligence conducted in other law enforcement agencies

Detectives are assigned to specific areas of investigation. Assignment is based upon the detective's knowledge, skills, experience, and qualifications. The detective sergeant assigns cases for follow-up investigation to one detective within the corresponding area.

A detective sergeant assigns cases forwarded to the detective unit and enters them into the Managing Criminal Investigations (MCI) computer program. The MCI status screen includes: detective assigned, case number, report date, date assigned, case status, and due date. A detective sergeant checks current cases weekly to ensure quick handling.

To help case management and control, detectives shall use one of the following to indicate case status.

- (A) Active:** Case is currently under investigation.
- (C) Closed:** All leads exhausted and can no longer pursue the case.
- (KE) or (KK) Cleared:** Case referred for prosecution.

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A case may also be cleared by:

1. Exceptional settlement when the suspect is known and a charge is not filed
2. Multiple charges being filed
3. Referral for sentencing
4. Drug buys to make an informant reliable
5. Referral of juvenile suspects to parents or school district
6. Finding runaways or missing persons

<b>(INV)</b>	<b>Investigations:</b>	An active case referred to the detective section.
<b>(T)</b>	<b>Referred Traffic:</b>	An active case referred to the traffic unit.
<b>(R)</b>	<b>Referred OSA:</b>	A case referred to an outside agency for completion of investigation.

The assigned detective maintains a working case file for each active investigation. Case files should contain copies of preliminary investigative reports, investigation notes, lab reports, statements, and other pertinent information. The Records Section keeps all original documents.

**EXCEPTIONS:** Original evidence room logs are maintained in the evidence office file. A copy is placed in the case file in the Records Section.

The Special Investigations Unit (SIU) maintains their own confidential informant (CI) files.

A detective sergeant maintains a written log of all forwarded cases for quick reference and backup.

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<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
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### **Case Standards**

In order to help manage their case loads, detectives are expected to handle their work using the following guidelines:

- A. All original documents are to be placed in the master case in Records. This includes filing paperwork. If the originals are sent out, then copies will be utilized. Criminal histories do not need to be included in the filing packet unless they have a bearing on the degree of offense. Criminal histories are not included in the master case in Records.
- B. Concluded cases need a follow up report with enough information to justify the manner of conclusion. If there are multiple charges, follow up reports should detail the investigation and results of all of the charges, not just the primary charge.
- C. Detective supervisors must review all concluded cases as a completed package for quality control.
- D. MCI screens need to be updated as cases are concluded. Cases with all investigative leads exhausted must be closed and not left open on MCI screens. They may be reactivated if new information is developed.

Uniformed patrol and traffic officers conduct preliminary investigations of all dispatched calls. Based on the preliminary investigation, the patrol supervisor decides the status of the case.

- A. Forward active felony cases to the detective section for further investigation. Patrol may investigate a felony case if such a need arises, and both the patrol and the detective sergeants agree.
- B. The patrol division follows-up on misdemeanor cases. Some cases require additional expertise or resources. When this occurs, refer the case to the appropriate section or unit.

The patrol supervisor notifies the detective sergeant in the case of a major crime. The detective sergeant contacts detectives to respond to the scene and assume investigative responsibility.

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WASPC	16.1
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The Investigations Division initiates preliminary investigations of a sensitive nature. Such investigations include but are not limited to: vice, narcotics, white-collar crime, and special/ covert operations.

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<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#16.20</b>	<b>#16.2</b>	<b>Elder Abuse Investigations</b>

Elder abuse investigations are covered and investigated under RCW 74.34. Elder abuse investigations are received by the Detective Unit through a Patrol referral or in most cases, Adult Protective Services (APS) will fax to the department a complaint form. The APS form will have the victim's name, address, suspect information (if known), and details of the alleged abuse.

A Detective Sergeant screens each Patrol/APS referral and completes the following:

1. Logs the APS intake number into a spreadsheet listing the victim's name, suspect name, date received, type of abuse (sexual, financial, neglect, abuse, other), case/FI number, and the detective assigned to the case.
2. In some APS referrals, it is found that a crime was not committed. These types of referrals are logged (as stated above) and not assigned. The referral is then placed in a binder.
3. Assigns the APS referral to a detective for further follow-up.

The detective assigned to the APS referral will complete the following:

1. Contact the APS caseworker assigned to the APS referral.
2. Interview and obtain statements from any witnesses, victims, and suspects.
3. Gather any supporting documents and/or pictures.
4. If the investigation warrants, the filing of charges will be done through the King County Prosecutor's Office or through the City of Kent's Prosecutor's Office.
5. All documents will be forwarded to Kent Police Records to be scanned into the case.
6. A copy of the detective/officer final report is faxed to APS.

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Kent PD	16.20
WASPC	16.2
Previous Kent PD Policy	New

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#16.30</b>	<b>#16.3</b>	<b>Child Abuse Investigations</b>

It is the policy of the Kent Police Department to investigate all reported incidents of alleged criminal child abuse and ensure Child Protective Services (CPS) is notified as required by law.

As a responsible agency, officers shall respond promptly to detected or suspected child abuse incidents and conduct objective and comprehensive investigations. The importance of these investigations are to obtain and secure sufficient and appropriate evidence to assess alleged and/or suspected misconduct, protecting potential victims from continued or future abuse.

When conducting child abuse investigations, the Kent Police Department shall follow the protocol set forth in the King County Special Assault Network Agreement. The primary components of that agreement are outlined in this policy.

### **Mandatory Notification to CPS**

Members of the Kent Police Department shall notify CPS when a report of abuse or neglect of a child is received or when there is reasonable cause to believe that a child has suffered abuse (including sexual abuse) or neglect (RCW 26.44.030(5)).

In emergency cases, notification to CPS should be made as soon as feasible, when the child's welfare is endangered but in all such cases within 24 hours. In non-emergency cases, notification to CPS shall be made within 72 hours after a report is received.

For purposes of notification, abuse or neglect of a child includes sexual abuse, sexual exploitation, or injury inflicted by any person under circumstances that cause harm to the child's health, welfare or safety, excluding lawful discipline; or the negligent treatment or maltreatment by a person who is responsible for, or providing care to, a child (RCW 26.44.020(1)).

Officers shall promptly notify CPS whenever a child under 13 years of age is in a vehicle being driven by the child's parent, guardian or legal custodian and that person is being arrested for a drug or alcohol-related driving offense (RCW 26.44.250).

If, during an investigation of drug manufacturing, an officer discovers that a child is present at the investigation site, the officer shall notify CPS immediately (RCW 26.44.200).

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Kent PD	16.30
WASPC	16.3
Previous Kent PD Policy	NEW

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<b>#16.30</b>	<b>#16.3</b>	<b>Child Abuse Investigations</b>

### **CPS Notification Content**

Notification should occur as follows (RCW 26.44.030(5)):

Notification, when possible, should include:

1. The name, address, and age of the child.
2. The name and address of the child's parents, stepparents, guardians or other persons having custody of the child.
3. The nature and extent of the alleged injury or injuries.
4. The nature and extent of the alleged neglect.
5. The nature and extent of the alleged sexual abuse.
6. Any evidence of previous injuries, including the nature and extent of the injury.
7. Any other information that may be helpful in establishing the cause of the child's death, injury or injuries, and the identity of the alleged perpetrator or perpetrators.

Officers will forward all case reports via fax to CPS, regardless of disposition.

### **Supervisor Notification**

Officers shall notify their on-duty supervisor when they have reasonable suspicion to believe that a child has suffered abuse, including sexual abuse or neglect.

### **Detective Unit Notification**

Supervisors will contact the Persons Crimes Detective Sergeant during normal business hours or the on-call Detective Sergeant during off hours and notify them of child abuse incidents that involve the following circumstances:

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<b>#16.30</b>	<b>#16.3</b>	<b>Child Abuse Investigations</b>

- All child death, accidental, natural or otherwise.
- All child injury likely to result in death accidental or otherwise.
- All child injury that would be a felony if it was determined that a criminal act caused the resulting injury, regardless of whether probable cause is established.
- All child sexual abuse incidents.

The Detective Sergeant will assess the situation and determine whether or not detectives will be assigned to respond and assist with the investigation.

### **Mandatory Case Report**

Kent Police Officers will document all reports of alleged child abuse in a case report, regardless of disposition.

Case reports should include the following, as applicable:

1. How the officer(s) became aware of the incident.
2. The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.
3. Any relevant statements the child may have made and to whom he/she made the statements.
4. Recorded statements from all adult reporting persons, witnesses, and suspects.
5. If a child was taken into protective custody, the reasons, details of CPS notification, the name and title of the person making the decision, and why other alternatives were not appropriate.
6. Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
7. Whether the child victim was transported for medical treatment or a medical examination.
8. Whether the victim identified a household member as the alleged perpetrator and a list of the names of any other children who may reside in

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the residence.

9. Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known. Prior CPS cases can be located by contacting CPS.

10. Previous addresses of the victim and suspect.

11. Other potential witnesses who have not yet been interviewed such as relatives or others close to the victim's environment.

All incidents of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

All case reports of child abuse, sexual child abuse or neglect where there is reasonable suspicion to believe that a child has been abused, sexually abused or neglected, should be referred to detectives, including misdemeanor level crimes.

### **Protective Custody**

Before taking any child into protective custody, the officer should make reasonable attempts to contact CPS. Generally, removal of a child from his/her family, guardian or other responsible adult should be left to CPS when they are present or have become involved in an investigation.

Generally, members of this department should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to CPS.

Whenever feasible, officers should inform the on-duty supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

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<b>#16.30</b>	<b>#16.3</b>	<b>Child Abuse Investigations</b>

Children may only be removed from a parent or guardian in the following situations (RCW 26.44.050):

- (a) A court order has been issued authorizing the removal of the child.
- (b) There is probable cause to believe that the child is abused or neglected and that the child would be injured or could not be taken into custody if it were necessary to first obtain a court order (e.g., the child could be taken and concealed).

### **Interviewing Victims**

Generally officers do not conduct victim interviews of child abuse, sexual abuse or neglect. Absent extenuating circumstances, officers should only attempt to gather the foundational information necessary to determine if the potential of abuse or neglect exists and the level of potential immediate risk to the child. When practicable, officers should defer these types of interviews to personnel who have received the appropriate training. (See KPD Policy 16.40 Interviews of Child Victims of Abuse, Sexual Abuse or Neglect). Interviews of child victims should not be conducted in the child's home or the location where the alleged abuse occurred.

An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless it is done in compliance with a court order.

### **Medical Examinations**

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian, or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist, the notified supervisor should consider obtaining a court order for such an examination. Exigent circumstances include injuries or medical conditions that require immediate

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<b>#16.30</b>	<b>#16.3</b>	<b>Child Abuse Investigations</b>

treatment.

### **Release of Reports**

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law (RCW 42.56.240).

### **Arrest Without Warrant**

When an officer responds to a call alleging that a child has been subjected to sexual or physical abuse or criminal mistreatment and has probable cause that a crime has been committed, or the officer responds to a call alleging that a temporary restraining order or preliminary injunction has been violated, he/she has the authority to arrest the person without a warrant (RCW 10.31.100; RCW 26.44.130).

### **Case Submission to Prosecutor**

The Kent Police Department shall forward all cases of child abuse to the appropriate prosecutor when a crime may have been committed and (RCW 26.44.030):

- (a) A child has died or has had a physical injury.
- (b) Injuries were inflicted upon a child other than by accidental means.
- (c) A child has been subjected to alleged sexual abuse.

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Kent PD	16.30
WASPC	16.3
Previous Kent PD Policy	NEW

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#16.40</b>	<b>#16.4</b>	<b>Interviews of Child Victims of Abuse, Sex Abuse or Neglect</b>

Only those officers/detectives who have successfully completed Washington State Criminal Justice Training Commission (WSCJTC) sponsored training on interviewing child victims of sexual abuse shall conduct forensic interviews of child abuse, sex abuse, or neglect.

Interviews of children who are suspected victims of sexual abuse will be conducted in compliance with the training standards set forth in RCW 43.101.224.

Local Agency Protocols are established in the King County Special Assault Network Agreement. Officers/Detectives shall follow those protocols.

The Detective Unit Supervisor should ensure that local child abuse protocols for the investigation of child abuse are available to those department members who have a role in child abuse investigations (RCW 26.44.180 et seq.).

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WASPC	16.4
Previous Kent PD Policy	NEW

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#16.50</b>	<b>#16.5</b>	<b>Hate Crime Investigations</b>

It is the policy of the Kent Police Department that criminal offenses motivated by hatred or prejudice will be viewed as serious, and the investigations will be given priority attention. The proper investigation of such crime is the responsibility of all Kent Police officers who must be sensitive to community feelings, needs, and fears resulting from incidents of this nature.

### **Definitions**

Except where otherwise noted, the following definitions are provided per RCW 9A.04.11:

**Bodily Injury, Physical Injury, or Bodily Harm-** Physical pain or injury, illness, or an impairment of physical condition.

**Malice and Maliciously-** To impart an evil intent, wish, or design to vex, annoy, or injure another person. Malice may be inferred from an act done in willful disregard of the rights of another, an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

**Reasonable Person** - A member of the victim's race, color, religion, ancestry, national origin, gender, or sexual orientation, or who has the same mental, physical, or sensory handicap as the victim (RCW 9A.36.080).

**Sexual Orientation** - Heterosexuality, homosexuality, bisexuality and gender expression or identity. As used in this definition, gender expression or identity means having or being perceived as having a gender identity, self-image, appearance, behavior or expression, whether or not that gender identity, self-image, appearance, behavior or expression is different from that traditionally associated with the sex assigned to that person at birth (RCW 49.60.040(15)).

**Threat** - To communicate, directly or indirectly, the intent to cause bodily injury immediately or in the future to any other person or to cause physical damage immediately or in the future to the property of another person.

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Kent PD	16.50
WASPC	16.5
Previous Kent PD Policy	1.2.9

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#16.50</b>	<b>#16.5</b>	<b>Hate Crime Investigations</b>

## **Criminal Statutes**

### **Malicious Harassment:**

A person is guilty of Malicious Harassment if he/she maliciously and intentionally commits one of the following acts because of his/her perception of the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical, or sensory handicap (RCW 9A.36.080):

- Causes physical injury to the victim or another person.
- Causes physical damage to or destruction of the property of the victim or another person.
- Threatens a specific person or group of persons and places that person or members of the specific group of persons in reasonable fear of harm to person or property. The fear must be a fear that a reasonable person would have under the circumstances.

### **Prima Facie Acts of Hate:**

Prima facie acts of hate are (RCW 9A.36.080):

- Burning a cross on property of a victim who is or whom the actor perceives to be of African American heritage.
- Defaces property of a victim who is or whom the actor perceives to be of Jewish heritage by defacing the property with a swastika.

## **Procedure for Investigating Hate Crimes**

Whenever any employee of this Department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following shall occur:

- Once "in progress" aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of present suspects, etc.), the assigned

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<b>#16.50</b>	<b>#16.5</b>	<b>Hate Crime Investigations</b>

officer(s) will take all reasonable "steps to preserve available evidence that may tend to establish that a hate crime was involved."

- Officer(s) will be promptly assigned to contact the victim, witness, or reporting party to investigate the matter further as circumstances may dictate.
- The assigned officer(s) will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.
- Depending on the situation, the assigned officer(s) will notify a supervisor of the circumstances and may request additional assistance from detectives or other resources to further the investigation.
- All related reports will be completed and submitted by the assigned officer(s) before the end of the shift.
- The assigned officer(s) and supervisor should take reasonable steps to ensure that any such situation does not escalate further.

### **Major Crimes Investigations Unit Responsibility**

If a case is assigned to the Major Crimes Investigations Unit, the assigned detective will be responsible for following up on the reported hate crime as follows:

- Coordinate further investigation with the County Prosecutor and other appropriate law enforcement agencies, as appropriate.
- Maintain contact with the victim(s) and other involved individuals as needed.

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Kent PD	16.50
WASPC	16.5
Previous Kent PD Policy	1.2.9



<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#16.60</b>	<b>#16.6</b>	<b>Identity Theft Investigations</b>

The Kent Police Department recognizes the significant impact identity theft crimes have made on its citizens and on society as a whole. Policy and procedures have been instituted regarding the investigation of these crimes.

When an incident of identity theft is reported, the original investigating officer shall document the incident by a case report. The officer shall obtain all pertinent personal information from the victim to include bank/credit card account numbers, Social Security numbers, and ensure it is included in their case report. Many of these crimes cross jurisdictions, and it may be difficult to determine where the crime originated. Kent officers should refer to RCW 9.35.020 to determine if any element of the crime occurred with the city.

Identity theft cases are forwarded to the Crimes Against Property Detectives Unit for any continued investigation, including any coordination of an investigation with other agencies. The Kent Police Department utilizes the Tiburon software which includes programs for crime analysis, case code setup, and the capacity to route information electronically to other agencies. Our detectives also participate in Valley Detective meetings where information is compared and exchanged on multi-jurisdictional investigations.

The Kent Police Department has created pamphlets for identity theft victims to provide information on financial fraud and other resources to assist them. Kent's crime prevention unit also provides information to the public through citizen's academy, press releases, and block watches.

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Kent PD	16.60
WASPC	16.6
Previous Kent PD Policy	28.2.8

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#16.70</b>	<b>#16.7</b>	<b>Use of Informants</b>

An informant is a person who provides useful information of an incriminating nature to a law enforcement agency. Informants may be either paid or unpaid for the services and/or information they provide. Informants are considered departmental resources not individual resources.

Informants' identities may be known and available to the public or confidential and revealed only to the extent required by Ch. 42.56 RCW, court rule, pursuant to a lawfully issued subpoena or court order. Detectives and officers shall make every lawful effort to protect the identity of a confidential informant.

A master file system exists to maintain information regarding the use and administration of informants by the police department. Maintenance and security of informant files are the responsibility of the Special Investigations Unit (SIU) Sergeant. Access is limited to those detectives or officers whose duty requires such access.

The Kent Police Department recognizes and endorses the need to pay informants for information or services. The SIU Sergeant reviews requests for payment in advance. Under no circumstances is an informant paid for services until an informant file is established. The officer or detective investigates the reliability of the informant's information before making the payment.

### **Establishing an Informant File**

The officer or detective:

1. Shall complete an informant information sheet, which includes at least the name, address, date of birth, and a criminal history. The detective assigned will routinely check the informant's Department of Licensing record for driving status. Photographs of informant may be obtained at any time by using the Department of Licensing link by the Records Section.
  - a. If use of the informant is approved, the case detective assigns the next available CI#, and the informant file is established.
  - b. If use of the informant is denied, the SIU Sergeant completes a report

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documenting the reasons for denial. This information is in the informant master file marked "Informant Applications Denied." The informant is not used.

- c. If use of the informant is approved, the officer or detective proposes a written agreement to the informant. Once the informant agrees to the conditions, the informant is authorized for use.
2. Any violation of the written agreement results in the informant being suspended from further use until further evaluation by the detective/officer and the sergeant.

The informant file contains:

1. Kent Police Department informant information sheets with attached criminal history.
2. Vouchers of monies signed for by the informant.
3. Correspondence and notes concerning the informant.

### **Security of Informant Files and Codes**

1. Informant files are kept in a locked area within the SIU.
2. Only the confidential informant number (CI#) is visible on the outer file.
3. The SIU Sergeant maintains the informant master file system.

### **Informant File Review**

Sworn personnel may request an informant file to review for an active investigation as follows:

1. The request is to be in writing and directed to the SIU Commander.

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Kent PD	16.70
WASPC	16.7
Previous Kent PD Policy	28.2.7

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#16.70</b>	<b>#16.7</b>	<b>Use of Informants</b>

2. A copy of the request is placed in the informant file once review is granted or denied.

Informant files are subject to review by the Chief of Police or designee. Informant files are not required to be available to any other person except as provided in this policy.

### **Use of Established Informants**

A detective or patrol officer may request the use of an established informant as follows:

1. The request must be in writing and submitted to the SIU Commander.
2. A copy of the request is placed in the informant file once request is granted or denied.

### **Precautions When Handling Informants**

1. Make informant contacts with at least two sworn employees. It is recognized that circumstances arise where only one sworn employee is in close physical proximity to the informant. However, one other sworn employee should closely survey such contacts.
2. Urgent circumstances may require a lone officer to make unsurveilled contact with an informant. If this is to occur, the officer must first phone a commissioned supervisor, advising of the circumstances, time, location, and estimated length of contact. Immediately following the meeting, the officer must re-contact the supervisor to verify the successful conclusion of the contact.

### **Juvenile Informants**

The Kent Police Department discourages employees from handling juvenile informants. In unusual circumstances where a juvenile informant is of value, the following applies:

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WASPC	16.7
Previous Kent PD Policy	28.2.7

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#16.70</b>	<b>#16.7</b>	<b>Use of Informants</b>

1. The SIU Sergeant shall have authority to provide authorization for use of the juvenile. Use will be as limited as possible.
2. An authorized release form shall be signed by the juvenile's parent or legal guardian prior to the juvenile being utilized as an informant.
3. A written agreement shall be signed by the juvenile and the parent or legal guardian prior to the juvenile being utilized as an informant.
4. The parent or legal guardian shall be kept informed of the juvenile's involvement in the investigation.

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Kent PD	16.70
WASPC	16.7
Previous Kent PD Policy	28.2.7

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#16.80</b>	<b>#16.8</b>	<b>Victim/Witness Privacy and Protection</b>

The Kent Police Department has designated rooms to be used for interviews and interrogations. The purpose of this policy is to establish procedures and protocol for their use and to ensure the safety of all personnel: sworn and civilian. These rooms are set up in four different locations.

### **Police Department**

There are four (4) interview rooms set up in the police department building separated by sight and sound from the public areas of the police department facility. These are utilized not only for interviews but also for report writing. The majority of the users are uniformed patrol members. They are in uniform with their equipment and firearm with them. The portable radios are equipped with an emergency activation button. The rooms are set up with a desk, two chairs, shelves, waste cans, and a computer. The doors have windows built into them and the doors cannot be locked.

The other use for these rooms is for interviewing witnesses and victims. Interviews should be done one-on-one unless an officer is in a training phase and their FTO is with them during the interview. Any suspect interviews/interrogations is done with two officers present. Witnesses and victims have access to a restroom and water fountains. There is no audio or video equipment installed in these rooms.

### **Detective Unit**

The detective unit of the Kent Police Department has installed an interview room in its office. This interview/interrogation room uses audio and video taping of the interviews and as a means of security for the interviewing detective/s. Some interviews may be one on one but others maybe two on one. The detectives exercise their discretion on this. Another detective is watching the monitor from another office during the interviews to assist in officer safety. Detectives secure their weapons when they are conducting interrogations of suspects but may have them with them while conducting interviews of victims and witnesses.

If a witness or suspect needs a comfort break, they are escorted to the restroom and are also allowed access to the water fountains. The office is equipped with a telephone, monitoring camera and equipment, 3-4 chairs, desk, waste can, and filing cabinet. The detective unit interview room is within the secured detective work area which can only be accessed with a Kent Police Department ID badge.

Effective:	10/1/07
Revised:	1/7/16
Kent PD	16.80
WASPC	16.8
Previous Kent PD Policy	28.2.10/36.1.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#16.80</b>	<b>#16.8</b>	<b>Victim/Witness Privacy and Protection</b>

### **DUI processing room**

A D.U.I. processing room is located in the City of Kent Corrections Facility. This room has controlled access into it with entry being authorized by the control officer. All officers secure their weapons prior to entry into the corrections facility, either in their vehicle or in a weapons locker in the jail garage. The processing room has a limited amount of furniture: desk with B.A.C. machine, desk and chair, telephone, and a bench for the arrestee to sit. A restroom is located off of the processing room.

The room is under video surveillance and if requested, audio can be monitored. The officer's emergency activation button is a secondary means of summoning assistance. The majority of investigations/interviews are done one-on-one. If the behavior of the arrestee becomes a safety concern, they can be handcuffed to a restraining bar which is adjacent to the bench.

### **Polygraph Room**

The police department polygraphist utilizes an office in the detective unit work area where the polygraph examinations are conducted. Testing is conducted in a one on one environment for applicants but for criminal investigative purposes, a second detective is on hand for officer safety concerns. Restrooms are located adjacent to the work area as is a water fountain. This office is equipped with a table, polygraph equipment, several chairs, and a small desk.

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Kent PD	16.80
WASPC	16.8
Previous Kent PD Policy	28.2.10/36.1.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#16.90</b>	<b>#16.9</b>	<b>Asset Forfeiture</b>

Before seizing any currency, vehicle, or personal property pursuant to RCW 9.41.098, 9A.83.030, 10.105.010, or 69.50.505, a patrol officer should contact a Special Investigations detective and advise them of their case. The following guidelines will then be observed:

- A. After talking with the Special Investigations detective, the patrol officer will inform the arrested party that their property is being seized and that the Special Investigations Unit will be contacting them with the required paperwork.
- B. The patrol officer will interview all persons involved concerning their possession of the seized assets, financial situation, employment, income, and other resources. The interviewing officer shall ensure that *Miranda* warnings are given and waivers obtained before interviewing any person who is in custody.
- C. The patrol officer will enter seized items into evidence. If it is a vehicle, the vehicle will be impounded and placed into the Kent Police Impound yard. If it is real property, the real property will be secured.
- D. The Special Investigations Unit will formally serve the arrested party with a Notice of Seizure and intended forfeiture form. They will then attempt to determine all lienholders or all persons who may have a legal interest in the seized currency, vehicle, or property for further contact, investigation and notification.

### **Timeline of Forfeiture Process**

Owner of the property will be notified, by certified letter or in person, of the seizure and intended forfeiture of the seized property within 15 days following the seizure. Notifications will go to any person having a known right or legal interest to the seized property.

If owner does not reply to the notice of seizure within 45 days, the Kent Police Department will ask for a default letter to be written. This letter will be signed by a hearing examiner and sent to all owners of the property giving them 30 days to appeal. If the owner wants to appeal their default, a hearing will be scheduled by

Effective:	10/8/14
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Kent PD	16.90
WASPC	16.9
Previous Kent PD Policy	New



<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#16.90</b>	<b>#16.9</b>	<b>Asset Forfeiture</b>

the City of Kent's prosecutor's office. If no notice is received from the owner, the property becomes the property of the City of Kent.

If the owner asks for a hearing, one will be scheduled by the City of Kent's prosecutor's office with a hearing examiner. The hearing examiner will then determine if the currency, vehicle, or property will go back to the owner or become property of the City of Kent.

Effective:	10/8/14
Revised:	11/30/15
Kent PD	16.90
WASPC	16.9
Previous Kent PD Policy	New

Kent PD	WASPC	Title
#16.100	#16.10	Deconfliction and Information Sharing

### **Purpose**

The Kent Police Department recognizes the importance of deconfliction and the sharing of information with other law enforcement agencies. Deconfliction and proper case activation procedures will enhance officer safety and efficiency of criminal investigations. As such, the following procedure will be adhered to when executing a planned operation or conducting felony level criminal investigations which pose greater than normal risk to officers, citizens, and/or property. In most instances this procedure will not apply to general patrol or detective level investigations.

### **Definitions**

Deconfliction: The process where a central location is notified of an investigation or planned event so officers will not accidentally target another law enforcement officer or compromise another investigation.

Planned Operation: For the purposes of deconfliction, an operation (or event) is defined as any pre-planned tactical or investigative operation by Kent Police Department personnel that officers should reasonably believe could subject officers, informants, property, and/or the general public to greater than normal peril – meaning there is a potential for injury to officers or others and/or damage or loss of property due to misfortune or the intentional criminal conduct of others. Events include but are not limited to the following: the service of search warrants or arrest warrants, “buy-busts”, “stings”, “buy-walks”, or any operation that happens outside of the city limits.

Western States Information Network (WSIN): WSIN provides a centralized information system located in Sacramento, California, where law enforcement agencies and HIDTA projects report information regarding the identification of criminal suspects and conduct deconfliction for planned operations.

High Intensity Drug Trafficking Area (HIDTA): The HIDTA program provides assistance to local, state, tribal, and federal law enforcement agencies operating in areas determined to be critical drug-trafficking regions of the United States. The Northwest HIDTA Watch Center, located in Seattle, provides event deconfliction services to all agencies or task forces. HIDTA assists agencies with investigative de-confliction by searching and storing information in RISSIntel and by de-

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Kent PD	16.100
WASPC	16.10
Previous Kent PD Policy	New

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#16.100</b>	<b>#16.10</b>	<b>Deconfliction and Information Sharing</b>

conflicting operations utilizing RISSafe.

### **Deconfliction Procedure**

The assigned detective or officer will run all named suspects through WSIN, upon the assignment of a felony level criminal investigation which pose greater than normal risk to officers, citizens, and/or property. They will call NW HIDTA at 1-888-388-3784. If it is after hours, this number will automatically revert to WSIN's main office in Sacramento California. They will provide the name, date of birth, address, phone number, and the reason for the investigation.

If HIDTA/WSIN reveals a conflict with the suspect or address, the detective will contact that agency to determine the level of involvement they have with the suspect. If the agency has an active investigation, the officer or detective will pass on what information they have on the suspect. If the agency does not have an active investigation, the officer or detective will continue with their investigation.

Once Deconfliction is complete, the supervisor will be notified. If there is an operations order, it will be documented that deconfliction was completed.

### **Dissemination**

The WSIN database has three levels of confidentiality: full release, limited release, and no release (restricted). Detectives making entries into WSIN may decide which release they would prefer. Before any entry is labeled as no information release, it must first be reviewed and approved by a supervisor.

The information submitted to the WSIN database remains the property of the submitting agency, which controls the input and dissemination of its information in accordance with current laws and the agency's disclosure policies. A controlling agency must grant written permission for disclosure of its information by another law enforcement agency.

### **Training and Access**

All detectives, officers, and administrative staff with assignments that could require them to perform case activation or deconfliction should receive WSIN training enabling them to navigate through the computer program as well as obtain security

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Kent PD	16.100
WASPC	16.10
Previous Kent PD Policy	New

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#16.100</b>	<b>#16.10</b>	<b>Deconfliction and Information Sharing</b>

access to the system. Detectives, officers, or administrative staff who do not have WSIN training and/or security access to the WSIN system will partner with a detective/officer who does have training and access to comply with the case activation requirements of this procedure.

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Kent PD	16.100
WASPC	16.10
Previous Kent PD Policy	New

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#16.110</b>	<b>15.11</b>	<b>Photographic/Physical Lineups</b>

The Kent Police Department has developed the following procedures to be utilized when conducting any lineup of potential suspects during an investigation. These procedures are consistent with the practices suggested by the City and County prosecutors. The Department's detective unit is primarily responsible for conducting photographic and live lineups.

### **Photographic Lineups**

- A. Present the witness with the instructions on the Kent Police Department Photographic Lineup Instructions and Statement Form.
- B. Photos should be presented simultaneously (6-pack).
- C. The individual conducting the photo lineup should not know the identity of the actual suspect. Prior permission from a supervisor is required if it is not feasible to comply with this "double blind" procedure. If an independent administrator is not available, simultaneous presentation of photos is necessary.
- D. Witnesses should be asked to give feedback in their own words regarding their level of confidence in their identification.
- E. Select fillers that generally fit the witness' description of the perpetrator. A minimum of five fillers should be used in photographic lineup procedures.
- F. Each witness should be given instructions regarding the identification procedures without other witnesses present.
- G. Avoid saying anything to the witness that may influence their selection.
- H. Ensure that no writing or information concerning previous arrests or previous identification results are visible to the witness.
- I. Document any identification results and witness' statement of certainty. Ask them to describe in their own words how certain they are. Do not request the witness to assign a percentage to their certainty as they should not be compelled to give an answer to this question.

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Kent PD	16.110
WASPC	15.11
Previous Kent PD Policy	28.2.11/28.2.12/28.3.3

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#16.110</b>	<b>15.11</b>	<b>Photographic/Physical Lineups</b>

- J. Ensure identification results are signed and dated by the witness.
- K. Do not give witnesses any feedback regarding the individual he/she has selected or comment on the outcome of the procedure in any way.
- L. After the photos have been viewed, they will be retained as evidence.

### **Live Lineups**

- A. Witnesses should be provided with instructions prior to viewing the lineup, including the fact that the person who committed the crime may or may not be present.
- B. Lineups should be presented sequentially (individuals are shown to the witness one at a time).
- C. The individual conducting the live lineup should not know the identity of the actual suspect. If an independent administrator is not available, simultaneous presentation of the individuals is necessary.
- D. Witnesses should be asked to give feedback in their own words regarding their level of confidence in their identification.
- E. Select fillers that generally fit the witness' description of the perpetrator. A minimum of five fillers should be used in lineup procedures.
- F. Each witness should be given instructions regarding the identification procedures without other witnesses present. Witnesses should not be allowed to confer with one another either before, during, or after the procedure.
- G. Avoid saying anything to the witness that may influence their selection.
- H. The proportion of fillers to suspects should remain constant at 5 to 1. If you have more than one suspect, you should maintain the ratio and not use any of the same fillers in both procedures.

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Kent PD	16.110
WASPC	15.11
Previous Kent PD Policy	28.2.11/28.2.12/28.3.3

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#16.110</b>	<b>15.11</b>	<b>Photographic/Physical Lineups</b>

- I. Fillers should resemble the witness' description of the suspect.
- J. If a suspect is identified through other means such as DNA or fingerprints, and the appearance of the suspect differs from the description provided by the witness, use fillers that resemble the actual suspect in appearance rather than the description provided.
- K. Ensure that any identification actions (such as speaking or moving) are performed by all members of a live lineup.
- L. Always lead lineups with a filler.
- M. Place suspects in different positions in each lineup when there are multiple witnesses in the same case.
- N. In the case of sequential lineups, witnesses should not know how many individuals will be shown.
- O. Presentation administrators should give the identical instructions at the beginning of each identification procedure and should use great care not to influence the witness' selection in any way.
- P. Each of the witness' responses to the question "Is this the person you saw {insert description of the act here}? Yes or no?" should be documented with a reference to the number of the individual being presented and the exact response given. If the witness answers "no" to the question, the next individual is shown. If the witness answers "yes", the administrator should ask, "Can you describe how sure you are?" The witness' exact statement should be documented. Witnesses should not be compelled to give an answer to this question.
- Q. Witnesses should be shown all individuals, even if they make an identification during the presentation.
- R. If the witness does not make an identification after all individuals are shown, they can be asked if they would like to see the lineup again. The fact

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Previous Kent PD Policy	28.2.11/28.2.12/28.3.3

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#16.110</b>	<b>15.11</b>	<b>Photographic/Physical Lineups</b>

that the lineup was shown twice, and the administrator asked the witness if they would like to see it again as well as the outcomes must be documented. It is important not to tell the witness prior to the complete lineup presentation that they will be allowed to view the lineup again if they do not make an identification.

- S. If a witness asks to see just one specific individual a second time, documentation of that request is required. If a witness asks to see more than one specific individual a second time, the entire lineup should be shown and this should be documented.
- T. The lineup administrator should document their name, the procedure employed, the number of individuals shown, names of persons present during the lineup, number of times the lineup was viewed and the results of the procedure, including the witness' own words regarding how certain he/she is of any identification.
- U. Do not give witnesses any feedback regarding the individual he/she has selected or comment on the outcome of the procedure in any way.
- V. Document lineups by photo or video. This documentation should be of a quality that represents the lineup clearly and fairly.

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Kent PD	16.110
WASPC	15.11
Previous Kent PD Policy	28.2.11/28.2.12/28.3.3



<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#16.120</b>	<b>N/A</b>	<b>Intelligence Information Procedures</b>

Intelligence information is sensitive and confidential in nature, normally not available for public disclosure. Intelligence information is collected for the sole purpose of eliminating criminal activity.

Information collected is limited to suspected criminal conduct and activities that are crimes or threats to the community. Intelligence information is collected from case reports, field interview reports, surveillance, and citations entered in the department computer system as well as other sources outside the department. It is the responsibility of our officers/employees to accurately gather and document the information that has been collected and to maintain confidentiality.

Types of information may include but is not limited to:

- Criminal activity
- Information on person(s)
- Strategic information (for use in long range planning of an investigation)
- Tactical information (immediate use planning)

Intelligence information will be the responsibility of the Special Investigations Unit (SIU) Sergeant. The SIU Sergeant maintains control of such information and assures that it is evaluated and investigated in a timely manner. Intelligence information will be maintained in a locked file in the SIU Sergeant's office. The file consists of four sections:

1. Temporary
2. Working
3. Permanent
4. Purge

Information will be investigated as follows:

**Temporary Section:** Information for no longer than ten working days for review. It may then be assigned to a detective for further investigation.

**Working Section:** Information assigned to a detective for investigation. If criminal conduct or a threat to the community is confirmed or likely to be confirmed, a case number may be assigned to the investigation. Information obtained as a result of the investigation will be secured by the assigned detective in a locked file located at their work station.

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Kent PD	16.120
WASPC	N/A
Previous Kent PD Policy	28.1.6

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#16.120</b>	<b>N/A</b>	<b>Intelligence Information Procedures</b>

**Permanent Section:** Contain all original documents and any other information pertaining to the investigation. If a case number has been assigned, only the basic information required to obtain a case number will be filed in the records section. The entire original copy of the case will be kept in this file. If a case number was not assigned, all original copies of the investigation are kept in this file. Once an investigation is completed, all information goes into the master case.

**Purge Section:** Record the date, time, and circumstances that the information is purged from the system. Investigations issued a case number will be purged in accordance with RCW 40.14.070. Investigations not issued a case number will be reviewed on a yearly basis and purged if found to be of no further value to the department. Investigations may also be purged at any time information is found to be out-of-date or incorrect.

Officers/employees assigned to units that may gather intelligence receive training. Specialized equipment for use in collecting intelligence information is available for those trained in its use. A confidential investigative fund is budgeted for necessary expenditures in criminal investigations.

Due to the sensitive nature of intelligence information, access by the public, outside agencies, and department personnel are restricted. Direct access to intelligence information is limited to those people assigned to the investigation by the SIU Sergeant. Persons assigned to investigate intelligence information are to secure all intelligence information under lock and key in their work area until the investigation is completed.

Intelligence information is distributed on a need-to-know basis only. Assigned personnel are responsible for distribution of confidential information. Additional steps are taken to verify the identity of employees when requests are made by outside agencies. These steps may include:

1. Return phone calls to the requesting employee/agency
2. Written requests on department letterhead
3. Visual inspection of the employee's department credentials

Information will be kept in a locked file under direct control of the SIU Sergeant. This storage area will be separate from all other departmental records. Access to

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Kent PD	16.120
WASPC	N/A
Previous Kent PD Policy	28.1.6

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#16.120</b>	<b>N/A</b>	<b>Intelligence Information Procedures</b>

the file is limited to the SIU Commander, Sergeant, detectives, and crime analyst. The Patrol Division Assistant Chief has emergency access to the file in the absence of the SIU Commander and Sergeant. The SIU Commander will conduct a documented annual review of agency procedures and processes.

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Kent PD	16.120
WASPC	N/A
Previous Kent PD Policy	28.1.6

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#16.130</b>	<b>N/A</b>	<b>Criminal Street Gangs</b>

The purpose of this policy is to establish a process to accurately gather and utilize information to deal with street gang related crimes, activity, and members who live in or affect the City of Kent. This process provides pertinent information to assist in crime prevention, investigation, and analysis while still protecting individual privacy and ensuring that the department focuses on negative behavior and not labeling/profiling of individuals. This policy is consistent with and subject to 28CFR (Code of Federal Regulations) regarding intelligence data, which stipulates that data is behavior based and must be related to a crime.

### **Definitions**

**Criminal street gang** – As used in this policy, "criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities, the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity.

**Criminal street gang member or associate** – Any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by this criminal street gang.

(Definitions per RCW 9.94A.030)

### **Documenting Gang Activity**

The Washington State Legislature has facilitated a database function to enhance communication and intelligence between agencies related to gang members and their activities (RCW 43.43.762). The Kent Police Department is committed to ensuring that information we provide to any database is accurate, objective, and based on specific behavior.

Kent officers are authorized to enter data under "gang related" and "gang name" located in both the department report writing and field interviewing programs. The information must be specific and timely. State law specifies that individuals may be added to a database if they establish two or more of the following factors:

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Kent PD	16.130
WASPC	N/A
Previous Kent PD Policy	29.3.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#16.130</b>	<b>N/A</b>	<b>Criminal Street Gangs</b>

1. Admits gang membership or affiliation.
2. Has gang related tattoos.
3. Writes or possesses gang paraphernalia (i.e.: documents, graffiti).
4. Wears gang related clothing or jewelry (i.e.: colors, numbers or initials on clothing, gang graffiti or moniker written on clothing, gang members dress similarly, or possessing items clearly marked with gang colors or markings).
5. Uses gang-related monikers.
6. Has been identified as an individual affiliated with a criminal gang based on reliable information; reliable informant or another law enforcement agency.
7. Photos and/or group pictures with other gang members.
8. Uses hand signs or language in a context that indicates gang affiliation.
9. Associates with other gang members.
10. Is involved in gang related crimes and/or activities.
11. Is identified as a gang member by a member of another gang.
12. Name appears on a gang document or in gang graffiti.
13. Targets victims from a rival gang or a specific ethnic group.

It is the policy of the Kent Police Department that at least three of these criteria at a minimum, and that at least one of the criteria for inclusion to any database used outside the department shall be:

- Admits gang membership or affiliation.
- Has gang-related tattoos.

In addition, the crime analyst or regional analyst will determine if a person is added to the database, not individual officers. The analyst will be trained in issues related to gang identification, database confidentiality, and ensuring the quality of information sent by our department.

Officers at the Kent Corrections Facility have authorization to forward suspected gang information into the department records system. This contact is during the booking process which also includes photographs of the individual. For information to be included, it will also be submitted to the crime analyst for any inclusion into a regional database under the same criteria listed above.

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Kent PD	16.130
WASPC	N/A
Previous Kent PD Policy	29.3.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#16.130</b>	<b>N/A</b>	<b>Criminal Street Gangs</b>

### **Confidentiality**

Officers entering persons and/or incidents as gang related will complete the confidential tab section. Suspected gang information will be disseminated by the crime analyst. Any other release of suspected gang information must be authorized by the Chief of Police or designee. Information coming from the corrections facility shall be forwarded by a supervisor to the crime analyst.

### **Training**

The department will conduct initial and ongoing briefing and/or block training to personnel on properly documenting suspected gang activity.

### **Auditing**

A semi-annual audit of the gang database and process will be conducted by the Special Investigations Unit Commander. The audits will have a review of random individuals from the database and will determine if their inclusion complies with this policy. The audit will also include a specific recommendation of how much time should elapse before individuals with no activity reported are removed from the system.

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Kent PD	16.130
WASPC	N/A
Previous Kent PD Policy	29.3.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#16.140</b>	<b>N/A</b>	<b>Social Media Investigations</b>

Social media may be a valuable investigative tool to detect and prevent criminal activity. The purpose of this policy is to establish guidelines for the use of social media in crime analysis and situational assessments, criminal intelligence deployment, and criminal investigations.

### **Definitions**

**Online alias** – An online identity encompassing identifiers, such as name and date of birth, differing from the employee's actual identifiers, that uses a nongovernmental IP address. An online alias may be used to monitor activity on social media websites or to engage in authorized online undercover activity.

**Open source intelligence** – A form of intelligence collection management that involves finding, selecting, and acquiring information from publicly available sources and analyzing it to produce actionable intelligence.

**Public domain** – An internet resource that is open and available to anyone.

**Social media** – A category of internet-based resources that integrate user generated content and user participation, including without limitation social media networking sites.

**Social networking sites** – An internet site specifically focused on the building and verifying of social networks with the ability to create groups that share common interests or affiliations; upload and share files including pictures, music, or videos; hold discussions in forums; and/or host weblogs for members of the site and includes internet dating services. These sites include but are not limited to: Twitter, Linked-In, Instagram, Flickr, YikYak, You-Tube, Facebook, Picassa, Redditt, Digg, Nixle.

**Social media monitoring tool** – A tool used to capture data and monitor social media sites by utilizing automated tools such as web crawlers and word search functions to make predictive analysis, develop trends, or collect information.

**Law enforcement use or purpose** – A use or purpose that seeks to gather, develop, use, retain, and share information and intelligence that furthers the authorized functions and activities of a law enforcement agency, including without

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limitation crime prevention, protection of the public and officers, and the maintenance of homeland and national security.

### **Authorization to Access Social Media Websites**

**Public Domain** – No authorization is needed before an officer may research and access information for any law enforcement use or purpose when that research involves information that is available within the public domain.

**Online Alias** – With prior authorization from an immediate supervisor, an officer may use an online alias for any law enforcement use or purpose. An online alias should be used when anonymity is essential and should focus on gathering information and intelligence on the subject.

### **Authorization to Use a Social Media Monitoring Tool**

The Special Investigations Commander will provide authorization to a select number of employees to use a social media monitoring tool.

The selected employees will undergo training provided by the vendor of the social media monitoring tool. After successful completion of the training, the employee will be entitled to use the software in accordance with this policy.

### **Utilization of Social Media Monitoring Tool**

The use of a social media monitoring tool for internet facilitated investigations should be consistent with federal, state, and local laws, and applicable policies and procedures.

Authorized employees may use a social media monitoring tool under the following circumstances:

1. Major criminal investigations
2. Criminal intelligence gathering
3. Crime analysis
4. Situational assessment reports (i.e. sporting events or public order events that require law enforcement presence to ensure public safety)

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5. Public safety assessments (i.e. cyber-bullying, suicide prevention)
6. Any other law enforcement use or purpose as authorized by command staff

Employees shall not use social media monitoring tools for the following:

1. Profiling reasons based solely on an individual's race, religion, ethnicity, citizenship, place of origin, gender, or sexual orientation.
2. Unrelated to a law enforcement use or purpose.
3. An officer's personal use or reason.
4. To investigate any city of Kent employee, unless that investigation is relevant to the employee's criminal conduct or is part of an inquiry or internal investigation involving the employee.

Information developed from social media sites should be corroborated using traditional investigative methods including but not limited to, interviews, address verification, verification of IP addresses, or other lawful means. Social media interaction and usage is based on user uploads and updates and therefore should not serve as a primary source of information. Independent validation is important to determine the accuracy of the information and to safeguard and maintain the integrity of the investigation.

Off-duty use of a social media monitoring tool is prohibited unless advance approval is obtained by an officer's immediate supervisor.

In the event an officer must disclose the name and method of the social monitoring tool used for court purposes or in a judicial warrant, then a separate sealing order should be requested to maintain and safeguard a police investigative technique and ensure the efficiency of the software.

The Special Investigations Commander will perform periodic audits of each authorized employee to ensure the software platform is being utilized within this policy.

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<b>#16.150</b>	<b>N/A</b>	<b>Unmanned Aerial System (UAS) Operations</b>

### **Purpose**

This policy is intended to establish guidelines for the use of unmanned aerial systems, including retrieval and dissemination of images and data captured by the UAS.

### **Policy**

It is the policy of the Kent Police Department to utilize UAS to enhance the department's ability to save lives, protect property and document crime scenes and collision scenes. Any application of the UAS will be in accordance with Federal, State and City laws, to include constitutional privacy rights, search and seizure regulations and Federal Aviation Administration (FAA) regulations.

### **Definition**

An unmanned aerial system is an unmanned aircraft of any type that is capable of sustaining flight, whether remotely controlled or preprogrammed and all the supporting or attached hardware designed for gathering information through photography, video recording or any other means. UASs are also commonly referred to as unmanned aerial vehicles (UAV) or drones.

### **Privacy Considerations**

Personnel operating an UAS shall be mindful of privacy rights and absent a warrant or exigent circumstances shall not intentionally record or transmit images in any location where a person would have a reasonable expectation of privacy (e.g., inside house, fenced yard, enclosed area only visible from an elevated position). Operators and observers will take reasonable precautions to avoid inadvertently recording or transmitting images in violation of privacy rights.

Use of vision enhancement technology (e.g. thermal or other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

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### **Authorized Uses**

All uses of the UAS must be authorized by someone the rank of sergeant or higher. The UAS operator has the ability to decide to decline applying the UAS in any given situation.

**Crime Scene and Collision Scene Applications** - A primary use of the UAS will be to conduct crimes scene and collision scene documentation.

**Search and Rescue** – A UAS may be deployed in an effort to locate missing children or elderly in areas where a UAS has a greater potential of finding the missing.

**Officer Safety Tactical Applications** - A UAS may be deployed in an effort to protect officers from unnecessary exposure to danger and minimize the risk of injury to bystanders, officers and suspects, and enhance the likelihood of bringing peaceful resolutions to potentially deadly incidents. Use of the UAS for these safety purposes should be limited to incidents involving violent felony suspects, or involving persons who are emotionally or mentally debilitated and pose a risk of serious bodily injury or death to themselves or others, or those fleeing from police apprehension, or any situation requiring the capabilities of air support. Examples of these types of incidents include, but are not limited to, armed barricaded suspects, armed suicidal suspects, high risk search warrants, high risk violent offender apprehension, hostage situations and bomb threat/improvised explosive device investigations. These types of incidents will likely require remote manual operation of the UAS.

**Mutual Aid – Valley SWAT** - Deployment of the UAS as part of mutual aid within our city limits to support a Valley SWAT operation is authorized as long as its use meets the standards for “Authorized Uses of UAS” listed above. Deployments inside buildings will be subject to the restrictions currently in place for deploying robots, pole cameras and other observation devices utilized by Valley SWAT, to include search warrant requirement. Use of an UAS in this capacity must be authorized by someone the rank of commander or higher.

**Community Outreach Demonstrations** – In an effort to encourage public trust and effectively engage our community, the use of an UAS as part of a community meeting or special event is authorized. The UAS demonstration should be limited to showcasing the department’s investigative capabilities and educating the public on the UAS program.

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### **Prohibited Uses**

The UAS shall not be used for the following.

- To conduct random surveillance activities
- To target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation
- To harass, intimidate or discriminate against any individual or group
- To conduct personal business of any type

### **Authorized Operators**

Only personnel who have successfully completed the required training shall be permitted to operate the UAS.

### **Flight Logs**

Each authorized UAS operator will maintain a flight log. Operators will log the date, flight time and locations of all UAS deployments. They will also note, case number, incident type, automated flight or manual flight, and whether photo images or video were captured during the flight.

### **Program Coordinator**

The Chief of Police will designate someone the rank of commander or higher to oversee the UAS Program. Their duties will include the following:

- Ensuring that policies and procedures conform to current laws, regulations and best practices.
- Establishing a training standard for operators that meets FAA requirements
- Overseeing the selection and training of operators
- Maintaining and updating the Certificate of Authorization (COA) with the FAA
- Overseeing procurement and maintenance of UAS equipment
- Review of UAS deployments to ensure compliance with policies and operating procedures
- Conducting audits of flights logs semiannually

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### **Photographs and Video Recording**

All photographs and video recording collected by the UAS will be copied to a thumb drive, DVD, or CD and entered into evidence.

### **Retention of Data**

Photographs and video collected by the UAS shall be retained in accordance with Washington State Records Retention Schedules.

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The first officer at the crime scene is to secure and protect the crime scene.

The responding officer handles minor crime scenes. Patrol vehicles contain equipment for latent print recovery, photography, crime scene sketching, and evidence collection and preservation.

At major crime scenes, the officer contacts the patrol sergeant for detective call out. The patrol sergeant contacts the detective sergeant to make the request. The detective sergeant calls the detective.

While waiting for the detective at major crime scenes, fleeting evidence may be lost. The responding officer should take the steps necessary to preserve this evidence.

The investigating detective may decide that additional skills are needed. The detective contacts the detective sergeant to call out the evidence specialist.

Crime scene investigators or officers collect and package evidence carefully to preserve the original condition of the item. Collect and package a sample of evidence material as complete and practical as possible.

### **Collection of Biological/DNA Evidence**

Gloves must always be worn when handling potential biological/DNA evidence. Gloves must be changed frequently and always between handling evidence items to avoid contamination between items. Additional personal protective equipment including Tyvek suits, shoe covers, masks, etc. may be needed to protect the collector and evidence. No eating or drinking should be done around potential biological/DNA evidence. Talking over biological/DNA evidence should be avoided. A mask should be worn by anyone experiencing cold symptoms.

Biological evidence is fragile and can easily be destroyed. Care should be taken to store the evidence in a dry cool place. Sunshine, moisture, and warm temperatures can damage or destroy the evidentiary value of biological/DNA evidence. Do not freeze liquid blood vials; refrigerate promptly.

There are three methods of collection recommended by the Washington State Patrol (WSP) crime lab:

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1. Collect the entire item
2. Collect a portion of the item
3. Remove the biological material from the item.

### **Collecting the Entire Item**

The best way to collect an item of biological/DNA evidence is generally to collect the entire item. This allows the laboratory to process the evidence for several forensic disciplines (e.g. trace, latent prints).

### **Collecting a Portion of the Item**

If the entire item is not able to be collected because the item is too large (e.g. flooring, walls), a portion of the item may be removed. Using a clean cutting instrument, cut a large enough area around the stain/pattern to avoid having the cutting instrument come in close contact with biological material.

### **Removing the Biological Material from the Item**

If the item is not able to be collected, the visible stain may be transferred off the object by swabbing or scraping:

- **Swabbing:** For dried body fluid, moisten a sterile swab with water (not dripping wet, just moist enough to dissolve the stain) and rub the stain. It is always best to use sterile, deionized water to moisten swabs. If this is not possible, clean water should be used. Commercially bottled water be an appropriate option. A control swab, moistened with the water used may be submitted as an additional item of evidence. For wet body fluid it isn't necessary to moisten the swab with water. Saturate the swab as much as possible with the fluid and air dry before packaging. Place the swab in a swab box and seal inside an envelope.
- **Scraping:** If dried body fluid can be easily flaked off a surface, use a new/sterile scalpel or razor blade and scrape it onto a clean piece of paper. If more than one stain is to be collected, use a new/sterile blade for each scraping. Present day testing is so sensitive that contamination of the blade from the previous stain may be detected. Fold and tape the paper closed so

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the substance can't fall from the paper and then seal the paper inside an envelope.

Never package biological/DNA evidence in plastic. Use clean paper bags, envelopes, cardboard boxes, or some other breathable packaging material. The presence of moisture enhances bacterial growth. No envelope should be licked to seal. Bacterial action, mold, sunshine, moisture, and warm temperatures can damage the evidentiary value of biological evidence and damage or destroy DNA.

### **Clothing and Other Large Items That Require Drying**

Evidence items, stains, and swabs must be thoroughly dried at room temperature without the use of heat. Partially dried items will be subject to bacterial action and mold, destroying their value as evidence. The forensic drying cabinets circulate room temperature air without the use of heat:

- Place items in the forensic drying cabinets located in the secure evidence garage.
- Prevent cross contamination by using separate cabinets. Never put more than one person's items into the same cabinet.
- Seal the cabinet door using the provided numbered tie strap. The case report should indicate that items have been sealed in the forensic drying cabinet noting the specific seal number. The numbered seal should be submitted as an additional item of evidence as proof that nobody accessed your evidence while it was drying.
- Turn the power switch on and inform evidence personnel of the drying items.
- Evidence personnel will notify you when evidence is dry.
- If all forensic drying cabinets are unavailable, use the locking drying cabinet located at the East Hill Substation in the Evidence Storage Room across from the Evidence Processing Room.
- If all drying areas are in use, evidence personnel will make room in the alarmed evidence storage area at the impound lot. If after hours, contact Records for the evidence person scheduled for call back.

### **Collection of Latent Prints**

Because latent prints are fragile and susceptible to destruction, proper collecting, handling, and packaging of evidence is critical. Gloves should be worn at all times

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when handling the evidence.

Latent print evidence is typically divided into two categories: porous and non-porous.

### **Porous Evidence**

Latent prints on porous evidence such as paper, unfinished wood, cardboard, etc. are stable because the sweat and oils of the print are absorbed into the surface. They will not be rubbed off or destroyed if they come into contact with another surface. The following steps should be followed when collecting porous latent print evidence:

- Allow wet or damp evidence to dry before packaging.
- Package porous evidence as conveniently as possible. Several paper and cardboard items may be packaged into a single container.
- Submit all porous evidence to the King County AFIS Laboratory for latent print processing. No "field processing" of this type of evidence is required or desired.

### **Non-Porous Evidence**

Latent prints on evidence such as plastic, glass, metal, foil, etc. are much more fragile because they can easily be wiped off the surface. Even with gloves, it is important not to touch areas of the surface common for someone to touch to prevent damage to any existing prints.

- Package non-porous evidence as carefully as possible. Secure the item with a tie strap through holes in a box or find another way to package the item without destroying the prints.
- King County AFIS can be contacted to request assistance with processing the evidence for latent prints prior to packaging.
- Submit all non-porous evidence that has not already been processed to the King County AFIS Lab for processing.

### **Questionable Surfaces**

If there is question as to the surface, follow the non-porous guidelines.

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### **Lifting Latent Prints**

For items too large to collect (i.e. vehicles, sliding glass doors, counter tops, etc.) it may be necessary to dust a smooth or non-porous surface with fingerprint powder. If any prints appear, they should be photographed at a 90 degree angle with a scale before lifting from the surface with lifting tape. The lifting tape is then placed on a latent lift card to preserve the print.

- Complete the back of the latent lift card to document the case number, date, location the print was lifted from, and who the prints were lifted by. A sketch of the item (i.e. bottle, knife, window, etc.) that the print was lifted from should also be made indicating with an "X" where the print was on the item. Also draw an arrow showing what direction was up.
- King County AFIS may be contacted to request assistance with processing crime scenes.
- All latent lift cards collected by the same person for the same case should be packaged together as one item.

### **Collection of Other Evidence Items**

For wet items collected as evidence:

- Dry in the forensic drying cabinet located in the secure evidence garage.
- Package in paper.

For weapons:

- Package firearm and ammunition separately. Secure all firearms with a tie strap when possible. Follow the guidelines in the WSP Forensic Services Guide for unloading.
- Careful attention should be taken if the weapon is to be processed for latent prints. Follow WSP Crime Lab procedures.
- 

For vehicles:

- Process for evidence at the scene. Vehicles that are unable to be processed at the scene should be towed to a secure storage area for further processing.
- Use the processes described previously in this standard for the collection of evidence.

Investigating officers or technicians mark collected physical evidence immediately.

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Mark and label evidence as follows:

- Place unmarked physical evidence in a container. Seal and mark the container.
- Properly label all items or containers with a barcode label before entering into evidence. Barcode labels are to include the following:
  - Date
  - Case number
  - Item number
  - Item description
  - Serial number, if available
  - Type of crime
  - Name of submitting officer

### **Reference/Known Samples**

An elimination sample is one of known source taken from a person who had lawful access to the crime scene to be used for comparison with evidence. A reference sample is material of a verifiable/documented source which shows an association or link between an offender, crime scene, and/or victim when compared with evidence of an unknown source. For example, the suspect's and/or victim's buccal swab submitted for comparison with a bloodstained shirt recovered as evidence.

A reference/known sample is taken from an individual under supervised circumstances. A chain of custody must be maintained on the sample from the time of collection. The reference sample may be collected by law enforcement, medical staff, or correctional staff.

A "secondary" reference sample is a personal item (e.g. toothbrush, hair brush, comb) that is believed to be from an individual. This type of reference may be used when a "primary" reference is not available.

### **Method of Reference Sample Collection**

A buccal (saliva) sample on swabs is the easiest method of collection for known/reference samples.

1. Verify that the subject's mouth is empty.
2. Wash or sanitize hands, then put on gloves.

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3. Carefully remove swab from package.
4. Avoid touching swab tip with gloves or against any surface.
5. Have the subject open his or her mouth and immediately bring swab tip to inside of cheek.
6. Gently rub and rotate swab along the inside of the cheek for 5-10 seconds, ensuring that the entire swab-tip has made contact with the cheek.
7. Immediately remove swab, being careful not to touch swab tip against teeth, lips, or other surface.
8. Place swab directly into swab box and/or evidence envelope.
9. Label the swab box and/or evidence envelope with the person's name and related case number.
10. Use evidence tape to seal outer packaging.
11. Initial and date for chain of custody verification.
12. Store swab at room temperature.

When submitting evidence to the crime lab for DNA analysis, the following reference samples should be submitted:

- Reference samples from the victim(s) and suspect(s).
- Reference samples for elimination purposes (e.g. a consensual partner of a sexual assault victim).
- Reference samples from family members in a missing person's investigation.
- If evidence sample profile matches to an offender profile in the CODIS database, a reference sample will be requested to confirm the hit.

If reference samples are not submitted with the initial laboratory request, the request may be cancelled unless other arrangements have been made in advance or sufficient justification is provided on the DNA Case Supplemental Information form. Sufficient justification may include an inability to obtain reference samples.

See the WSP Forensic Services Guide for other methods of collecting reference samples.

### **Precautions**

- Investigators must use caution to avoid unnecessary, damaging exchange/contamination with the crime scene. Some exchange is unavoidable; however, it must be controlled and held to a minimum.

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- After the incident, the suspect and the victim must not come in contact; clothing from each must be packaged and kept separate. The suspect and/or victim must not be brought back to the crime scene while it is still being processed. Samples taken from the scene should be packaged separately from the suspect and victim clothing to avoid contamination.
- Special care must be taken not to contaminate or lose any small particles of evidence.
- Avoid damaging any critical areas of the evidence which may have holes, rips, tears, smears, impressions, stains, cuts, or bloodstain patterns. When removing clothing, avoid cutting through these critical areas. If cutting is unavoidable, such as when removing clothing in an emergency room, be sure to take careful notes/photos of the location and appearance of the critical area, and identify the cuts made by medical personnel. Photographs taken before alteration or changes in appearance to the evidence time should be submitted to the crime lab with the items. Remember to use a scale/ruler in the photographs.
- Control/reference samples must be collected as soon as possible to avoid loss and change. If control samples from both the victim and suspect are not both available, contact the crime lab to determine what evidence should be submitted. Both control and questioned samples usually must be submitted before any comparisons can be made.
- Damp or wet items, particularly clothing, must be air-dried at room temperature in a secure area over clean paper. Use the forensic drying cabinets located in the secure evidence garage. An exception to this is fire debris. Never put fire debris in the forensic drying cabinet. It ruins the expensive filters. Fire debris evidence should be packaged according to the guides in the WSP Forensic Services Guide on page 75. After drying, handle the clothing carefully so that trace evidence is not lost. Wrap the clothing item in paper will keep the trace evidence from being lost in the seams of the paper bag. Do not use plastic containers. Avoid contamination.
- It is critical that each item or container be properly sealed and labeled. The label must describe at a minimum, the case number, the item number, the contents, and the name of the person collecting the evidence.

### **Inventory Procedure for Collected Evidence**

The investigating officer or evidence technician lists all physical evidence collected from a crime scene on an evidence room log. The log should include the case

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number, item number, item description (make, model, serial number, if any), and the name of the submitting officer. Note collection of evidence on the case report.

### **Evidence – Transfer of Custody**

The evidence office maintains an original evidence room log for each piece of submitted evidence. Evidence personnel record evidence transfers on the original log and in the computerized records management system through the final disposition. For evidence transfer within the department:

- On the original evidence room log, record the name of the person removing the evidence, the date and time, and the reason. The person removing the evidence receives a photocopy of the log along with the evidence, if returning via a storage locker.
- The person removing the evidence returns it directly to the evidence office and signs the evidence room log.
- If the evidence office is closed, sign the photocopy of the evidence room log and place it, along with the evidence, in a storage locker in the evidence room.
  - If using the self-lock lockers, place the evidence in the locker and shut the door. It locks automatically.
  - If using the transfer lockers, place the evidence in the locker and lock. Place the key in the evidence drop box.
- Evidence personnel retrieve the evidence from the locker to place in storage and file the signed photocopy of the evidence room log in the evidence file noting the return on the original log.

For evidence leaving the building:

- On the original evidence room log, record the destination agency and location, the reason, and the date sent. Evidence personnel sign the evidence room log.
- The paperwork required by the destination agency is completed and is sent with the evidence (i.e., Request for Lab Exam forms).
- Evidence personnel sign the evidence room log when the evidence is returned.

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### **Release Procedures for Disposing of Property/Evidence**

Authorized Methods of Evidence Disposal:

- A. Return to owner or finder
- B. Destruction
- C. Sale or auction
- D. Appropriate for department use
- E. Donate
- F. Trade for credit

Procedures Applicable to All Methods of Evidence Disposal:

- A. Items submitted into the evidence system for destruction shall be destroyed within 30 days except for drugs and firearms. Documentation of destruction shall be noted on the back of the original evidence log in the final disposition section, on a property disposition form, or on a property transaction form.
- B. Disposal, destruction, or release of evidence is determined by the submitting officer, assigned detective, prosecutor, court disposition, court order, statute of limitations, or the Support Services Manager and is authorized by signature or electronic mail. The authorization is noted on the evidence log or property disposition form.

### **Notification of Owner**

Evidence and property that is no longer needed shall be returned to the owner. Evidence personnel, after receiving notification for release, shall notify the owner by phone or mail that the evidence or property is available. Items not claimed within 60 days shall be disposed of. The release or disposal of property shall be documented on a property disposition form or on the evidence log in the final disposition section and in the computerized records management system.

### **Disposal of Evidence**

#### **A. Controlled Substances**

- 1. Drugs designated for destruction shall be placed in a Drug Destruction File. When a quantity sufficient for destruction has accumulated, an audit

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Kent PD	17.20
WASPC	17.2
Previous Kent PD Policy	33.1.1

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<b>#17.20</b>	<b>#17.2</b>	<b>ID Owners of Property/Evidence</b>

is conducted by evidence personnel and the Special Investigations Unit (SIU) Commander (or commissioned supervisor designee). The audited items are sealed in containers and initialed by those conducting the audit.

2. On the day of destruction, a commissioned officer (appointed by the SIU Commander) and an evidence representative verify that the seals are intact, transport the audited items to the designated destruction site, witness the destruction, and verify by signature that the items were destroyed.
3. Evidence personnel document the destruction of evidence on the case evidence logs and in the computerized records management system.
4. Documentation of the disposal of controlled substances is provided to the Chief of Police and is maintained in the evidence office.

#### B. Liquor

1. Evidence personnel notify the Liquor Control board, in writing, when disposing of large quantities of seized alcohol.

#### C. Money

1. All money shall be disposed of, after proper authorization is received, in one of the following ways:
  - a. Return to owner
  - b. Deposit in City general fund
  - c. Deposit in Kent Police Narcotics Account
2. Money submitted to the evidence section as an item of evidence shall be returned to its owner if, the money has not been seized through the forfeiture procedure by the department, the ownership is not disputed by another party, and the criminal proceedings and appeal periods are completed.
3. Money submitted as evidence, which cannot be returned to the owner, shall be deposited in the City of Kent General Fund. Evidence personnel shall document all monies deposited by case number, item number, and

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WASPC	17.2
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amounts in a report that will be attached to a receipt from the City of Kent cashier verifying the deposit. This report shall be placed in the evidence section money deposit binder for future reference.

4. Money submitted in the course of a narcotics investigation and/or seized as assets through forfeiture shall be released to the narcotics sergeant for deposit in the narcotics accounts.

#### D. Firearms

1. Firearms shall be disposed of by:
  - a. Return to owner
  - b. Destruction
  - c. Appropriation for Department use
  - d. Trade for credit
2. Firearms legal to possess and no longer needed as evidence shall be returned to the owner if eligible to possess firearms. Authorization to release firearms is determined by the investigating officer/detective, prosecutor, court disposition, court order, or the Support Services Manager.
  - a. All firearms illegal to possess, seized, unclaimed, or if so ordered by court order shall be disposed of.
  - b. The evidence technician/custodian shall document the case number, item number, and description of the firearms to be disposed of.
  - c. The SIU Commander or commissioned supervisor designee, along with the evidence technician/custodian, will audit the firearms to be disposed of.
  - d. The destruction shall be witnessed and verified by two evidence personnel.
3. Appropriation for Department Use
  - a. Weapons that are appropriated for department use will only be used for department programs or training purposes.
  - b. The evidence technician/custodian will submit a report listing the

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<b>#17.20</b>	<b>#17.2</b>	<b>ID Owners of Property/Evidence</b>

firearms to be disposed of to the Chief of Police. The Chief of Police will make a determination as to what firearms, if any, will be appropriated for department use or traded for credit.

### **Found Property**

#### Employee Responsibility:

- A. Any employee authorized to accept found property shall in cases where the finder wishes to claim the found property:
  1. Advise the finder if the property is illegal for him/her to possess.
  2. Advise the finder if the found property is to be held for evidence in judicial or other official proceedings.
  3. Advise the finder in writing using the Kent Police Found Property Statement Form of the procedures to be followed in claiming found property.
  4. Submit the evidence section copy of the Found Property Rights Statement Form along with the found property to the evidence section.
- B. Any employee authorized to accept found property should in cases where the finder does not wish to claim the property:
  1. Initiate a found property report.
  2. Submit the item into evidence.

#### Evidence Section Responsibility:

##### A. Unclaimed Found Property Disposition

1. As provided for in RCW 63.32.010, after 60 days any found property retained by the evidence section may be donated (bikes), destroyed, auctioned, or appropriated to department use.

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WASPC	17.2
Previous Kent PD Policy	33.1.1

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<b>#17.20</b>	<b>#17.2</b>	<b>ID Owners of Property/Evidence</b>

2. The evidence technician/custodian shall monitor found property items for 60 days and disposition items accordingly.

#### B. Procedures of Found Property Claims

1. The evidence custodian/technician upon receiving the Found Property Rights Statement Form shall note the date the report was made and monitor found property claims for compliance to claim procedures.
2. If the finder at any time fails to comply with claims procedures, the right to claim the property will be forfeited, and the found property will be immediately surrendered to the department.
3. If the appraised value of the property is more than the cost of publication of notice, the finder must submit payment of \$10.00, plus the cost of publication incurred by the Kent Police, pursuant to R.C.W. 63.21.010. (If by check, it should be certified and made payable to the CITY TREASURER). Such payment shall be submitted after 60 days, but not later than 90 days after the report of finding.
4. Upon receiving the payment the evidence technician will deposit the payment to the City of Kent to be placed in Found Property Claims account.
5. The release form will then be prepared and a copy of the release form, along with a copy of the receipt of payment from the City of Kent will be provided to the finder. Copies of release and receipt will also be forwarded to the records section to be placed in the master case file. The original documents will be placed in the evidence room case file and closed accordingly.

### **Auctions**

#### A. General Auctions

1. Property or evidence items designated for auction shall be auctioned in accordance with RCW 63.32.010.

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Kent PD	17.20
WASPC	17.2
Previous Kent PD Policy	33.1.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#17.20</b>	<b>#17.2</b>	<b>ID Owners of Property/Evidence</b>

2. A list of all items auctioned will be maintained in the evidence office for six years.

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Kent PD	17.20
WASPC	17.2
Previous Kent PD Policy	33.1.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#17.30</b>	<b>#17.3</b>	<b>Booking – Booking Evidence Before End of Shift</b>

### **Procedures for Receiving All Found and Evidentiary Property by Department Employees**

Any employee of the department taking property into custody shall complete a case report detailing why the property was taken into custody and package and submit the items to Evidence in a secure evidence storage locker prior to the end of their duty shift. Officers should submit the signed evidence room log at the same location as the property, placing the log in the holder provided. Exceptional circumstances may delay the processing and submission of evidence into the control of the evidence room.

### **Packaging and Submitting Property for Secure Storage**

Procedures for entering property/evidence:

- A. All property/evidence submitted at the east or west hill substations shall be secured in an evidence locker. Place the locker key in the key drop slot. Property/evidence submitted at the main station shall be secured in an evidence locker. Place the evidence log in the evidence office in-tray.
- B. Evidence and property shall be properly packaged and sealed prior to being submitted into the evidence system. Improperly packaged items are not accepted. Evidence personnel notify the submitting person (and their supervisor) of the necessary corrections. Evidence personnel do not open sealed items to verify the contents. Properly packaged, sealed, and identified items are entered into the evidence system and stored in the appropriate secure evidence storage area.
- C. A barcode label with the following identification is required on all items submitted:
  1. Date submitted
  2. Case number
  3. Item number
  4. Item description
  5. Serial number, if available
  6. Type of crime
  7. Officer name

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Kent PD	17.30
WASPC	17.3
Previous Kent PD Policy	33.1.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#17.40</b>	<b>#17.4</b>	<b>Temporary Storage and Processing</b>

All evidence and found property is initially secured in storage lockers located in the evidence processing rooms. Such rooms are at the police headquarters and at the east and west hill substations. Rooms are accessible 24-hours a day to Kent Police Department employees on official business via electronic key card or simplex push button lock.

### **Temporary Evidence Storage**

#### **Purpose:**

To establish a location for patrol officers to temporarily store evidence for processing or packaging.

#### **Application:**

A designated locker will be used for officers who need temporary evidence storage in order to respond to high priority calls, or go off-duty without incurring any overtime costs associated with processing or packaging evidence. All evidence will be processed before the officer goes off shift, unless the delay is approved by the officer's supervisor.

#### **Procedure:**

Keys to the temporary evidence locker are contained in the Master Key Box located in the Records Unit. Only personnel of the rank of sergeant or higher are authorized to sign out these keys. Verbal authorization may be given by the sergeant for an officer to access the evidence locker key.

The authorized person signs out the key and unlocks the locker. The officer places the evidence in the locker and secures the door. The locker keys are kept by the officer. When the evidence is completely processed, the evidence is removed and entered following normal evidence procedure. The key is signed back into records by the officer.

#### **Responsibility:**

The authorizing sergeant is responsible to make sure the evidence is processed and packaged in a timely manner and that the key is returned to the Records Unit

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Kent PD	17.40
WASPC	17.4
Previous Kent PD Policy	33.1.3/33.1.1

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#17.40	#17.4	Temporary Storage and Processing

Master Key Box.

The following methods of packaging may be used:

- Heat-sealed in plastic. The ends are then heat-sealed and the seals initialed by the submitting officer.
- Packaged in an appropriately sized envelope, paper bag, box, can, or other sealable container. Do not use staples or tape tags to package. All entry points are to be sealed with evidence tape. The officer initials across each seal.
- Large items that are unable to be packaged (bikes, lawn mowers, etc.) may be submitted with a barcode label affixed on a string or wire tag attached to the item.

### **Special Handling Procedures**

#### A. Large Items:

Large items that cannot be placed into a secure evidence locker should be placed in the secure/enclosed evidence garage. A key is secured in the records section key lock box to gain entry into this area. Only sergeants and evidence personnel have authorization to sign out the key from records and are responsible for its return. **Exceptions:** bicycles should be transported to the auction container located in the secured area of the City of Kent Shops complex.

#### B. Open Containers:

Open containers shall be sealed to prevent leakage and contamination of evidence or other items. If the container cannot be sealed in such a manner, the contents will be placed in a sealable container and submitted along with the original container.

#### C. Biological Evidence

Biological evidence and items contaminated with biological fluids must be air

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WASPC	17.4
Previous Kent PD Policy	33.1.3/33.1.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#17.40</b>	<b>#17.4</b>	<b>Temporary Storage and Processing</b>

dried at room temperature prior to packaging in paper. Biohazard labels are required on the packaging. Refer to the WSP Forensic Services Guide or the evidence help book for drying and packaging information.

Evidence requiring refrigeration will be placed in the secured refrigerator in the evidence processing room at the main station. Keys to the refrigerator are contained in the Master Key Box located in the records section. Only personnel of the rank of sergeant or higher are authorized to sign out these keys.

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Kent PD	17.40
WASPC	17.4
Previous Kent PD Policy	33.1.3/33.1.1



<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#17.50</b>	<b>#17.5</b>	<b>Perishable Evidence or Property</b>

### **Perishable Items**

When possible, perishable items shall be released to the owner upon recovery. A photo of the item can be taken and submitted into evidence.

If it is not possible to release the item, and it is to be submitted into evidence, the employee's supervisor will contact evidence personnel and advise them of the situation. Evidence personnel will then make the proper arrangements to secure the item. The Records Section has the name of the evidence call back person.

The Evidence Unit has available both temporary and permanent storage for perishable items.

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Kent PD	17.50
WASPC	17.5
Previous Kent PD Policy	33.1.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#17.60</b>	<b>#17.6</b>	<b>Hazardous Materials</b>

The Evidence Supervisor is responsible for maintaining inventory and facilitating disposal of BIOHAZARD material. By job description the Evidence Supervisor is also the Biohazard Coordinator.

All disposable equipment and materials used by employees which comes in direct contact with blood or bodily fluids shall be placed in a RED leak-proof plastic bag (tied closed) at the location/room/place where used and transported to the Kent Police Department for final disposal. Final disposal shall be made into the biohazardous material waste receptacle located within the headquarters building evidence processing room. Receptacles are clearly marked with Biohazard Signs and/or labeling.

### **Biological Evidence**

Biological evidence and items contaminated with biological fluids must be air dried at room temperature prior to packaging in paper. Biohazard labels are required on the packaging. Refer to the WSP Forensic Services Guide or the evidence help book for drying and packaging information.

Evidence requiring refrigeration will be placed in the secured refrigerator in the evidence processing room at the main station. Keys to the refrigerator are contained in the Master Key Box located in the records section. Only personnel of the rank of sergeant or higher are authorized to sign out these keys.

### **Sharps Disposal**

All sharps shall be disposed of as "Biohazardous Waste" unless deemed a critical piece of evidence. Sharps shall be disposed of by being placed into an individual "needle keeper" leak proof, rigid, puncture-resistant, break resistant container. These containers are available for needles and are located in patrol vehicle trunks, evidence processing areas, and at the medical area of the corrections facility.

All full sharps containers and other potentially hazardous materials will be disposed of into the Biohazardous Materials Waste Receptacle located in the Police Department Evidence processing area.

Sharps containers will be replaced when 2/3 full by Evidence personnel. Evidence personnel will also coordinate removal of biohazard waste receptacles; this will be

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Previous Kent PD Policy	33.1.1

Kent PD	WASPC	Title
#17.60	#17.6	Hazardous Materials

done by a contracted company that is set up to handle biohazard waste.

### **Hazardous, Suspicious, or Unknown Materials**

#### **A. Methamphetamine Laboratory Investigations:**

No employee shall retrieve, transport, or handle any item involved in or near the production of methamphetamine.

If it is suspected that a methamphetamine laboratory has been discovered in the course of an investigation, the employee's supervisor will be contacted and he/she will contact the department's narcotics supervisor. If deemed necessary, the fire department will also be contacted and asked to respond as a safety/precautionary measure only.

The narcotics supervisor or designee is responsible for ensuring that the appropriately trained personnel, organization, or agency, such as the Washington State Patrol or the King County Department of Public Safety, is contacted. The selected personnel or agency is responsible for collecting representative samples of suspected substance for evidentiary purposes.

In addition, the narcotics supervisor or designee is responsible for notifying the Washington State Department of Ecology in compliance with RCW 69.50.511. This notification is to aid in securing a contractor to respond for identification, clean up, and disposal of any and all suspected hazardous substances.

Any chemicals submitted that are "safe" shall be submitted in accordance with standard evidence handling procedures with exception to the following:

1. The evidence will be marked in bold print "METH LAB INV" on the outside of the evidence packaging.
2. It shall be noted on the evidence log in the "Notation" section, "METH LAB INV" as a second precautionary measure in the handling of the evidence.

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Kent PD	17.60
WASPC	17.6
Previous Kent PD Policy	33.1.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#17.70</b>	<b>#17.7</b>	<b>Facility Controls - Security</b>

Access to the evidence facilities is restricted to police personnel, except in case of emergency that requires a Kent Fire Department response. This also includes the secure vehicle storage.

Evidence personnel have keys and security codes to the secure evidence storage areas. A key to only the secure evidence garage is kept in the locked key box in Records and may be temporarily signed out by sergeants for after-hours access. Individual security codes for the garage alarm are issued to sergeants. Police personnel accessing the evidence garage must be accompanied by evidence personnel or a sergeant at all times.

The secure evidence storage area is on the first floor of City Hall. It is for the indefinite storage of most found, recovered, and evidentiary property. Access to the evidence storage area is limited to evidence personnel. Others entering the area must be accompanied by evidence personnel. A log is maintained noting the name, date, reason for visit, time in and time out of any person entering the secure evidence storage area. The area is covered by an audible alarm system that is monitored by the records section. A vault located within the area is used to secure all money, precious metals, and jewelry. A secure storage room is used to keep all firearms and drugs separate from other property.

A combination safe is located in the vault. Only the Support Services Assistant Chief and Special Investigations Unit (SIU) Commander have the combination to the safe and must be accompanied by evidence personnel to access the area. Currency and jewelry valued at \$5,000 or more is stored in the safe.

The secure evidence office is located at the Kent Police Headquarters. The evidence office maintains all evidence records and related documents. The evidence office may be used for temporary evidence storage during the check-in process. Access to the evidence office is limited to evidence personnel. Others entering the area must be accompanied by evidence personnel. A log is maintained noting the name, date, reason for visit, time in and time out of any person entering the evidence office. The office is covered by an audible alarm system that is monitored by the records section.

Refrigeration equipment is available for temporary storage of perishable evidence in the evidence processing room at police headquarters and in the evidence office. Refrigeration equipment for long-term storage of perishable evidence is located in

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Kent PD	17.70
WASPC	17.7
Previous Kent PD Policy	32.2.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#17.70</b>	<b>#17.7</b>	<b>Facility Controls - Security</b>

the secured evidence storage area. Refrigeration temperatures are maintained at 33-40 degrees Fahrenheit (1-3 degrees Celsius). Freezing temperatures are maintained at 32 degrees Fahrenheit (0 Celsius) or below.

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Kent PD	17.70
WASPC	17.7
Previous Kent PD Policy	32.2.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#17.80</b>	<b>#17.8</b>	<b>Facility Controls – Preventing Exposure</b>

The Kent Police Department Evidence area is equipped with a large fan and ductwork to ventilate the area. This work was completed in 1999.

Effective:	8/14/14
Revised:	1/7/16
Kent PD	17.80
WASPC	17.8
Previous Kent PD Policy	New

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#17.90</b>	<b>#17.9</b>	<b>Evidence Facilities - Restricted Area</b>

Access to the evidence facilities is restricted to police personnel, except in case of emergency that requires a Kent Fire Department response. This also includes the secure vehicle storage.

Evidence personnel have keys and security codes to the secure evidence storage areas. A key to only the secure evidence garage is kept in the locked key box in Records and may be temporarily signed out by sergeants, for after-hours access. Individual security codes for the garage alarm are issued to sergeants. Police personnel accessing the evidence garage must be accompanied by evidence personnel or a sergeant at all times.

The secure evidence storage area is on the first floor of City Hall. It is for the indefinite storage of most found, recovered, and evidentiary property. Access to the evidence storage area is limited to evidence personnel. Others entering the area must be accompanied by evidence personnel. A log is maintained noting the name, date, reason for visit, time in and time out of any person entering the secure evidence storage area. The area is covered by an audible alarm system that is monitored by the records section. A vault located within the area is used to secure all money, precious metals, and jewelry. A secure storage room is used to keep all firearms and drugs separate from other property.

A combination safe is located in the vault. Only the Support Services Assistant Chief and Investigations Commander have the combination to the safe and must be accompanied by evidence personnel to access the area. Currency and jewelry valued at \$5,000 or more is stored in the safe.

The secure evidence office is located at the Kent Police Headquarters. The evidence office maintains all evidence records and related documents. The evidence office may be used for temporary evidence storage during the check-in process. Access to the evidence office is limited to evidence personnel. Others entering the area must be accompanied by evidence personnel. A log is maintained noting the name, date, reason for visit, time in and time out of any person entering the evidence office. The office is covered by an audible alarm system that is monitored by the records section.

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Kent PD	17.90
WASPC	17.9
Previous Kent PD Policy	33.1.2

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#17.100</b>	<b>#17.10</b>	<b>Person Entry/Exit Recording</b>

Access to the evidence facilities is restricted to police personnel, except in case of emergency that requires a Kent Fire Department response. This also includes the secure vehicle storage.

Evidence personnel have keys and security codes to the secure evidence storage areas. A key to only the secure evidence garage is kept in the locked key box in Records and may be temporarily signed out by sergeants for after-hours access. Individual security codes for the garage alarm are issued to sergeants. Police personnel accessing the evidence garage must be accompanied by evidence personnel or a sergeant at all times.

The secure evidence storage area is on the first floor of City Hall. It is for the indefinite storage of most found, recovered, and evidentiary property. Access to the evidence storage area is limited to evidence personnel. Others entering the area must be accompanied by evidence personnel. A log is maintained noting the name, date, reason for visit, time in and time out of any person entering the secure evidence storage area. The area is covered by an audible alarm system that is monitored by the records section. A vault located within the area is used to secure all money, precious metals, and jewelry. A secure storage room is used to keep all firearms and drugs separate from other property.

A combination safe is located in the vault. Only the Assistant Chiefs and Commanders have the combination to the safe and must be accompanied by evidence personnel to access the area. Currency and jewelry valued at \$5,000 or more is stored in the safe.

The secure evidence office is located at the Kent Police Headquarters. The evidence office maintains all evidence records and related documents. The evidence office may be used for temporary evidence storage during the check-in process. Access to the evidence office is limited to evidence personnel. Others entering the area must be accompanied by evidence personnel. A log is maintained noting the name, date, reason for visit, time in and time out of any person entering the evidence office. The office is covered by an audible alarm system that is monitored by the Records section.

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Revised:	11/30/15
Kent PD	17.100
WASPC	17.10
Previous Kent PD Policy	33.1.2



<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#17.110</b>	<b>#17.11</b>	<b>Security of Sensitive Property</b>

### **Receiving Sensitive Items Into Evidence**

Additional security measures are required for controlled substances, currency, firearms, and jewelry. Such property may be submitted via the secured storage lockers or taken directly to evidence personnel. These sensitive items are stored in a separate locked area of the secured evidence storage.

### **Currency**

A minimum of two department employees must count and verify exact amounts of currency prior to submission into evidence. Mechanical counters may be used for large sums of currency. Currency and jewelry totaling \$5,000 or more in value must be immediately secured in one of the five safe deposit lock boxes located in the main PD Evidence Processing Room. Keys to the safe deposit boxes are stored in the Master Key Box located in the Records Unit. The officer must sign the key log documenting receipt of the key. Once the property is secured, the officer will return the key to Records and sign the key log documenting its return. Amounts under \$5,000 can still be secured in one of the evidence lockers. If all five safe deposit boxes are in use, the evidence must be given to evidence personnel. If after hours, the Records Section has the name of the evidence call back person.

1. Packaging currency
  - a. Remove all coins and currency from purses, wallets, backpacks, clothing, etc., before submitting into evidence.
  - b. Place all currency in a KPD evidence money envelope. Complete the required information on the envelope including verification signature.
  - c. The submitting person will properly seal and initial all access points.
2. Retaining currency
  - a. Currency critical to the arrest, incident, or investigation remains in evidence storage until the case is adjudicated or the disposition of the currency is determined.
3. Depositing Currency
  - a. Evidence personnel or the narcotics supervisor shall deposit currency not considered evidence in the appropriate account, noting the

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WASPC	17.11
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Kent PD	WASPC	Title
#17.110	#17.11	Security of Sensitive Property

transaction on a daily cash report form. Evidence personnel also note the transaction on the evidence log and in the computerized records management system.

### **Precious Metals/Jewelry**

Seal precious metals, jewelry (including costume), and gemstones in a properly marked container and package separately from other types of property or evidence.

### **Controlled Substances**

1. Package different types of controlled substances as separate evidence items in appropriate containers to prevent cross-contamination, loss, or degradation of the evidence.
2. Moist marijuana or mushrooms must be loosely packaged (no more than two-thirds full) in paper envelopes, bags, or boxes to allow for proper drying regardless of the reason for submission. Tape all seams to prevent dried substance from escaping.
3. Package and submit large quantities of marijuana in the secured evidence garage to prevent strong odors from infiltrating the station.
4. Drugs removed from body cavities require special handling for later analysis. Refer to the WSP Forensic Services Guide.

### **Firearms**

All firearms submitted into evidence must be entered as recovered into WACIC. Records personnel will document the WACIC number in RMS under the Notes tab. If the firearm is reported stolen, type the name of the agency it was reported stolen to and their case number in the description field when logging the firearm into evidence. Firearms with obliterated serial numbers require serial number restoration at the WSP Crime Lab. If the firearm doesn't have an apparent serial number, type "none" in the serial number field when logging the firearm.

1. Make the firearm safe
  - a. The submitting officer or detective renders the weapon safe by

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#17.110	#17.11	Security of Sensitive Property

unloading the ammunition. If the weapon has been used in a crime and position of ammunition is critical, refer to WSP Forensic Services Guide prior to unloading the firearm.

2. Secure the firearm with a tie strap through the magazine well and ejector port for semi-automatics and through the cylinder of revolvers, if possible. Do not put anything through the barrel.

### 3. Unsafe firearms

If you cannot unload the firearm due to it being rusty or for any other reason, you can't make the firearm safe, or are not positive that it is unloaded;

- a. Lock the firearm in the gun safe at the range.
    - i. If there is nobody at the range, Records has a key to the range.
  - b. The key to the gun safe is in the gun safe when it's not in use.
  - c. After locking the firearm in the gun safe, drop the key in the evidence locker.
  - d. Notify evidence personnel and the Range Master via email that there is an unsafe firearm in the gun safe.
- ### 4. Packaging Firearms for Submission to Evidence
- a. If the firearm does not need to be processed for latent prints, DNA, and there is no blood on it, affix the barcode label to a string tag and attach the tag to the trigger guard.
  - b. If the firearm needs to be processed for latent prints, DNA, or has blood on it, package it in a gun box.
    - i. If the gun has blood on it, affix a biohazard label to the box.
    - ii. If the gun is being sent to the crime lab for DNA analysis or AFIS for latent print processing, place the lab request forms along with the evidence log in the tray outside the evidence office.
  - c. All firearms must be submitted to Evidence unloaded.
  - d. Package magazines and ammunitions as separate items.
    - i. It is not necessary to unload magazines.
  - e. All firearms must be secured with tie straps if possible (even if they are packaged in a box).
    - i. For semi-automatic firearms, lock the slide back and secure the

Effective:	10/23/95
Revised:	10/28/19
Kent PD	17.110
WASPC	17.11
Previous Kent PD Policy	33.1.1/33.1.2

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#17.110</b>	<b>#17.11</b>	<b>Security of Sensitive Property</b>

- tie strap through the magazine well ejector port.
  - ii. For revolvers, secure the tie strap through a cylinder.
  - iii. For long guns, you may need to connect a few tie straps together and use creativity to design a way to hold the receiver open.
  - iv. Never place anything inside the barrel.
- 5. ATF tracing is required for all firearms submitted to evidence except those submitted for safekeeping.
  - a. The submitting officer completes the ATF Trace Request.
  - b. Firearms with partial serial numbers require ATF tracing.
  - c. Firearms with obliterated serial numbers must first be sent to WSP Crime Lab for restoration of the serial number.
  - d. The Trace Request is submitted to evidence with the evidence log. Evidence personnel fax the request to ATF and route the original to Records to be scanned into Oracle. Evidence retains a copy of the fax receipt.
- 6. IBIS Test Fire is required for all firearms submitted to evidence except for revolvers and those submitted as safekeeping.
  - a. The Range Master fires the guns for IBIS.
  - b. Evidence personnel notifies the Range Master when a firearm needs to be test fired.
  - c. Evidence personnel completes the WSP Crime Lab request for the casings that were test fired by the Range Master to be entered into IBIS.

Access to the evidence processing rooms and the secure vehicle storage is restricted to Kent police personnel only. Unescorted access to the secure evidence storage room and the secure evidence office is limited to:

- A. Evidence Personnel
- B. Fire Department personnel on an emergency response

In case of an emergency requiring Fire Department entry to the secured evidence storage area, the following procedure has been established when evidence personnel are unavailable:

Effective:	10/23/95
Revised:	10/28/19
Kent PD	17.110
WASPC	17.11
Previous Kent PD Policy	33.1.1/33.1.2

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#17.110</b>	<b>#17.11</b>	<b>Security of Sensitive Property</b>

- A sealed envelope containing keys and the door code to the evidence storage area is contained in the locked key box in Records.
- Records personnel are authorized to sign out the envelope to Fire Department or Evidence personnel only, recording the names of the releasing and receiving person and the date on the key log.
- Any other release of the envelope must be approved by the Chief of Police and the same procedure followed.
- Fire department employees will access the area to respond to the emergency, and then return the keys and code to Records.
- The receiving Records Specialist will seal the code and keys in a new envelope, record the names of the releasing, and receiving person and date on the key log, and return the envelope to the locked key box.
- Fire department personnel will provide Records staff with the names of all Fire Department personnel that entered the evidence area.
- The release of this envelope will be documented noting why entry was made without evidence staff via e-mail or supplemental report if an original case report is available. This report will be forwarded to the Support Services Manager and Evidence Unit Supervisor. This document will be kept in the evidence office.
- Evidence personnel will sign out the envelope and change the door code following non-evidence personnel access to the storage area.

Effective:	10/23/95
Revised:	10/28/19
Kent PD	17.110
WASPC	17.11
Previous Kent PD Policy	33.1.1/33.1.2

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#17.120</b>	<b>#17.12</b>	<b>Evidence/Property Tracking System</b>

Any employee of the department taking property into custody shall complete a case report detailing why the property was taken into custody and package and submit the items to Evidence in a secure evidence storage locker prior to the end of their duty shift. Officers should submit the signed evidence room log at the same location as the property, placing the log in the holder provided.

Exceptional circumstances may delay the processing and submission of evidence into the control of the evidence room.

Effective:	10/23/95
Revised:	1/8/16
Kent PD	17.120
WASPC	17.12
Previous Kent PD Policy	33.1.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#17.130</b>	<b>#17.13</b>	<b>Evidence/Property Reports</b>

A trial requires an accurate record of crime scene events. Every detective, officer, and evidence technician involved in a crime scene must submit a detailed case report.

The crime scene investigator's report should contain the following:

1. Date and time of arrival at the scene
2. Location of the scene
3. Name of victim(s), if known
4. Name of suspect(s), if known
5. Narrative of action(s) at the scene, including photographs, sketches, measurements taken, and evidence collected
6. Police incident/case number

Effective:	10/23/95
Revised:	1/8/16
Kent PD	17.130
WASPC	17.13
Previous Kent PD Policy	32.2.6

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#17.140</b>	<b>#17.14</b>	<b>Recording Property Movement</b>

The evidence office maintains the evidence logs that reflect the location of property stored in secure evidence storage. The logs include:

1. Date and time the property was received.
2. General description.
3. Assigned item number.
4. Storage location.
5. Chain of custody through final disposition.

Effective:	10/23/95
Revised:	1/8/16
Kent PD	17.140
WASPC	17.14
Previous Kent PD Policy	33.1.5



<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#17.150</b>	<b>#17.15</b>	<b>Drugs</b>

All drugs must be removed from backpacks, suitcases, pockets, etc. and packaged as separate items. All drugs packages must be weighed by the submitting officer. The package weight, the date it was weighed, and the initials of the person who weighed it must be written on the outside of the package prior to submitting to evidence.

If a package weight is not written on the package, it will be returned to the submitting officer for correction. If the officer's initials and date are not written next to the package weight, evidence personnel may accept it without returning it for correction. However, they should send an e-mail instructing the officer to include initials and date in the future.

Each time a drug package is accepted into evidence or released from evidence, evidence personnel will weigh the package and write the weight, date, their initials, and a reason code (NP for new property, CO for checked out, or CI for checked in) on the outside of the package, except when processing for disposal.

Scales for weighing drug packages are calibrated yearly by an outside vendor.

Effective:	9/26/14
Revised:	10/28/19
Kent PD	17.150
WASPC	17.15
Previous Kent PD Policy	New

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#17.160</b>	<b>#17.16</b>	<b>Disposing Property</b>

Final disposition of unclaimed and evidentiary property is accomplished as follows:

1. All unclaimed property may be disposed of after 60 days past the date that the owner was notified, or 60 days past the date that the property was submitted if the owner is unknown or there is no way of contacting the owner.
2. Hold evidentiary property that is part of an "active" case until case status is changed to "closed" by the investigating officer or detective.
3. Dispose of firearms as directed by state law, RCW 9.41.098.
4. Disposal of all sex crime evidence must be authorized by the Commander over person's crimes and then as directed by state law.
5. Disposal of all homicide evidence must be authorized by the Commander over person's crimes.
6. Disposal of all death investigation evidence not classified as a homicide must be authorized by the detective sergeant over person's crimes.
7. Dispose of all property and evidence as directed by state law, RCW 63.32 and 69.50.

Effective:	10/23/95
Revised:	1/8/16
Kent PD	17.160
WASPC	17.16
Previous Kent PD Policy	33.1.7

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#17.170</b>	<b>#17.17</b>	<b>Disposal of Hazardous Materials</b>

The Evidence Supervisor is responsible for maintaining inventory and facilitating disposal of BIOHAZARD material. By job description the Evidence Supervisor is also the Biohazard Coordinator.

All disposable equipment and materials used by employees which comes in direct contact with blood or bodily fluids shall be placed in a RED leak-proof plastic bag (tied closed) at the location/room/place where used and transported to the Kent Police Department for final disposal. Final disposal shall be made into the biohazardous material waste receptacle located within the headquarters building evidence processing room. Receptacles are clearly marked with Biohazard Signs and/or labeling.

### **Sharps Disposal**

All sharps shall be disposed of as "Biohazardous Waste" unless deemed a critical piece of evidence. Sharps shall be disposed of by being placed into an individual "needle keeper" leak proof, rigid, puncture-resistant, break resistant container. These containers are available for needles and are located in patrol vehicle trunks, evidence processing areas, and at the medical area of the corrections facility.

All full sharps containers and other potentially hazardous materials will be disposed of into the Biohazardous Materials Waste Receptacle located in the Police Department Evidence processing area.

Sharps containers will be replaced when 2/3 full by Evidence personnel. Evidence personnel will also coordinate removal of biohazard waste receptacles; this will be done by a contracted company that is set up to handle biohazard waste.

Effective:	10/23/95
Revised:	8/14/14
Kent PD	17.170
WASPC	17.17
Previous Kent PD Policy	12.4.7

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#17.180</b>	<b>#17.18</b>	<b>Recording Sold Property</b>

All personnel shall submit property seized through any legal process to evidence. The Kent Police Department follows the State of Washington guidelines (RCW 63.32 and 69.50) for asset seizure and forfeiture regarding property seized through criminal investigations, held as found property, and for disposal following adjudication of criminal cases

Kent Police Department understands the importance of maintaining records pertaining to the proceeds of property that was sold, traded, and appropriated for department use.

1. Propertyroom.com website maintains a database that can be accessed at any time to determine what an item of property sold for and what the department received as proceeds.
2. The Evidence Unit maintains records for each item that was appropriated for department use. All appropriations must be approved by the Chief.
3. The Evidence Unit maintains records for all property that was donated.
4. The Evidence Unit maintains records of all firearms that were traded.
5. The Rangemaster keeps records of the proceeds regarding firearm trades.
6. The Special Investigations Unit (SIU) Sergeant maintains records of all proceeds from asset seizures.

Effective:	10/1/07
Revised:	1/8/16
Kent PD	17.180
WASPC	17.18
Previous Kent PD Policy	33.1.8/8.5.4

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#17.190</b>	<b>#17.19</b>	<b>Destruction of Property</b>

When property is sold the disposition of the money received is accounted for and recorded according to state law.

Every effort is made to return owner identified property to the owner. Letters are sent to last known addresses. If the letters are returned searches in data bases occur to ensure no updated address can be found.

All unclaimed items of property that have value are logged onto a form specifically for propertyroom.com and are identified by the case and item number. Corresponding barcode labels provided by propertyroom.com are then attached to both the item and the form by that item. Items are then accumulated to allow for less frequent trips by representatives of propertyroom.com.

Items are then sold on the website. Once items are sold a check is received by the Kent Police Department. Checks are then deposited into an account titled unclaimed property. This account is within the Police Department budget.

### **Release Procedures for Disposing of Property and Evidence**

Authorized Methods of Evidence Disposal:

- Return to owner or finder
- Destruction
- Auction
- Appropriate for department use
- Donate
- Trade for credit

### **Procedures Applicable to All Methods of Evidence Disposal:**

Items submitted into the evidence system for destruction shall be destroyed within 30 days except for drugs and firearms. Documentation of destruction shall be noted on a property disposition form and on the location section of the evidence log.

Release or destruction of evidence is determined by the submitting officer, assigned detective, prosecutor, court disposition, court order, statute of limitations, or the Support Services Manager and is authorized by signature or electronic mail. The

Effective:	10/23/95
Revised:	1/13/16
Kent PD	17.190
WASPC	17.19
Previous Kent PD Policy	33.1.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#17.190</b>	<b>#17.19</b>	<b>Destruction of Property</b>

authorization is noted on the property disposition form.

### **Notification of Owner**

Evidence and property that is no longer needed shall be returned to the owner. Evidence personnel, after receiving notification for release, shall notify the owner by phone or mail that the evidence or property is available. Items not claimed within 60 days shall be disposed of. The release or disposal of property shall be documented on a property disposition form or on the evidence log in the final disposition section and in the computerized records management system.

### **Disposal of Evidence**

#### Controlled Substances

- Drugs designated for destruction shall be placed in a Drug Destruction box. When a quantity sufficient for destruction has accumulated, an audit is conducted by evidence personnel and a commissioned supervisor or designee. The audited items are sealed in containers and initialed by those conducting the audit.
- On the day of destruction, a commissioned officer (appointed by the commissioned supervisor or designee) and an evidence representative verify that the seals are intact, transport the audited items to the designated destruction site, witness the destruction, and verify by signature that the items were destroyed.
- Evidence personnel document the destruction of evidence on the case evidence logs and in the computerized records management system.
- Documentation of the disposal of controlled substances is provided to the Chief of Police and is maintained in the evidence office.

### **Liquor**

Evidence personnel notify the Liquor Control board, in writing, when disposing of large quantities of seized alcohol.

Effective:	10/23/95
Revised:	1/13/16
Kent PD	17.190
WASPC	17.19
Previous Kent PD Policy	33.1.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#17.190</b>	<b>#17.19</b>	<b>Destruction of Property</b>

## **Money**

All money shall be disposed of, after proper authorization is received, in one of the following ways:

- Return to owner
- Deposit in City general fund
- Deposit in Kent Police Narcotics Account

Money that is submitted to the evidence section as an item of evidence shall be returned to its owner if the monies have not been seized through the forfeiture procedure by the department, the ownership is not disputed by another party, and the criminal proceedings and appeal periods are completed.

Money submitted as evidence, which cannot be returned to the owner, shall be deposited in the City of Kent General Fund. Evidence personnel shall document all money deposited by case number, item number, and amounts in a report that will be attached to a receipt from the City of Kent cashier verifying the deposit. This report shall be placed in the evidence section money deposit binder for future reference.

Money submitted in the course of a narcotics investigation and/or seized as assets through forfeiture shall be released to the narcotics sergeant for deposit in the narcotics accounts.

## **Firearms**

Firearms shall be disposed of by:

- Return to owner
- Destruction
- Appropriation for department use
- Trade for credit

Firearms legal to possess and no longer needed as evidence shall be returned to the owner, if eligible to possess firearms. Authorization to release firearms is determined by the investigating officer/detective, prosecutor, court disposition, court order, or the Support Services Manager.

Effective:	10/23/95
Revised:	1/13/16
Kent PD	17.190
WASPC	17.19
Previous Kent PD Policy	33.1.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#17.190</b>	<b>#17.19</b>	<b>Destruction of Property</b>

- All firearms illegal to possess, seized, unclaimed, or if so ordered by court order shall be disposed of.
- Evidence personnel shall document the case number, item number, and description of the firearms to be disposed of.
- The detective commander or commissioned supervisor designee, along with the evidence personnel, will audit the firearms to be disposed of.
- The destruction shall be witnessed and verified by two evidence personnel.
- Appropriation for department use
  - Weapons that are appropriated for department use will only be used for department programs or training purposes.
  - The evidence technician/custodian will submit a report listing the firearms to be disposed of to the Chief of Police. The Chief of Police will make a determination as to what firearms, if any, will be appropriated for department use or traded for credit.

### **Found Property**

Any employee authorized to accept found property shall, in cases where the finder wishes to claim the found property:

- Advise the finder if the property is illegal for him/her to possess.
- Advise the finder if the found property is to be held for evidence in judicial or other official proceedings.
- Advise the finder in writing using the Kent Police Found Property Statement Form of the procedures to be followed in claiming found property.
- Submit the evidence section copy of the Found Property Rights Statement Form along with the found property to the evidence section.

Effective:	10/23/95
Revised:	1/13/16
Kent PD	17.190
WASPC	17.19
Previous Kent PD Policy	33.1.1



<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#17.190</b>	<b>#17.19</b>	<b>Destruction of Property</b>

Any employee authorized to accept found property should in cases where the find does not wish to claim the property submit the item into evidence.

### **Evidence Section Responsibility**

As provided for in RCW 63.32.010, after 60 days any found property retained by the evidence section may be donated (bikes), destroyed, auctioned or appropriated to department use. The evidence technician/custodian shall monitor found property items for 60 days and disposition items accordingly.

#### **Procedures of Found Property Claims**

- Evidence custodian/technician upon receiving the Found Property Rights Statement Form shall note the date the report was made and monitor found property claims for compliance to claim procedures.
- If the finder at any time fails to comply with claims procedures, the right to claim the property will be forfeited and the found property will be immediately surrendered to the department.
- If the appraised value of the property is more than the cost of publication of notice, the finder must submit payment of \$10.00, plus the cost of publication incurred by the Kent Police, pursuant to R.C.W. 63.21.010. (If by check, it should be certified and made payable to the CITY TREASURER). Such payment shall be submitted after 60 days but not later than 90 days after the report of finding.
- Upon receiving the payment Records personnel will deposit the payment to the City of Kent to be placed in Found Property Claims account.
- The release of the property will be documented on a Property/Disposition form. A copy of the Property/Disposition form and a copy of the receipt of payment from the City of Kent will be provided to the finder. Copies of the Property/Disposition form and receipt will be forwarded to the Records Section to be placed in the master case file. The original documents will be placed in the evidence room case file.

Effective:	10/23/95
Revised:	1/13/16
Kent PD	17.190
WASPC	17.19
Previous Kent PD Policy	33.1.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#17.190</b>	<b>#17.19</b>	<b>Destruction of Property</b>

### **Auctions**

Property or evidence items designated for auction shall be auctioned in accordance with RCW 63.32.010. The Propertyroom.com website maintains a database of items auctioned.

Effective:	10/23/95
Revised:	1/13/16
Kent PD	17.190
WASPC	17.19
Previous Kent PD Policy	33.1.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#17.200</b>	<b>#17.20</b>	<b>Audits of Property</b>

### **Semi-Annual Inspections**

The Support Services Manager, accompanied by evidence personnel, conducts semi-annual inspections of the evidence facilities. This inspection determines if proper record-keeping, evidence accountability, storage, cleanliness, and disposal methods are being followed.

The Support Services Manager documents any problems found during these inspections and corrects as appropriate. The Support Services Manager forwards written documentation of the inspection and a list of all noted deficiencies to the Support Services Assistant Chief within 10 days of the semi-annual inspection.

### **Unannounced Annual Inspections and Audits**

The Special Investigations Unit Commander, or designee, conducts an unannounced inspection of the evidence facilities at least annually. Under no circumstances will supervisory personnel having the property function under their control appoint the inspector or conduct the audit. However, evidence personnel will accompany the inspector.

This audit includes the random comparison of records with physical property to ensure the accuracy of the records. A complete report of audit findings shall be forwarded to the Chief of Police via chain of command and to the accreditation coordinator.

### **Annual Report – Evidence Items Cleared from Property Room**

The Support Services Manager is responsible for compiling the number of evidence items received and cleared during the prior year. This report will be forwarded via Chain of Command to the Chief. New Property (NP) received and Disposed of Property (DO) are tracked in the department's Records Management System.

### **Records of Inspections, Audits, and Inventories**

Copies of reports documenting the results of inspections, audits, and inventories will be maintained for four years in accordance with Washington State Records Retention guidelines.

Effective:	10/23/95
Revised:	4/15/19
Kent PD	17.200
WASPC	17.20
Previous Kent PD Policy	33.1.6

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#17.210</b>	<b>#17.21</b>	<b>Audits After Change of Command</b>

When evidence personnel are reassigned or terminated, a property audit will be conducted. Incoming evidence personnel, current evidence personnel and a designee appointed by the Chief will jointly complete the audit. A full audit of all sensitive items to include money, jewelry, firearms, and drugs will be completed. All other evidence will be spot checked for accountability. A final report will be sent up the chain of command. This report will also be stored in a notebook in evidence.

Effective:	10/23/95
Revised:	6/13/19
Kent PD	17.210
WASPC	17.21
Previous Kent PD Policy	33.1.6

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#17.220</b>	<b>N/A</b>	<b>Found Property – No Value/Owner</b>

### **Found Property With No Value and No Owner Identified**

All drugs, money, and firearms must be entered into evidence for proper disposition.

If the property is of no value and the owner cannot be identified, the item may be destroyed and properly disposed of by the officer. The officer must complete a case report, enter the item under the property tab of the report, and designate the item as DES (Destroyed by the Officer) in the involvement field, and then describe in the narrative how the disposal was completed.

Effective:	10/23/95
Revised:	12/4/15
Kent PD	17.220
WASPC	N/A
Previous Kent PD Policy	33.1.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#17.230</b>	<b>17.22/17.23</b>	<b>Acceptance, Storage, and Return of Firearms Pursuant to Court Orders</b>

### **Purpose**

The following procedures apply to the collection, storage, and return of firearms, dangerous weapons, or concealed pistol licenses (CPL) that are temporarily surrendered pursuant to a court order. Firearms, dangerous weapons, or CPLs that are evidence in a criminal case shall be entered into Evidence in accordance with applicable evidence policies and procedures.

### **Surrender of Firearms, Dangerous Weapons, or CPLs by Order of a Court**

Firearms may be ordered surrendered by a court pursuant to the following:

1. An Order to Surrender Firearms issued in accordance with RCW 9.41.040 or RCW 941.800;
2. An Extreme Risk Protection Order (ERPO) issued in accordance with Chapter 7.94 RCW;
3. The conditions of pretrial release of a defendant in a criminal case in accordance with CrR 3.2 and CrRLJ 3.2;
4. An Order of Judgement and Sentence issued by a court;
5. The terms and conditions of an order issued pursuant to Chapter 7.92 RCW, RCWs 7.90.090, 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.50.070, or 26.26.590;
6. Another order issued by a court.

### **Accepting or Taking Possession of Firearms, Dangerous Weapons, or CPLs**

1. **Accepting or Taking Firearms, Dangerous Weapons or CPLs:** When an officer is serving an order requiring the surrender of firearms, dangerous weapons, or CPLs, or a person contacts police to surrender firearms, dangerous weapons, or CPLs, the officer should accept or take possession of all firearms, dangerous weapons, and CPLs:

Effective:	12/1/18
Revised:	N/A
Kent PD	17.230
WASPC	17.22/17.23
Previous Kent PD Policy	NEW

Kent PD	WASPC	Title
#17.230	17.22/17.23	Acceptance, Storage, and Return of Firearms Pursuant to Court Orders

- a. Voluntarily surrendered;
  - b. In plain sight;
  - c. Discovered pursuant to a lawful search.
2. **Failure to Comply with Extreme Risk Protection Order (ERPO):** The officer shall verify that all of the firearms listed on the ERPO (if any) are turned in. In the event the subject of the ERPO fails to comply with the requirements of the ERPO, the officer shall prepare a report under penalty of perjury detailing the non-compliance, and shall file the report with the court that issued the ERPO.
3. **Issuing and Filing Receipts:** When an officer accepts or takes possession of a firearm, dangerous weapon, or CPL, the officer shall provide the owner with a receipt identifying the property accepted or taken. The receipt can be found at <http://www.courts.wa.gov/forms/?fa=forms.contribute&formID=95>.
  - a. If the firearm or CPL is accepted or taken pursuant to an ERPO issued pursuant to Chapter 7.94 RCW, the officer shall, within 72 hours of accepting or taking possession of the firearm or CPL, file the receipt with the court issuing the order.
  - b. A copy of the receipt shall be provided to Records for entering into a database.
4. **Entering Firearms into Tiburon/WACIC:** When an officer accepts firearms, dangerous weapons, or CPLs pursuant to this policy, the firearms, dangerous weapons, or CPLs shall be submitted to Evidence using the same procedure for items of evidentiary value, except:
  - a. Type "Hold Per Court Order" before the description of the item in Tiburon.
  - b. Deliver a copy of the court order to Evidence along with the evidence log.
  - c. All firearms submitted to Evidence for any reason must be entered in WACIC as recovered.
  - d. Firearms or dangerous weapons should not be packaged in boxes unless they have blood on them or they are being sent to labs for latent print or DNA processing.

Effective:	12/1/18
Revised:	N/A
Kent PD	17.230
WASPC	17.22/17.23
Previous Kent PD Policy	NEW

Kent PD	WASPC	Title
#17.230	17.22/17.23	Acceptance, Storage, and Return of Firearms Pursuant to Court Orders

5. **Accessories Not to be Submitted:** Officers should not accept accessories that are not permanently attached to the firearm or dangerous weapon. For example, officers should not accept:
- a. Ammunition
  - b. Magazines
  - c. Holsters
  - d. Cases

**Evidence Personnel: Accepting or Taking Possession of Firearms, Dangerous Weapons, and CPLs**

1. Provide a copy of the court order to Records to be scanned into Oracle and placed in the Master Case File.
2. Write "Hold Per Court Order" under the case number on the evidence file.
3. Write "Hold Per Court Order" on the outside of the sack or envelope that holds the firearm, dangerous weapon, or CPL.
4. Hold the firearm, dangerous weapon, or CPL in a secure location until its release or forfeiture is ordered by the court, the court order has terminated, the court order has expired without renewal, or the firearm, dangerous weapon, or CPL is deemed unclaimed or abandoned.

**Evidence Personnel: Returning Firearms, Dangerous Weapons, and CPLs**

1. A firearm, dangerous weapon, or CPL shall be returned only after:
  - a. Confirming the person to whom the firearm is to be returned is the individual from whom the firearm was obtained;
  - b. Ensuring that 24 hours has elapsed between the time the firearm was seized and the firearm is to be released;
  - c. Confirming through a background check the respondent is eligible to own or possess a firearm under federal or state law; and
  - d. Confirming with the court that the Order to Surrender Firearms has terminated or expired.

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Kent PD	17.230
WASPC	17.22/17.23
Previous Kent PD Policy	NEW



Kent PD	WASPC	Title
#17.230	17.22/17.23	Acceptance, Storage, and Return of Firearms Pursuant to Court Orders

2. Evidence shall seek confirmation from the Kent Prosecutor's Office of the requirements of "a" above.
3. Evidence must, if requested, provide notice of an impending release to a family or household member who has requested notice of such release. If notice has been requested, the firearm or CPL shall be held of 72 hours from the time notice has been provided to the family or household member.
4. If a firearm cannot be returned because it is required to be held in custody or is otherwise prohibited from being released, Evidence must provide written notice to the individual from whom it was obtained within five business days of the individual requesting return of his or her firearm and specify the reason the firearm must be held in custody. Notification may be made via email, text message, mail service, or personal service. For methods other than personal service, service shall be considered complete once the notification is sent.

### **Transfer of Firearm from One Owner to Another**

1. The following shall be required prior to the transfer of a firearm from the owner to another:
  - a. The owner shall present a notarized letter identifying:
    - i. They are the lawful owner of the firearms that were seized;
    - ii. The firearms subject to transfer;
    - iii. They are transferring all ownership of the firearms;
    - iv. The name and date of birth of the individual to whom the firearms are being transferred.
2. The person to whom the firearm is transferred shall present a valid form of government-issued identification, and shall be subject to a criminal history check.
3. Firearms that are held pursuant to an ERPO shall not be permitted to be transferred during the pendency of the ERPO.
4. Firearms that are held as a result of a pending criminal offense shall not be

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WASPC	17.22/17.23
Previous Kent PD Policy	NEW

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#17.230</b>	<b>17.22/17.23</b>	<b>Acceptance, Storage, and Return of Firearms Pursuant to Court Orders</b>

permitted to be transferred.

5. Firearms ordered forfeited shall not be permitted to be transferred to avoid forfeiture.

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Kent PD	17.230
WASPC	17.22/17.23
Previous Kent PD Policy	NEW

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#18.10</b>	<b>#18.1</b>	<b>Restraining During Transport</b>

Prisoners transported by police or corrections officers shall be properly restrained to ensure the safety of the officers as well as the public. Approved restraint devices include: handcuffs, flex-cuffs, waist restraint (belly chain), and ankle cuffs.

In most cases, transported prisoners are handcuffed behind the back. The handcuffing of prisoners together is allowed only when the number of prisoners exceeds the number of available restraints to properly handcuff each prisoner individually. Handcuffing in front or handcuffing each hand to one side of a prisoner's belt is appropriate when the prisoner has an injury or disability that would be aggravated by handcuffing behind the back.

If a prisoner is handcuffed in the front, hinged cuffs should be utilized and their wrists should be positioned with one on top of the other, with the hands pointed towards the side of the prisoner's body. Male and female prisoners should not be handcuffed together.

The Kent Police Department does not allow its officers to hog tie prisoners during transport. Officers shall double lock all cuffs that are used.

If a case report or FI card is written, the officers shall document the type of restraints used and the double locking of handcuffs.

Prisoners must be properly restrained in a safety belt during transport. Prisoners are not handcuffed to any part of the vehicle during transport.

Effective:	10/1/07
Revised:	12/1/15
Kent PD	18.10
WASPC	18.1
Previous Kent PD Policy	24.2.1

Kent PD	WASPC	Title
#18.20	#18.2	Transporting Sick, Mentally Ill, Injured, or Disabled Persons

Officers may be required to transport prisoners under unusual circumstances. Examples of unusual circumstances that may be encountered are:

Disabled Persons - Do not assume that restraint devices are not needed on disabled prisoners. Officers transport disabled prisoners safely and consistently with the prisoner's specific needs.

Mentally Disturbed Persons – Officers should physically restrain all mentally disturbed prisoners during transport. If the prisoner is transported by ambulance, four point soft restraints are an option instead of handcuffs.

Sick/Injured Persons – Officers should restrain the sick/injured person consistent with their sickness or injury.

Extended Transports - Officers conducting extended transports may consider the use of waist restraint/handcuffs in front combination during these transports. Ankle cuffs can be used in addition if the officer feels it is appropriate.

A prisoner who is sick or injured incidental to arrest usually receives medical attention before transporting to the jail. The arresting officer summons the Fire Department to the prisoner's location for treatment. The Fire Department recommends further treatment and appropriate method of transport, if necessary. If a prisoner needs further medical attention, the prisoner is transported to the hospital prior to being booked. If the prisoner is transported to the hospital, the arresting officer:

1. Transports the prisoner or follows the ambulance to the hospital. The prisoner is properly restrained with either handcuffs and/or soft restraints, prior to transport.
2. Upon arrival at the hospital, the officer is responsible for the continued restraint and security of the prisoner. Officers determine the extent of restraint needed based on the extent of the prisoner's injury.
3. The transport officer notes on the jail health screening form if the prisoner refuses treatment.

Effective:	10/1/07
Revised:	12/1/15
Kent PD	18.20
WASPC	18.2
Previous Kent PD Policy	24.2.1/24.3.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#18.20</b>	<b>#18.2</b>	<b>Transporting Sick, Mentally Ill, Injured, or Disabled Persons</b>

For prisoners requiring medication, the transport officer takes the necessary medication to the Corrections Facility. Medication is transported in a separate location from the prisoner.

Effective:	10/1/07
Revised:	12/1/15
Kent PD	18.20
WASPC	18.2
Previous Kent PD Policy	24.2.1/24.3.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#18.30</b>	<b>#18.3</b>	<b>Prisoner Search Prior to Transport</b>

The transporting police or corrections officer is responsible for the safety and security of themselves, the prisoner, other police officers, and the public.

Never assume someone else did a search. Transporting officers shall search prisoners for weapons, contraband, evidence, and means of escape each time a prisoner is in the officer's custody. This is done prior to court appearances, medical appointments, and transports to jails, holding facilities, or other locations. Officers shall search purses, fanny packs, baggage, etc., and keep those and other items separated from the prisoner.

Absent extenuating circumstances, prisoners shall be properly handcuffed prior to being searched.

Effective:	10/1/07
Revised:	9/24/14
Kent PD	18.30
WASPC	18.3
Previous Kent PD Policy	24.1.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#18.40</b>	<b>#18.4</b>	<b>Vehicle Search Before/After Transport</b>

Officers inspect their assigned vehicles at the beginning of each shift. This inspection is done to ensure that the vehicle is not damaged, is mechanically safe, and properly equipped. In addition to this, officers shall examine the interior of the vehicle to make sure it is free of weapons and contraband.

Officers shall repeat this search prior to and after each prisoner transport.

Effective:	10/1/07
Revised:	9/24/14
Kent PD	18.40
WASPC	18.4
Previous Kent PD Policy	24.1.2

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#18.50</b>	<b>#18.1</b>	<b>Safety and Security During Transport</b>

An officer transporting a prisoner to another facility complies with the rules of that facility. The transporting officer will:

- Secure firearms in a gun locker or in the trunk of the vehicle before the prisoner exits the vehicle.
- Leave restraints on the prisoner unless otherwise directed by the receiving officer.
- Provide necessary documents.
- Provide any special information to the receiving officer concerning the prisoner's behavior, health, risk of escape, or violence.
- If required by receiving agency, provide documentation of the transfer of custody. If no documentation is required, complete a Case Report noting incident/arrest.

When transporting the prisoner to a facility, officers shall obtain a signature from the receiving officer for the prisoner and the prisoner's property.

Effective:	10/1/07
Revised:	9/24/14
Kent PD	18.50
WASPC	18.1
Previous Kent PD Policy	24.1.6



<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#18.60</b>	<b>#18.5</b>	<b>Temporary Detention Rooms</b>

The temporary detention rooms at the police station and substations are lighted and equipped with a bench. There are also restrooms and water fountains in close proximity. Detainees shall be permitted to use the restroom and have a drink of water upon request.

Effective:	10/1/07
Revised:	5/14/15
Kent PD	18.60
WASPC	18.5
Previous Kent PD Policy	25.1.1/25.4.1

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#18.70</b>	<b>#18.5/6</b>	<b>Operating Temporary Holding Facilities</b>

### **Purpose**

The temporary detention rooms used by the Kent Police Department are not designed to be secure facilities. Any holding should be limited to the absolute minimum time necessary, not to exceed six hours.

Subjects brought into police facilities for detention and held under two hours are not required to be under constant supervision; however, officers are required to check on them every half-hour.

### **Juveniles**

Juveniles accused of a criminal-type offense may be detained in the temporary detention rooms for up to six hours for the purposes of processing, release, or transfer to a juvenile facility. The six-hour clock runs continuously from the first time the juvenile is in secure custody status to the last time released from secure custody. Police cars are not considered a secure location and juveniles are not considered in secure custody status while being transported.

Juveniles detained in the temporary detention rooms shall not have sight or sound contact with adult arrestees or inmates during the time in secure custody status. An accused or adjudicated juvenile may be detained for up to six hours prior to a court appearance, and up to an additional six hours after a court appearance. The two six-hour periods cannot be combined to extend the time frame.

Adjudicated juveniles cannot be held for any length of time in adult jails, lockups, or holding facilities as a disposition. At no time shall a status offender or non-offender be detained for any length of time in the temporary detention rooms.

### **Safety Considerations**

Officers should be aware of the following safety considerations when using temporary detention rooms:

**Weapons Control:** Officers shall keep their duty weapons secure in their holsters unless there is a need to enter the temporary detention room. Prior to entry, officers shall secure their weapon in the adjacent gun storage locker. Use of the gun storage locker shall be indicated on the "Subject Intake Observation Form".

Effective:	10/1/07
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Kent PD	18.70
WASPC	18.5/6
Previous Kent PD Policy	25.1.1/25.3.2/25.3.3/25.4.2

Kent PD	WASPC	Title
#18.70	#18.5/6	Operating Temporary Holding Facilities

Panic or Duress Alarm: None of the temporary detention facilities are equipped with panic alarms; however, the portable radios worn by officers are equipped with an emergency button, which notifies dispatch of the need for assistance.

Access to Area and Prisoner: Entry to the temporary holding facilities is limited by access codes or card keys. Only authorized personnel have access to these buildings.

Escape Prevention: Subjects shall be detained in locked rooms or continuously supervised by an officer to prevent escape.

Search of Detainee: Officers are required to search each detainee prior to bringing them into the station. The detainee's property is kept in a bag and in the officer's custody until the detainee is released.

Security Inspection: Officers are required to inspect each temporary detention room prior to using it for detaining a subject. Officers should inspect the room again just prior to the subject's release.

Separation: Subjects brought into police facilities for temporary detention will be separated by gender and status. Under no circumstances should an adult subject be held next to a juvenile.

Temporary Restraint Devices: If necessary, an officer may temporarily restrain the subject by securing them to a fixed object.

Visual Observation: Officers must visually check on detainees at least once every 30 minutes. This is done by looking through the temporary detention room window to check the subject's welfare. Officers shall note the time and the observer's name on the "Subject Intake Observation Form". These detention rooms are not equipped with any audio/video recording.

## **Fire Prevention**

The following procedures help protect against fire as a result of temporary detention:

1. Subjects are searched and their property, including any lighters or matches, is confiscated prior to placing them into temporary detention rooms.

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Revised:	8/15/19
Kent PD	18.70
WASPC	18.5/6
Previous Kent PD Policy	25.1.1/25.3.2/25.3.3/25.4.2

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#18.70</b>	<b>#18.5/6</b>	<b>Operating Temporary Holding Facilities</b>

2. Each temporary detention room is equipped with a smoke detector/alarm that will sound in case of fire.

### **Fire Suppression**

In the event of fire, the following fire suppression equipment may be used:

1. Each temporary detention room is equipped with a sprinkler system to extinguish fire.
2. A clearly marked fire extinguisher is located close to each of the temporary detention rooms

### **Fire Evacuation**

Officers are responsible for the detainees they have secured in holding rooms. In the event of a fire, each individual officer is responsible for the evacuation of the detainee they have secured in a holding room. The detention room doors do not lock but can only be opened by an exterior handle. The police department and both substations have properly displayed exit signs to assist with prompt evacuation.

### **Reporting**

The officer placing an individual in a temporary detention room shall complete the "Subject Intake Observation Form". Upon the release of a subject, the releasing officer shall ensure the form indicates the date and time released. The form shall be forwarded to a supervisor for approval. Once the form is completed and approved, it shall be routed to the Research and Development Analyst for tracking and reporting purposes.

Effective:	10/1/07
Revised:	8/15/19
Kent PD	18.70
WASPC	18.5/6
Previous Kent PD Policy	25.1.1/25.3.2/25.3.3/25.4.2

<b>Kent PD</b>	<b>WASPC</b>	<b>Title</b>
<b>#18.80</b>	<b>#18.7</b>	<b>Non-Secure Holding of Juveniles</b>

A status offender is classified as a runaway, missing juvenile/youth at risk, M.I.P., tobacco violations, or any court order pertaining to these non-offenses. Status offenders shall not be detained in the temporary detention rooms. Officers shall ensure status offenders are kept in a safe and secure area where they can be observed until other arrangements can be made for their release (ie. to parent or guardian, transported to a youth facility, etc.). Mitigating circumstances to detaining a status offender include suspected criminal behavior, active resistance to detention, or harm to self or others.

The Kent Police Department has two temporary detention rooms at the police station. These detention rooms are used for short term holding of non-status offenders until they can be released to responsible adults, transported to a juvenile detention facility, or if an adult, for processing prior to booking or release. The rooms shall be checked prior to placing anyone in them and then after their removal so as to document any potential damage that may have been done.

A temporary detention form will be accurately filled out when anyone is placed in one of the detention rooms. It is the responsibility of the detaining officer to complete the form and to log all status checks of the detainee, if the detainee leaves the room for a personal break, or for an interview/interrogation. For the safety of the detainee, only one person shall be kept in each detention room at a time.

Once the detainee has been transported or released, the investigating officer shall give the temporary detention form to their supervisor for approval. Once the form has been reviewed and signed off, the temporary detention forms shall be forwarded to the Research and Development Analyst who will track for reporting purposes.

Officers using the temporary detention rooms have the following responsibilities:

1. Notify the supervisor prior to the subject being placed into a temporary detention room.
2. Provide adequate supervision of the person being detained. Each officer is accountable for the subject they bring in. Every subject shall be searched prior to placement in the detention rooms. Personal property that is removed from the subject shall be placed outside of the detention room door.
3. If necessary, temporarily restrain the subject by securing them to a fixed object.
4. Ensure that male, female, and juvenile detainees are separated by both sight and sound.

Effective:	12/12/10
Revised:	5/13/15
Kent PD	18.80
WASPC	18.7
Previous Kent PD Policy	23.2.1/23.2.2/25.3.1

Kent PD	WASPC	Title
#18.80	#18.7	Non-Secure Holding of Juveniles

5. The department does not provide meals to any of the detainees.

Effective:	12/12/10
Revised:	5/13/15
Kent PD	18.80
WASPC	18.7
Previous Kent PD Policy	23.2.1/23.2.2/25.3.1