

# Bellingham Police Department

Bellingham PD WA Policy Manual

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## **MESSAGE FROM CHIEF DAVID DOLL**

To the Women and Men of the Bellingham Police Department:

Thank you for all that you do in continuing to show your dedication towards professional policing, your commitment to serving all of our communities and your demonstrated compassion that supports our culture of empathetic law enforcement.

To bolster your efforts, I am dedicated to ensuring that you have the most technically current equipment that is supported by the finest training and strengthened by sound, relevant and legally defensible policies.

While no policy manual can predict or provide guidance for every law enforcement situation, this manual contains the policies you shall use as the guiding principles for the operations of our police department. It is designed to provide you with information necessary to act decisively, consistently and legally.

This is achieved through frequent updates, making sure this manual reflects current Federal, State and Local laws, is consistent with other policies established by the City of Bellingham, and does not conflict with the collective bargaining agreements of all our personnel. Our policies also meet industry "best practices" as they are audited by, and in compliance with all law enforcement accreditation standards established by the Washington State Association of Sheriffs and Police Chiefs (WASPC).

It is your responsibility to read, understand, and follow the rules and guidelines contained within this policy manual. If you have any questions about policies contained herein, do not hesitate to ask your supervisor for clarity. The most current contents of this manual are available to all employees on our Department shared computer files and through the Lexipol App on your issued smartphones.

Finally, this manual continues to be collaboratively built. Your continued feedback is always valued to ensure that each policy is current, relevant and understandable.

Thank you for your attention and continued excellent service to all of our communities.

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## **LAW ENFORCEMENT CODE OF ETHICS**

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

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

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

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

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

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

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## **BELLINGHAM POLICE MISSION, VISION, AND CORE VALUES**

### **Mission Statement:**

Committed to Community.

### **Vision:**

When we look to the future of the Bellingham Police Department, we see an organization where:

- Employee and public safety is a priority.
- Employees and volunteers are highly trained, equipped with the latest technology, and recognized for their performance.
- Adequate and dedicated funding is in place. We are fiscally responsible and efficient users of the funds and resources entrusted to us by the public.
- Employees demonstrate professionalism, consistent with our mission statement and core values.

### **Core Values:**

**Respect:** Value the people we serve, our fellow employees and the importance of law.

**Integrity:** Act with courage, honor, and truthfulness to uphold the trust of our citizens.

**Innovation:** Apply creative solutions in order to provide effective services.

**Compassion:** Make decisions and take actions with empathy and consideration.

**Collaboration:** Consider the views of all stakeholders when working together to achieve the shared goals of our community.

**Accountability:** Demonstrate responsibility through our communications and actions.

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## **Chapter 1 - Law Enforcement Role and Authority**

# Law Enforcement Authority

## 100.1 PURPOSE AND SCOPE

Law enforcement officers are granted the authority to perform their function based on established legal authority.

Commissioned personnel are sworn to enforce the ordinances of the City of Bellingham, State and Federal law, to protect the public peace and safety within the City of Bellingham, and to abide by the Code of Professional Conduct and Responsibility for Peace Officers.

All persons hired as law enforcement officers for the Bellingham Police Department shall be commissioned as police officers for the City of Bellingham prior to being assigned to law enforcement duties.

This department does not tolerate abuse of law enforcement authority. Any abuse or unjustified use of any police commission or mutual aid peace officers powers will result in permission to carry the commission being withdrawn and/or subject the offending officer to departmental discipline procedures.

## 100.2 PEACE OFFICER POWERS

Sworn members of this Department shall be considered peace officers as defined by [RCW 9A.04.110\(13\)](#) and [RCW 9A.04.110\(15\)](#). The authority of any such peace officer to make an arrest without a warrant is enumerated in [RCW 10.31.100](#), and includes:

- (a) When the peace officer has 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.
- (b) A peace officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of an officer, except as provided in [RCW 10.31.100](#), subsections (1) through (11).

The authority of any such peace officer to make an arrest with a warrant is enumerated under [RCW 10.31.030](#), and includes:

- (a) The investigating officer shall confirm existence and extradition of said warrant.
- (b) The officer making an arrest must inform the defendant that he or she acts under authority of a warrant, and must also provide the defendant with a copy of the warrant at time of arrest or arrival at place of confinement.

### 100.2.1 OTHER AUTHORITY

Sworn members of this department who enter the state of Oregon in order to provide or attempt to provide law enforcement assistance have Oregon peace officer authority within 50 miles of the Washington-Oregon border under the following circumstances ([ORS 133.405](#)):

- (a) In response to a request for law enforcement assistance initiated by an Oregon sheriff, constable, marshal, municipal police officer or member of the Oregon State Police.

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- (b) In response to a reasonable belief that emergency law enforcement assistance is necessary to preserve life and circumstances make it impractical for Oregon law enforcement officials to formally request assistance.
- (c) For the purpose of assisting Oregon law enforcement officials with emergency assistance in response to criminal activity, traffic accidents, emergency incidents or other similar public safety situations, whether or not an Oregon law enforcement official is present at the scene of the incident.

Bellingham Police Department officers have no authority to enforce Oregon traffic or motor vehicle laws.

Whenever practicable, officers should seek permission from a department supervisor before entering Oregon to provide law enforcement services. As soon as practicable, officers exercising law enforcement authority in Oregon shall submit any appropriate written reports concerning the incident to the Oregon agency having primary jurisdiction over the area in which the incident occurred.

### **100.3 CONSTITUTIONAL REQUIREMENTS**

All employees shall observe and comply with every person's clearly established rights under the United States and Washington Constitutions.

### **100.4 LIMITED COMMISSIONS**

A Bellingham Commission may be issued to any employee of the City of Bellingham who, by virtue of training and/or experience, has proven competence in the field of law enforcement and whose duties are police related.

Limited police commissions or deputations may be issued upon approval of the Mayor and Police Chief to persons outside the department who have a need to have limited enforcement capabilities such as parking, parks and arson. These limited commissions will specifically state the authority of the holder to enforce specific identified ordinances. These limited commissions shall be valid for a period of one year and shall automatically renew on December 31st provided that the background review of the individual remains favorable or unless otherwise revoked by the Mayor and Police Chief.

### **100.5 OTHER COMMISSIONS**

Police commissions from other law enforcement agencies may be issued to Bellingham police officers from time to time when necessary or desirable. No officers may accept a commission from another agency without prior notice and permission from the Chief of Police.

# Law Enforcement Certification

## 101.1 PURPOSE AND SCOPE

All sworn officers employed by the Bellingham Police Department shall receive certification by the Washington State Criminal Justice Training Commission (CJTC) prior to assuming law enforcement duties and responsibilities, and shall begin attending an approved academy within the first six months of employment ( [RCW 43.101.095\(1\)](#) and [43.101.200\(1\)](#)).

## 101.2 BASIC ACADEMY TRAINING

It is the policy of the Bellingham Police Department that each officer receive a basic certificate issued by the Washington State Criminal Justice Training Commission prior to exercising authority as a law enforcement officer, except when assigned to the department Field Training Officer (FTO) program. In those instances the officer without certification will be accompanied by and under the direct supervision of a Field Training Officer or another certificated officer designated by the department.

# Oath of Office

## 102.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that oaths, when appropriate, are administered to department members.

## 102.2 POLICY

It is the policy of the Bellingham Police Department that, when appropriate, department members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Department and the dedication of its members to their duties.

## 102.3 OATH OF OFFICE

All department members, when appropriate, shall take and subscribe to the oaths or affirmations applicable to their positions ([RCW 43.101.021](#)).

If a member is opposed to taking an oath, he/she shall be permitted to substitute the word "affirm" for the word "swear," and the words "so help me God" may be omitted.

## 102.4 MAINTENANCE OF RECORDS

The oath of office shall be filed in accordance with the established records retention schedule and any applicable state and/or local law.

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# Policy Manual

## 103.1 PURPOSE AND SCOPE

The manual of the Bellingham Police Department is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, rules and guidelines of this department. All members are to conform to the provisions of this manual.

All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, procedures, orders and other regulations that have not been included herein shall remain in effect, provided that they do not conflict with the provisions of this manual.

## 103.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that the work of law enforcement is not always predictable and circumstances may arise which warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this department under the circumstances reasonably available at the time of any incident.

### 103.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Bellingham Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training or discipline. The Bellingham Police Department reserves the right to revise any policy content, in whole or in part.

## 103.3 AUTHORITY

The Chief of Police shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Chief of Police or the authorized designee is authorized to issue Departmental Directives, which shall modify those provisions of the manual to which they pertain. Departmental Directives shall remain in effect until such time as they may be permanently incorporated into the manual.

## 103.4 DEFINITIONS

The following words and terms shall have these assigned meanings throughout the Policy Manual, unless it is apparent from the content that they have a different meaning:

**Adult** - Any person 18 years of age or older.

**CFR** - Code of Federal Regulations.

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**City** - The City of Bellingham.

**Civilian** - Employees and volunteers who are not sworn peace officers.

**CJTC** - The Criminal Justice Training Commission.

**Department/BPD** - The Bellingham Police Department.

**DOL** - The Department of Licensing.

**Employee/personnel** - Any person employed by the Department.

**Juvenile** - Any person under the age of 18 years.

**Manual** - The Bellingham Police Department Policy Manual.

**May** - Indicates a permissive, discretionary or conditional action.

**Member** - Any person employed or appointed by the Bellingham Police Department, including full-time sworn officers, reserve officers, civilian employees and volunteers.

**Officer** - Those employees, regardless of rank, who are sworn peace officer employees of the Bellingham Police Department.

**On-duty** - A member's status during the period when he/she is actually engaged in the performance of his/her assigned duties.

**Order** - A written or verbal instruction issued by a superior.

**Rank** - The title of the classification held by an officer.

**RCW** - Revised Code of Washington (Example: [RCW 9.41.040](#)).

**Shall or will** - Indicates a mandatory action.

**Should** - Indicates a generally required or expected action, absent a rational basis for failing to conform.

**Supervisor** - A person in a position of authority regarding hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other department members, directing the work of other members or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

The term "supervisor" may also include any person (e.g., officer-in-charge, lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank or compensation.

When there is only one department member on-duty, that person may also be the supervisor, except when circumstances reasonably require the notification or involvement of the member's off-duty supervisor or an on-call supervisor.

**USC** - United States Code.

**WAC** - The Washington Administrative Code (Example: [WAC 296-24-567](#)).

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**WSP** - The Washington State Patrol.

### **103.5 ISSUING THE POLICY MANUAL**

An electronic version of the Policy Manual will be made available to all members on the department network for viewing and printing. No changes shall be made to the manual without authorization from the Chief of Police or the authorized designee.

Each member shall acknowledge that he/she has been provided access to, and has had the opportunity to review the Policy Manual and Departmental Directives. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

### **103.6 PERIODIC REVIEW OF THE POLICY MANUAL**

The Chief of Police will ensure that the Policy Manual is periodically reviewed and updated as necessary.

### **103.7 REVISIONS TO POLICIES**

All revisions to the Policy Manual will be provided to each member on or before the date the policy becomes effective. Each member will be required to acknowledge that he/she has reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Members are responsible for keeping abreast of all Policy Manual revisions.

Each Deputy Chief will ensure that members under his/her command are aware of any Policy Manual revision.

All department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Deputy Chiefs, who will consider the recommendations and forward them to the command staff as appropriate.



## **Chapter 2 - Organization and Administration**

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# Organizational Structure and Responsibility

## 200.1 PURPOSE AND SCOPE

The organizational structure of this department is designed to create an efficient means to accomplish our mission and goals and to provide for the best possible service to the public.

## 200.2 DIVISIONS

- Operations Division that includes:
  - Uniformed Patrol
  - Investigations
    - Special Victims Unit and Major Crimes
    - Warrant Officers
    - Evidence and Identification
  - Outreach
    - Volunteers / Explorers
    - Neighborhood Police Officers
    - Code Enforcement
    - Camp Clean-Up Coordinator
    - District Resource Officer
- Special Operations
  - Traffic
  - Whatcom County Gang and Drug Task Force Officer
  - K9
  - Special Weapons and Tactics / Hazardous Devices Unit / Civil Disturbance Unit
  - Bicycle Patrol
- Support Services Division that includes:
  - Public Information Officer
  - Office of Professional Responsibility
    - Training
  - Records
  - What-Comm 911 Communications Center
  - Policy Development and Accreditation

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### 200.2.1 DIVISION OVERSIGHT

Each Division is commanded by a Deputy Chief whose primary responsibility is to provide general management direction and control for that Division.

General management, direction and control of each Division may be shared or changed in certain circumstances.

## **200.3 COMMAND PROTOCOL**

### 200.3.1 ORDERS

Members shall respond to and make a good faith and reasonable effort to comply with the lawful order of superior officers and other proper authority.

### 200.3.2 UNLAWFUL AND CONFLICTING ORDERS

No member is required to obey any order which outwardly appears to be in direct conflict with any federal or state law, or local ordinance. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or confer with a higher authority. Responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with an order that is in conflict with a previous order, departmental policy, or other directive, shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the order is intended to countermand the previous order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting order after having given the issuing supervisor the opportunity to correct the conflict are not held accountable for disobedience of the order or directive that was initially issued.

The person issuing the countermanded order shall be notified in writing by the person issuing the second command of the action taken and the reason therefore.

### 200.3.3 SUCCESSION OF COMMAND

The Chief of Police exercises command over all personnel in the Department. During planned absences the Chief of Police will designate a Deputy Chief to serve as the acting Chief of Police.

Except when designated as above, the order of command authority in the absence or unavailability of the Chief of Police is as follows:

- (a) Deputy Police Chief
- (b) Lieutenant
- (c) Current on-duty Supervisor

### 200.3.4 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Department. Generally, each employee shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or

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special assignment (e.g., K-9, SWAT), any supervisor may temporarily direct any subordinate if an operational necessity exists.

### **200.4 SUPERVISOR ACCOUNTABILITY**

The Bellingham Police Department recognizes supervisory positions as the first level of supervision within this department. These supervisory positions have the responsibility to guide, direct, motivate and teach all personnel under their supervision. It is the supervisors responsibility to plan the work of personnel in an orderly manner; delegate authority and responsibility when appropriate, and to follow the progress of task assignments to a satisfactory completion. All supervisors of all ranks and/or levels within the department shall be, at all times, responsible for the work performance of subordinate personnel under their immediate control.

## Departmental Directive

### **201.1 PURPOSE AND SCOPE**

Departmental Directives establish an interdepartmental communication that may be used by the Chief of Police to make immediate changes to policy and procedure. Departmental Directives will immediately modify or change and supersede sections of this manual to which they pertain.

#### **201.1.1 DEPARTMENTAL DIRECTIVE PROTOCOL**

Departmental Directives will be incorporated into the manual as required upon approval of Staff. Departmental Directives will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

All existing Departmental Directives have now been incorporated in the updated Policy Manual as of the below revision date.

Any Departmental Directives issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number "01" For example, 09-01 signifies the first Departmental Directive for the year 2009.

### **201.2 RESPONSIBILITIES**

#### **201.2.1 STAFF**

The staff shall review and approve revisions of the Policy Manual, which will incorporate changes originally made by a Departmental Directive.

#### **201.2.2 CHIEF OF POLICE**

The Chief of Police shall issue all Departmental Directives.

#### **201.2.3 EMPLOYEES**

Employees shall acknowledge receipt of directives by checking the "employee acknowledgement" box.

# Emergency Management Plan

## 202.1 PURPOSE AND SCOPE

The City has prepared an Emergency Management Plan Manual for use by all employees in the event of a major disaster, civil disturbance, mass arrest or other emergency event. The manual provides for a strategic response by all employees and assigns specific responsibilities in the event the plan is activated.

The City Emergency Management Plan is written in accordance with the State of Washington's comprehensive emergency management plan and program, and has been approved for local use ([RCW 38.52.070](#)). This plan provides guidance for City emergency operations within and outside its borders.

### 202.1.1 BELLINGHAM CODES

An emergency management organization has been established by City of Bellingham. This ordinance has been approved by the City Council ([WAC 118-30-050](#)).

## 202.2 ACTIVATING THE EMERGENCY PLAN

The Emergency Management Plan can be activated in a number of ways. For the Bellingham Police Department, the Chief of Police or the highest ranking official on duty may activate the Emergency Management Plan in response to a major emergency.

### 202.2.1 RECALL OF PERSONNEL

In the event that the Emergency Management Plan is activated, all employees of the Bellingham Police Department are subject to immediate recall. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Chief of Police or the authorized designee.

Failure to respond to an acknowledged order to report for duty may result in discipline.

## 202.3 LOCATION OF EMERGENCY MANAGEMENT PLAN

The City of Bellingham [Emergency Plan](#) is located on the City of Bellingham [Website](#). All supervisors should familiarize themselves with the Emergency Management Plan and what roles police personnel will play when the plan is implemented.

## 202.4 BUILDING EVACUATION PLAN

In the event of a disaster or emergency which requires evacuation of the public safety services building, all employees shall follow implemented evacuation plans and posted exit strategies. The posted exit strategies shall include any special directions for physically impaired employees ([WAC 296.24.567](#)).

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### **202.5 UPDATING OF MANUALS**

The Chief of Police or the authorized designee shall review the Emergency Management Plan Manual at least once every two years to ensure that the manual conforms to any revisions made by the National Incident Management System (NIMS) ([WAC 118-30-060\(7\)](#)).

### **202.6 NOTIFICATION PROCESS**

When an emergency is declared as outlined in [City of Bellingham Policy § 7.1.1](#), the following will be the Bellingham Police Department's policy and notification process.

#### **(a) Essential**

1. All uniformed and commissioned officers scheduled for work will be considered essential.
2. All Dispatchers and Records Bureau personnel scheduled for work will be considered essential.
3. All Staff Officers scheduled for work will be considered essential. If none are scheduled for work, the Duty Staff Officer (DSO) will be considered essential.
4. The Evidence/I.D. Supervisor will be considered essential.
5. Non-uniformed commissioned officers scheduled for work will be considered essential and shall have a uniform available and be prepared to work in the field if needed.

#### **(b) Non-Essential**

1. Non-commissioned employees will be placed on standby during those hours they are normally scheduled for work. This includes Limited Commissioned employees.

#### **(c) Notification Procedures**

1. Once notification has been received, the staff officers or DSO shall have the Lieutenants notify their respective unit supervisors who in turn shall cause all personnel within their unit to be notified of the situation and when and where to report.
2. The staff officer in charge shall also notify What-Comm of the emergency notification and what measures have been taken with personnel utilization.
3. The OPR Lieutenant shall notify the Records Manager who shall cause to be notified all employees within the Records Division, and any other clerical employees of the department.

# Training Policy

## 203.1 PURPOSE AND SCOPE

It is the policy of this department to administer a training program that will provide for the professional growth and continued development of its personnel. By doing so, the Department will ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the community.

## 203.2 PHILOSOPHY

The Department seeks to provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels, and legal mandates. Whenever possible, the Department will use courses certified by the [Washington Criminal Justice Training Commission \(CJTC\)](#).

## 203.3 OBJECTIVES

The objectives of the Training Program are to:

- (a) Enhance the level of law enforcement service to the public.
- (b) Increase the technical expertise and overall effectiveness of our personnel.
- (c) Provide for continued professional development of department personnel.

## 203.4 TRAINING PLAN

A training plan for all employees will be developed and maintained by the Administrative Services Sergeant. It is the responsibility of the Administrative Services Sergeant to maintain, review, and update the training plan on an annual basis. The plan will ensure, at minimum, the following:

- (a) All sworn members will successfully complete an annual in-service training program of no less than 24 hours that includes the training required by the CJTC (WAC 139-05-300).
- (b) All officers must complete a minimum of 40 hours of continuing de-escalation and mental health training every three years as provided in WAC 139-11-020 and WAC139-11-060.
  - 1. This training may substitute the annual 24 hours in-service requirement under WAC 139-05-300 in the year the officer completes the 40-hour violence de-escalation training.
- (c) All sworn members will successfully complete an annual in-service training program on the Bellingham Police Department use of force and deadly force policies.
- (d) All sworn members will successfully complete in-service training on less-than-lethal weapons every two years.
- (e) Full-time supervisors or managers will receive appropriate training and certification required by CJTC.



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- (f) All sworn members will successfully complete the National Incident Management System (NIMS) introductory training course.
- (g) Members who will serve as school resource officers will receive training for school resource officers (RCW 28A.320.124).
- (h) Any request for exemption, waiver, extension, or variance from any requirement of CJTC training must be made under WAC 139-03-030 and corresponding information be made available to the public in accordance with the Records Maintenance and Release Policy (WAC 139-11-030).

The plan will also address the following areas:

- Legislative Changes
- State Mandated Training
- Critical Issues Training

### **203.5 TRAINING NEEDS ASSESSMENT**

The Training Unit will conduct an annual training-needs assessment of the Department. The needs assessment will be reviewed by staff. Upon approval by the staff, the needs assessment will form the basis for the training plan for the fiscal year.

### **203.6 TRAINING DOCUMENTATION**

Detailed records shall be kept, by the Training Officer, of all in-service training sponsored by or presented on behalf of the Bellingham Police Department. Records should minimally include the following:

- An overview of the course content and/or an instructor lesson plan.
- Names and agency contact information of all attendees.
- Instructor credentials or resume.
- Individual attendee test results (if applicable).
- Course completion roster.

### **203.7 TRAINING BULLETINS**

Training Bulletins are issued by the department's training officer; these bulletins cover the following areas:

- Alerting personnel to changes in law or administrative rule.
- Alerting personnel to improved techniques or recently developed knowledge.
- Reviewing basic knowledge, procedures, and techniques for dealing with a newly emerging or particularly difficult crime problem.
- Reviewing areas in which operational problems have developed.

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- Introducing personnel to the details of a change in procedures or regulation.
- Reviewing techniques, procedures and policies in a particularly sensitive area.

All commissioned Bellingham police personnel are required to read and acknowledge issued Training Bulletins.

### **203.8 TRAINING COMMITTEE**

The Administrative Services Sergeant shall establish a Training Committee, which will serve to assist with identifying training needs for the Bellingham Police Department.

The Training Committee shall be comprised of at least three members, with the senior ranking member of the committee acting as the chairperson. Members should be selected based on their abilities at post-incident evaluation and at assessing related training needs. The Administrative Services Sergeant may remove or replace members of the committee at his/her discretion.

The Training Committee should review certain incidents to determine whether training would likely improve future outcomes or reduce or prevent the recurrence of the undesirable issues related to the incident. Specific incidents the Training Committee should review include but are not limited to:

- (a) Any incident involving the death or serious injury of an employee.
- (b) Incidents involving a high risk of death, serious injury or civil liability.
- (c) Incidents identified by a supervisor as appropriate to review to identify possible training needs.

The Training Committee should convene on a regular basis as determined by the Administrative Services Sergeant to review the identified incidents. The committee shall determine by consensus whether a training need exists and then submit written recommendations of its findings to the Administrative Services Sergeant. The recommendation should not identify specific facts of any incidents, such as identities of employees involved or the date, time, and location of the incident, but should focus on the type of training being recommended.

The Administrative Services Sergeant will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the Bellingham Police Department and available resources.

### **203.9 EQUIPMENT TRAINING**

No employee shall use departmental equipment unless he/she has been trained in its operation and is authorized to use it in the performance of duty.

### **203.10 TRAINING AUXILIARY PERSONNEL**

Training of auxiliary personnel will accomplish initial classroom training and field training. The Administrative Services Sergeant shall coordinate this training and ensure all auxiliary personnel have received the training.

## Electronic Mail

### 204.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the Department electronic e-mail system by employees of this department. E-mail is a communication tool available to employees to enhance efficiency in the performance of job duties and is to be used in accordance with generally accepted business practices and current law (e.g., [Washington Public Disclosure Act](#)). Messages transmitted over the e-mail system must only be those that involve official business activities or contain information essential to employees for the accomplishment of business-related tasks and/or communication directly related to the business, administration, or practices of the Department.

### 204.2 E-MAIL RIGHT OF PRIVACY

All e-mail messages, including any attachments, that are transmitted over department networks are considered department records and therefore are the property of the department. The Department reserves the right to access, audit or disclose, for any lawful reason, any message, including any attachment, that is transmitted over its e-mail system or that is stored on any department system.

The e-mail system is not a confidential system and therefore is not appropriate for confidential communications. If a communication must be confidential, an alternative method to communicate the message should be used. Employees using the department e-mail system shall have no expectation of privacy concerning communications transmitted over the system.

Employees should not use personal accounts to exchange e-mail or other information that is related to the official business of the Department.

### 204.3 PROHIBITED USE OF E-MAIL

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, and harassing or any other inappropriate messages on the e-mail system will not be tolerated and may result in discipline.

Personal advertisements are not acceptable.

It is a violation of this policy to transmit a message under another user's name. Users are strongly encouraged to log off the network when their computer is unattended. This added security measure would minimize the misuse of an individual's e-mail, name and/or password by others.

### 204.4 MANAGEMENT OF E-MAIL

Because the e-mail system is not designed for long-term retention of messages, e-mail that the employee desires to save or that becomes part of an official record should be printed and/or stored in another database. Users of e-mail are solely responsible for the management of their mailboxes.

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Messages should be purged manually by the user at least once per week. All messages in excess of one month will be deleted at regular intervals from the server computer.

E-mail messages are public records when they are created or received in the transaction of public business and retained as evidence of official policies, actions, decisions or transactions. E-mail messages should be managed by their category in compliance with the current [Records Management Guidelines and General Records Retention Schedules](#) (Schedule Number L08 "Electronic Mail"). The Local Government General Records Retention Schedule (LGGRRS) is the controlling schedule for records retention and management ( [RCW Chapter 40.14](#)).

# Administrative Communications

## **205.1 PURPOSE AND SCOPE**

Administrative communications of this department are governed by the following policies.

## **205.2 PERSONNEL ORDER**

Personnel Orders may be issued periodically by the Chief of Police to announce and document all promotions, transfers, hiring of new personnel, separations, personnel and group commendations, or other changes in status.

## **205.3 CORRESPONDENCE**

In order to ensure that the letterhead and name of the Department are not misused, all external correspondence shall be on department letterhead. All department letterhead shall bear the signature element of the Chief of Police.

A template, for proper formatting of letterhead correspondence, can be found in the M Drive, in Shared Info. folder, Forms folder: "Letterhead Template."

Personnel should use department letterhead only for official business and with approval of their supervisor.

## **205.4 SURVEYS**

All surveys made in the name of the Department shall be authorized by the Chief of Police or a Deputy Chief.

# Administrative and Duty Staff Officer Notifications

## 206.1 PURPOSE AND SCOPE

There are specific major events or significant circumstances that require police administrative notification.

During normal business hours this notification will be done through the established chain of command.

Between 1600 hours and 0800 hours, notification shall be made through the designated Duty Staff Officer.

## 206.2 DUTY STAFF OFFICER NOTIFICATION

The following events require the shift supervisor to make administrative notification through the chain of command or DSO (after hours).

- (a) Death or injury to any employee.
- (b) Death or serious injury caused by any employee.
- (c) All homicides or suspicious deaths.
- (d) Fire Department response that involves a death investigation at the scene of a fire.
- (e) Deaths where involved parties are noteworthy.
- (f) Fatal accidents (traffic, industrial, aircraft..etc) or accidents that are likely to result in the death of a person.
- (g) All officer involved discharge of weapons whether or not injury or death occurs (exception: destruction of animals).
- (h) Civil disturbances, disorders, or riots.
- (i) All incidents where SWAT, hostage negotiations, Hazardous Devices team(s), or Civil Disturbance Units are activated even if the activation is only for mutual aid.
- (j) Any physical custody arrest involving a county-wide or City of Bellingham elected official.
- (k) Bank robberies regardless of the loss.
- (l) Kidnapping or a missing child where circumstances require a prolonged search or an Amber Alert activation.
- (m) All events that are likely to result in media contact or questions to the Chief of Police or Mayor.
- (n) Any time an employee is relieved of duty.
- (o) Any event that is significant or unusual which may have a serious or significant impact on this community or that by their nature focus on Bellingham citizen's fear of crime or quality of life.

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- (p) Emergency or threatening situations reported by the Mayor, Mayor's Office, members of the City Council, Department Heads and/or their families.
- (q) When Special Teams are activated.

### 206.2.1 AFTER HOURS ALTERNATE NOTIFICATION

- (a) In the event the Duty Staff Officer cannot be reached, the shift supervisor shall:
  - 1. Notify that DSO's Deputy Chief.
- (b) In the event the DSO's Deputy Chief cannot be reached, the shift supervisor shall:
  - 1. Notify another Deputy Chief.
- (c) In the event the other Deputy Chief cannot be reached, the shift supervisor shall:
  - 1. Notify the Chief of Police.

## Staffing Levels

### 207.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that proper supervision is available for all shifts. The Department intends to balance the employee's needs against the need to have flexibility and discretion in using personnel to meet operational needs. While balance is desirable, the paramount concern is the need to meet operational requirements of the Department.

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with departmental policies, procedures, practices, functions and objectives.

### 207.2 MINIMUM STAFFING LEVELS

Minimum staffing levels should result in the scheduling of at least one supervisor on duty whenever possible.

### 207.3 SUPERVISION DEPLOYMENTS

In order to accommodate training and other unforeseen circumstances, a qualified employee can fill the shift supervisor position on a temporary basis when it is practical

#### 207.3.1 EMPLOYEES QUALIFIED FOR ACTING SUPERVISOR DUTIES

The following guidelines apply when selecting qualified employees to fill the shift supervisor position on a temporary basis when it is practical:

- (a) The shift's Police Corporal is the first option
- (b) If the shift's Police Corporal is unavailable, then another Police Corporal may be used
- (c) If no Police Corporals are available, then an Officer on the current Civil Service Sergeant's eligibility list may be used if the following criteria are met:
  - 1. the Officer has successfully completed a supervisory-specific course of at least 40 hours in length
  - 2. the Patrol Lieutenant and Shift Sergeant(s) have confidence that the selected Officer can perform the necessary duties

If a disagreement should arise concerning the leadership of the shift, the matter will be referred to the Patrol Lieutenant, if he/she is on duty, or to the Duty Staff Officer.

### 207.4 SUPERVISION CONTINUITY

No supervisor shall consider being properly relieved until a supervisor is appointed to lead the oncoming shift.



## Concealed Pistol License

### 208.1 PURPOSE AND SCOPE

The Chief of Police is given the statutory responsibility to issue, monitor, and revoke a license to carry a concealed pistol to residents within the community ([RCW 9.41.070](#)). This policy will provide a written process for the application, issuance, and revocation of such licenses.

### 208.2 QUALIFIED APPLICANTS

All applicants for a concealed pistol license shall qualify to receive such a license unless the applicant is ineligible for a license or to possess a pistol under any of the following conditions ([RCW 9.41.070](#)):

- (a) The applicant is ineligible or is prohibited to possess a firearm under the provisions of [RCW 9.41.040](#), [RCW 9.41.045](#) or federal law.
- (b) The applicant's concealed pistol license is in a revoked status.
- (c) The applicant is under twenty-one years of age.
- (d) The applicant is subject to a court order or injunction regarding firearms.
- (e) The applicant is free on bond or personal recognizance pending trial, appeal, or sentencing for a felony offense.
- (f) The applicant has an outstanding warrant for his/her arrest from any court of competent jurisdiction for a felony or misdemeanor.
- (g) The applicant has been ordered to forfeit a firearm under [RCW 9.41.098\(1\)\(e\)](#) within one year before filing an application to carry a pistol concealed on his/her person.
- (h) The applicant has been convicted of a felony or is otherwise restricted from possessing a firearm unless the person has been granted relief from disabilities by the United States Attorney General under [18 USC 925\(c\)](#), or [RCW 9.41.040\(3\)](#) or (4) applies.

Non-immigrant aliens are not eligible for concealed pistol licenses. However, they may be eligible for an alien firearm license for the purposes of hunting and sport shooting, subject to certain eligibility requirements. Any non-immigrant alien who wishes to obtain an alien firearm license should be directed to apply to the sheriff in the county in which he/she resides ([RCW 9.41.173](#)).

### 208.3 APPLICATION PROCESS AND RENEWAL

The Chief of Police has 30 days after the filing of an application of any person to issue a license to carry a concealed pistol. If the applicant does not have a valid permanent Washington driver license or identification card or has not been a resident of the state for the previous consecutive 90 days, the Chief of Police has 60 days to issue a license. The Chief of Police must accept completed applications for concealed pistol licenses during regular business hours ([RCW 9.41.070](#)).

The Chief of Police is required to check with the National Instant Criminal Background Check System, the Washington State Patrol (WSP) electronic database, the Department of Social and Health Services electronic database, and with other agencies or resources as appropriate,

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to determine whether the applicant is ineligible under RCW 9.41.040 or RCW 9.41.045, or is prohibited under federal law to possess a firearm and therefore ineligible for a concealed pistol license. This check applies for a new concealed pistol license or to renew a concealed pistol license.

A background check for an original license shall be conducted through the WSP Criminal Identification Section and shall include a national check from the Federal Bureau of Investigation through the submission of fingerprints. The applicant may request and receive a copy of the results of the background check from the Chief of Police (RCW 9.41.070).

The license application shall bear the full name, residential address, telephone number and/or email address at the option of the applicant, date and place of birth, race, gender, physical description, not more than two complete sets of fingerprints, and signature of the licensee, and the licensee's driver license number or state identification card number if used for identification in applying for the license. A signed application for a concealed pistol license shall constitute a waiver of confidentiality and written request that the Department of Social and Health Services, mental health institutions, and other health care facilities release information relevant to the applicant's eligibility for a concealed pistol license to an inquiring court or law enforcement agency.

If the applicant is not a United States citizen, the applicant must provide his/her country of citizenship, United States-issued alien number or admission number, and the basis for any exemptions from federal prohibitions on firearm possession by aliens. The applicant shall not be required to produce a birth certificate or other evidence of citizenship. A person who is not a citizen of the United States shall meet the additional requirements of RCW 9.41.173 and provide proof of compliance (RCW 9.41.070).

The application for an original license shall include a complete set of fingerprints to be forwarded to the WSP (RCW 9.41.070(4)).

### 208.3.1 REQUIRED WARNINGS

The license and application shall contain a warning substantially as follows:

"CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. A state license is not a defense to a federal prosecution."

The license shall contain a description of the major differences between state and federal law and an explanation of the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law ([RCW 9.41.070](#)). The application shall contain questions about the applicant's eligibility under [RCW 9.41.040](#) to possess a pistol, the applicant's place of birth, and whether the applicant is a United States citizen.

### 208.3.2 DOCUMENTATION AND FEES

The Chief of Police shall deliver the original license to the licensee, within seven days send the duplicate to the Director of Licensing, and shall preserve the triplicate or other form prescribed by the Department of Licensing for six years after the license has expired, been

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voided or revoked, or as otherwise provided in the department's established records retention schedule ([RCW 9.41.070\(4\)](#)).

The nonrefundable fee for the original five-year license must be paid upon application. Additional charges imposed by the Federal Bureau of Investigation are payable by the applicant. No other state or local branch or unit of government may impose any additional charges on the applicant for the issuance of the license.

A nonrefundable fee for the renewal of such license, or the replacement of lost or damaged licenses is required of the licensee. No other branch or unit of government may impose any additional charges on the licensee for the renewal of the license.

Payment shall be by cash, check, or money order at the option of the applicant. Additional methods of payment may be allowed at the option of the Chief of Police.

### **208.4 LICENSE RENEWAL**

A licensee may renew a license if the licensee applies for renewal within 90 days before or after the expiration date of the license. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license must pay a late renewal penalty in addition to the renewal fee ([RCW 9.41.070\(9\)](#)).

An active-duty member of the armed forces who is unable to renew his/her license within the prescribed time period because of assignment, reassignment, or deployment for out-of-state military service may renew his/her license by the Bellingham Police Department-established mail renewal procedures or within 90 days after returning to Washington state. Verification for this concealed pistol license renewal exception is subject to the requirements of [RCW 9.41.070](#).

### **208.5 REVOCATION OF LICENSES**

The Chief of Police shall revoke any license issued pursuant to this policy immediately upon ([RCW 9.41.075\(1\)](#)):

- (a) Discovery that the person was ineligible under [RCW 9.41.070](#) for a concealed pistol license when applying for the license or license renewal.
- (b) Conviction of the licensee of an offense, or commitment of the licensee for mental health treatment, that makes a person ineligible under [RCW 9.41.040](#) to possess a firearm.
- (c) Conviction of the licensee for a third violation of [RCW Chapter 9.41](#) within five calendar years.
- (d) An order that the licensee forfeit a firearm under [RCW 9.41.098\(1\)\(d\)](#).
- (e) Upon notification from the Department of Licensing that the licensee has lost his/her right to possess a firearm as identified in [RCW 9.41.047](#).

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### 208.5.1 INELIGIBILITY

Upon discovering a person issued a concealed pistol license was ineligible for the license, the Chief of Police shall contact the Department of Licensing to determine whether the person purchased a pistol while in possession of the license. If the person did purchase a pistol while in possession of the concealed pistol license, and if the person may not lawfully possess a pistol without a concealed pistol license, the Chief of Police shall require the person to present satisfactory evidence of having lawfully transferred ownership of the pistol. The Chief of Police shall require the person to produce the evidence within fifteen days of the revocation of the license (RCW 9.41.075(2)).

### 208.5.2 FIREARM FORFEITURE

When a licensee is ordered to forfeit a firearm under RCW 9.41.098(1)(d), the Chief of Police shall (RCW 9.41.075(3)):

- (a) On the first forfeiture, revoke the license for one year.
- (b) On the second forfeiture, revoke the license for two years.
- (c) On the third or subsequent forfeiture, revoke the license for five years.

Any person whose license is revoked as a result of a forfeiture of a firearm under RCW 9.41.098(1)(d) may not reapply for a new license until the end of the revocation period.

The Chief of Police shall notify the Department of Licensing in writing of the revocation of a license.

### 208.6 RECIPROCITY

The Chief of Police will recognize the validity of a concealed pistol license issued from another state if the laws of that state recognize and give effect to a concealed pistol license issued under the laws of the State of Washington (RCW 9.41.073). A nonresident so licensed is authorized to carry a concealed pistol in this state if:

- (a) The licensing state does not issue concealed pistol licenses to persons under twenty-one years of age, and
- (b) The licensing state requires mandatory fingerprint-based background checks of criminal and mental health history for all persons who apply for a concealed pistol license, and
- (c) The Chief of Police will honor such a license only while the license holder is not a resident of this state. A license holder from another state must carry the handgun in compliance with the laws of this state.

### 208.7 RESIDENCY

The Records Bureau may issue a license to an applicant if the applicant resides within this City. The Records Bureau may issue a license to nonresidents of the state in accordance with these procedures and state law.

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### **208.8 CONFIDENTIAL RECORDS**

Mental health information received by the Chief of Police pursuant to [RCW 9.41.047](#), [RCW 9.41.070](#), [RCW 9.41.090](#) or [RCW 9.41.173](#) is exempt from disclosure except as provided in [RCW 42.56.240](#) ([RCW 9.41.097](#)). Disclosure of information otherwise obtained in the licensing process shall be limited as defined by [RCW 42.56.240](#).

### **208.9 SUSPENSION OF LICENSES**

The Chief of Police shall suspend any license issued pursuant to this policy immediately upon notice from the Department of Licensing that the person has been detained under RCW 71.05.150 or RCW 71.05.153 on the grounds that the person presents a likelihood of serious harm due to a mental disorder or substance use disorder (RCW 9.41.049).

The license shall remain suspended for a period of six months from the date the person was released from the 72-hour detention or upon notice from the Department of Licensing of a restoration order (RCW 71.05.182; RCW 9.41.047(3)(f)).

### **208.9 SUSPENSION OF LICENSES**

The Chief of Police shall suspend any license issued pursuant to this policy immediately upon notice from the Department of Licensing that the person has been detained under RCW 71.05.150 or RCW 71.05.153 on the grounds that the person presents a likelihood of serious harm due to a mental disorder or substance use disorder (Chapter 247 § 2, 2019 Laws).

The license shall remain suspended for a period of six months from the date the person was released from the 72-hour detention or upon notice from the Department of Licensing of a restoration order (Chapter 247 § 1, 2019 Laws; RCW 9.41.047(3)(f)).

## Retiree Concealed Firearms

### 209.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of Bellingham Police Department identification cards under the Law Enforcement Officers' Safety Act (LEOSA) ([18 USC § 926C](#)).

### 209.2 POLICY

It is the policy of the Bellingham Police Department to provide identification cards to qualified former or retired officers as provided in this policy.

### 209.3 LEOSA

The Chief of Police may issue an identification card for LEOSA purposes to any qualified former officer of this department who ([18 USC § 926C\(c\)](#)):

- (a) Separated from service in good standing from this department as an officer.
- (b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this department.
- (c) Has not been disqualified for reasons related to mental health.
- (d) Has not entered into an agreement with this department where the officer acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.
- (e) Is not prohibited by federal law from receiving or possessing a firearm.

### 209.4 ISSUANCE OF RETIREE IDENTIFICATION CARD

The Office of Professional Responsibility Lieutenant is responsible for issuing identification cards to qualified retirees. The identification card issued to any qualified and honorably retired officer should minimally contain the following:

- (a) A photograph of the retiree.
- (b) Retiree's name.
- (c) Commission Status of "retired."
- (d) Bellingham Police insignia and patch.
- (e) The following certification statement: "The Officer named on the reverse was retired in good standing from the Bellingham Police Department for service or physical disability."
- (f) The signature of the Chief of Police.

# Bellingham Police Department

Bellingham PD WA Policy Manual

## *Retiree Concealed Firearms*

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### **209.5 ISSUANCE OF FIREARMS CERTIFICATE**

Retired Bellingham Police officers, who qualify for the issuance of a retiree identification card, may utilize the department range facilities for the purpose of a yearly weapons qualification. An appointment for such qualification must be scheduled through the department training division's range officer in advance. The qualification course guidelines can be found at [www.waspc.org](http://www.waspc.org) (click on LEOSA tab on the right-hand side).

Retirees are responsible for providing their own firearm and ammunition.

The range officer will provide the appropriate firearms certificate, and sign and date the certificate if the retiree successfully completes the required firearms qualification.

It is the sole responsibility of the retiree to ensure that he/she complies with [18 USC § 926C](#) and other relevant state laws before carrying a concealed handgun in Washington or any another state under this authority.

## **Chapter 3 - General Operations**



# Use of Force

## 300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force and the reasonable use of force in response to threat. While there is no way to specify the exact amount or type of reasonable force or reasonable use of force in response to threat to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

### 300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

Force - The application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed or restrained.

## 300.2 POLICY

It is the policy of this department that officers may use only that amount of force or force in response to threat that is objectively reasonable and necessary under the totality of the circumstances and is employed in the performance of a legal duty. Reasonableness of the force or force in response to threat used must be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any interpretation of reasonableness must allow for the fact that police officers are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving about the amount of force or force in response to threat that is necessary in a particular situation.

Given that no policy can realistically predict every possible situation an officer might encounter in the field, it is recognized that each officer must be entrusted with well-reasoned discretion in determining the appropriate use of force or force in response to threat in each incident. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires an officer to actually sustain physical injury before applying reasonable force or force in response to threat.

### 300.2.1 DUTY TO INTERCEDE

Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

## *Use of Force*

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### **300.3 USE OF FORCE / USE OF FORCE IN RESPONSE TO THREAT/NON-COMPLIANCE**

Officers shall use only that amount of force or force in response to threat that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The "reasonableness" of force or force in response to threat will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force or force in response to threat that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force or force in response to threat in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force or force in response to threat.

#### **300.3.1 USE OF FORCE TO EFFECT AN ARREST**

An officer may use all means reasonably necessary to effect an arrest if, after notice of the intention to arrest the person, he/she either flees or forcibly resists ([RCW 10.31.050](#)).

#### **300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE**

When determining whether to apply force and evaluating whether an officer has used reasonable force or force in response to threat, a number of factors should be taken into consideration, as time and circumstances permit. These factors include, but are not limited to:

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of drugs or alcohol.
- (e) Subject's mental state or capacity.
- (f) Proximity of weapons or dangerous improvised devices.

## *Use of Force*

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- (g) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (h) The availability of other options and their possible effectiveness.
- (i) Seriousness of the suspected offense or reason for contact with the individual.
- (j) Training and experience of the officer.
- (k) Potential for injury to officers, suspects and others.
- (l) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer.
- (m) The risk and reasonably foreseeable consequences of escape.
- (n) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (p) Prior contacts with the subject or awareness of any propensity for violence.
- (q) Any other exigent circumstances.

It is recognized that officers are expected to make split-second decisions and that the amount of an officer's time available to evaluate and respond to changing circumstances may impact his/her decision.

While various methods of force exist, each officer is expected to use force or force in response to threat when it is objectively reasonable and necessary in the performance of a legal duty in accordance with this policy.

It is recognized, however, that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the standard tools, weapons or methods provided by the Department. Officers may find it more effective or practical to improvise their response to rapidly unfolding conditions they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only when reasonably necessary in the performance of a legal duty.

### 300.3.3 PAIN COMPLIANCE TECHNIQUES

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

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the person can comply with the direction or orders of the officer.

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- (c) Whether the person has been given sufficient opportunity to comply.

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

### **300.3.4 VASCULAR NECK RESTRAINT**

The proper application of the vascular neck restraint by a trained officer may be effective in restraining a violent individual. Only officers who have successfully completed department-approved training on the use of the vascular neck restraint and the department Use of Force / Use of Force in Response to Threat/Non-Compliance Policy are authorized to use the technique. After initial training, officers shall complete training annually on the use of the vascular neck restraint.

The vascular neck restraint may only be used when the officer reasonably believes it is objectively reasonable and necessary in the performance of a legal duty.

After any application of any vascular neck restraint, the officer shall ensure the following steps occur:

- (a) Any individual who has had the vascular neck restraint applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel.
- (b) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the vascular neck restraint and whether the subject lost consciousness as a result.
- (c) Any officer applying the vascular neck restraint shall promptly notify a supervisor of the use or attempted use of such hold.
- (d) The use or attempted use of the vascular neck restraint shall be thoroughly documented by the officer in the related incident report.

### **300.4 DEADLY FORCE APPLICATIONS**

Use of deadly force in response to threat is justified in the following circumstances:

- (a) An officer may use deadly force in response to threat to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.
- (b) An officer may use deadly force in response to threat to stop a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force in response to threat, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For

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example, an imminent danger may exist if an officer reasonably believes any of the following:

1. The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or another.
2. The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.

### **300.4.1 SHOOTING AT OR FROM MOVING VEHICLES**

Shots fired at or from a moving vehicle are rarely effective. Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

### **300.5 REPORTING THE USE OF FORCE / USE OF FORCE IN RESPONSE TO THREAT/ NON-COMPLIANCE**

Any use of force or use of force in response to threat by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending upon the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force or use of force in response to threat was objectively reasonable and necessary under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure or law. See § 305 concerning reporting requirements for Officer-Involved Shootings.

#### **300.5.1 NOTIFICATION TO SUPERVISORS**

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the TASER<sup>®</sup> device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.

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- (i) An individual alleges any of the above has occurred.

### **300.5.2 NOTIFICATION TO INDIAN AFFAIRS**

When the use of force by an officer results in the death of a person who is an enrolled member of a federally recognized Indian tribe, notification shall be made to the Governor's Office of Indian Affairs within a reasonable period of time, but not more than 24 hours after the Bellingham Police Department has good reason to believe the person was an enrolled member. Notice shall include sufficient information for the Governor's Office of Indian Affairs to attempt to identify the deceased person and tribal affiliation (Chapter 4 § 6, Laws of 2019).

### **300.6 MEDICAL CONSIDERATION**

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

### **300.7 USE OF FORCE REPORT REVIEW/ANALYSIS**

All use of force or use of force in response to threat reports will be sent to the Chief of Police via the chain of command. The reports will be reviewed to insure that policy, training and disciplinary issues are addressed.

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The Lieutenant tasked with use of force data will conduct an annual review of the use of force reports. The annual review shall be utilized to reveal patterns or trends that could indicate training needs and/or policy modification. The annual review shall be provided to the Chief of Police, Command Staff, and Training Staff.

### **300.8 SUPERVISOR RESPONSIBILITIES**

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:
  - 1. The content of the interview should not be summarized or included in any related criminal charges.
  - 2. The fact that a recorded interview was conducted should be documented in a property or other report.
  - 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the subject may pursue civil litigation.
  - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

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### **300.9 TRAINING**

Officers will receive annual training on this policy and demonstrate their knowledge and understanding.



# Deadly Force Review/Department Review Board

## 301.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a process to review the use of deadly force by employees of this department.

This policy also addresses additional reviews requested by the Chief of Police.

## 301.2 POLICY

The Bellingham Police Department is charged with the important responsibility of objectively evaluating the use of deadly force. It is the policy of this department to convene Department Review Board when:

- The use of deadly force by an employee results in injury or death to a person.
- Accidental or intentional discharge of a firearm.
- Investigate the circumstances surrounding any Use of Force incident.
- Other situations as the Chief of Police may deem necessary.

### 301.2.1 COMPOSITION OF THE BOARD

The Department Review Board shall be comprised of the following persons:

- One Command Staff level chosen by the Chief of Police as Chairperson.
- Two Administration level chosen by the Chief and One Alternate.
- One First-line Supervisor chosen by the Chief and One Alternate.
- One Employee/Officer chosen by the affected Employee.
- In the event of a shooting review, the Range Officer may be included as a Board member.

### 301.2.2 RESPONSIBILITIES OF THE BOARD

The Department Review Board is empowered to conduct an administrative investigation into the circumstances of an incident it is charged to review. The Board membership may request further investigation, call persons to present information, and may request that the involved employees appear before the Board. The involved employees will be notified of the meeting of the Board and may select someone to represent them during the review process.

The Board shall make a finding and such finding will be limited to the following:

- (a) The reason or cause of the incident.
- (b) Did the employee act within the rules, policies and procedures of the department?
- (c) Was the employee acting within the scope of duties and/or justified in taking the action he/she did?

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## *Deadly Force Review/Department Review Board*

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- (d) Does a training problem exist for the employee?
- (e) Is disciplinary or corrective action recommended?

The review board shall be based upon those facts which were reasonably believed by the officer at the time of the incident, applying legal requirements, department policy and procedures, and approved training to those facts. Facts later discovered but unknown to the officer at the time, can neither justify nor call into question an officer's decision regarding use of force.

A finding will be the consensus of the Board. After the board has concluded, the board chairman will submit written findings of the board to the Chief of Police. After review by the Chief of Police, a copy of the findings will be forwarded to the involved employee's Deputy Chief for review and appropriate action.

At the conclusion of the review process, a copy of all relevant reports and information will be filed with the Chief of Police.

Once the Board has reached its specific finding, the Administrative Services Sergeant may address training needs and recommendations for this department without specific reference to the facts of the incident considered by the Board.

### 301.2.3 OTHER INCIDENTS FOR REVIEW

- (a) As directed by the Chief, the Department Review Board will examine all information submitted relative to the following incidents:
  - 1. Motor vehicle collisions involving city vehicles.
  - 2. Incidents involving damage to city owned equipment.
  - 3. Lost and/or stolen departmental property.
  - 4. Any other matter referred to the board by the Chief of Police.
  - 5. The composition and responsibilities of the Board remain the same for the above reviews.
- (b) It shall be permissible for the review board to convene electronically for the purpose of review under the following conditions:
  - 1. The employee is involved in an incident where they are the victim, and the incident is clearly not the employees fault, and no additional employee training is indicated.

# Handcuffing and Restraints

## 302.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

## 302.2 POLICY

The Bellingham Police Department authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy and department training. Restraint devices shall not be used to punish, to display authority or as a show of force.

## 302.3 USE OF RESTRAINTS

Only members who have successfully completed Bellingham Police Department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, officers should carefully balance officer safety concerns with factors that include, but are not limited to:

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

### 302.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain a person who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to ensure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

### 302.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner available and reasonable under the circumstances, but in no case shall leg irons or waist chains be used. Handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure herself or others, or damage property (RCW 70.48.500).

## *Handcuffing and Restraints*

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When the person is in labor no restraints of any kind shall be used. This does not prohibit a treating physician licensed under Title 18 RCW from requesting the use of hospital restraints for the medical safety of the person (RCW 70.48.500).

### **302.3.3 RESTRAINT OF JUVENILES**

A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous crime, felony, or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the officer or damage property.

Members using restraints on a student identified as having an Individualized Education Plan (IEP) or plan developed under Section 504 will adhere to the school policy for students and staff ([RCW 28A.600.485](#)).

### **302.3.4 NOTIFICATIONS**

Whenever an officer transports a person with the use of restraints other than handcuffs, the officer shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the officer reasonably believes would be potential safety concerns or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during, transportation to the jail.

### **302.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS**

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Bellingham Police Department. Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, officers should not conclude that in order to avoid risk every person should be handcuffed regardless of the circumstances.

In most situations handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the person or may cause unreasonable discomfort due to the person's size, officers should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

### **302.5 APPLICATION OF SPIT HOODS**

Spit hoods are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

## *Handcuffing and Restraints*

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Spit hoods may be placed upon persons in custody when the officer reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Officers should provide assistance during the movement of a restrained person due to the potential for impairing or distorting that person's vision. Officers should avoid commingling those wearing spit hoods with others and detainees.

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated including hair, head, and clothing, prior to application of a spit hood.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

### **302.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES**

Only department-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

### **302.7 APPLICATION OF LEG RESTRAINT DEVICES**

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest, or transportation. Only restraint devices approved by the Bellingham Police Department shall be used.

In determining whether to use the leg restraint, officers should consider:

- (a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a person.
- (b) Whether it is reasonably necessary to protect the person from his/her own actions (e.g., hitting his/her head against the interior of the patrol vehicle, running away from the arresting officer while handcuffed, kicking at objects or officers).
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol vehicle).

#### **302.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS**

When applying leg restraints the following guidelines should be followed:

- (a) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.

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- (b) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.
- (c) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.
- (d) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (e) When transported by ambulance/paramedic unit, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

### **302.8 REQUIRED DOCUMENTATION**

If a person is restrained and released without an arrest, the officer shall document the details of the detention and the need for handcuffs or other restraints.

If a person is arrested, the use of handcuffs or other restraints shall be documented in the related report.

Officers should document the following information in reports, as appropriate, when restraints other than handcuffs are used on a person:

- (a) The factors that led to the decision to use restraints.
- (b) The types of restraint used.
- (c) The amount of time the person was restrained.
- (d) How the person was transported and the position of the person during transport.
- (e) Observations of the person's behavior and any signs of physiological problems.
- (f) Any known or suspected drug use or other medical problems.

#### **302.8.1 SCHOOL RESOURCE OFFICERS**

Members working as school resource officers shall prepare a Longarm report pursuant to [RCW 28A.600.485](#) and provide a copy of the completed report to the school administrator whenever a student is restrained in a room or other enclosure or restrained by handcuffs or other restraint devices during school-sponsored instructions or activities.

### **302.9 TRAINING**

Subject to available resources, the Administrative Services Sergeant should ensure that officers receive periodic training on the proper use of handcuffs and other restraints, including:

- (a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Bellingham Police Department.
- (b) Response to complaints of pain by restrained persons.

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- (c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.
- (d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

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## Control Devices and Techniques

### 303.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

### 303.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the Bellingham Police Department authorizes personnel to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

### 303.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the Department or approved by the Chief of Police or the authorized designee.

Only personnel who have successfully completed department-approved training and have demonstrated satisfactory skill and proficiency in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

When using control devices, personnel should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

### 303.4 RESPONSIBILITIES

#### 303.4.1 SHIFT SUPERVISOR RESPONSIBILITIES

The shift supervisor may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

#### 303.4.1 RANGE OFFICER RESPONSIBILITIES

The Range Officer shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

#### 303.4.2 USER RESPONSIBILITIES

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.



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Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Range Officer for disposition. Damage to City property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

### **303.5 BATON GUIDELINES**

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

### **303.6 2-CHLOROBENZALMALONONITRILE (CS / TEAR GAS) GUIDELINES**

Chemical agents may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the shift supervisor, Incident Commander, Tactical Commander or CDU Commander may authorize the delivery and use of CS/tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of chemical agents to control any fires and to assist in providing medical aid or gas evacuation if needed.

### **303.7 OLEORESIN CAPSICUM (OC) AND PAVA POWDER GUIDELINES**

As with other control devices, oleoresin capsicum (OC) spray and PepperBall® live rounds may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in violent behavior or as a self-defense measure.. PepperBall® live rounds and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of personnel or the public.

#### **303.7.1 OC SPRAY**

Uniformed personnel carrying OC spray shall carry the device in its holster on their person. Plainclothes and other personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

#### **303.7.2 PEPPERBALL LAUNCHING SYSTEM**

PepperBall® live rounds are plastic projectiles that are filled with PAVA powder, a capsaicinoid. Because the high-pressure air and CO2 launcher delivers the projectiles with enough force to burst the projectiles on impact and release the PAVA powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel using a PepperBall® launching system should not intentionally target those areas, except when the officer

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reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

Officers encountering a situation that warrants the use of a PepperBall® launching system shall notify a supervisor as soon as practicable. A supervisor shall respond to all PepperBall® launching system incidents where the suspect has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

Each deployment of a PepperBall® launching system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Unintentional discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a PepperBall® launching system, such as training and product demonstrations, is exempt from the reporting requirement.

### **303.7.3 TREATMENT FOR OC SPRAY / PAVA POWDER EXPOSURE**

Persons who have been sprayed with or otherwise affected by the use of OC or PAVA powder should be promptly provided with clean water to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

### **303.8 SPECIALTY IMPACT MUNITIONS GUIDELINES**

This department is committed to reducing the potential for violent confrontations. Specialty impact munitions, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

#### **303.8.1 DEPLOYMENT AND USE**

Only department-approved specialty impact munitions shall be carried and deployed. Approved specialty impact munitions may be used to compel an individual to cease his/her actions when such specialty impact munitions present a reasonable option.

Officers are not required or compelled to use approved specialty impact munitions in lieu of other reasonable tactics if the involved officer determines that deployment of these specialty impact munitions cannot be done safely. The safety of hostages, innocent persons and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved specialty impact munitions.
- (b) The suspect has made credible threats to harm him/herself or others.
- (c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.
- (d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

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### 303.8.2 DEPLOYMENT CONSIDERATIONS

Before deploying specialty impact munitions, the officer should consider the following factors:

- (a) The conduct of the individual being confronted (as reasonably perceived by the officer at the time).
- (b) Officer/subject factors (age, size, relative strength, skill level, injury/exhaustion and number of officers vs. subjects).
- (c) Proximity of weapons.
- (d) Time and circumstances permitting the availability of other options (what resources are reasonably available to the officer under the circumstances).
- (e) The Officer's belief as to the seriousness of the suspected offense or reason for contact with the individual.
- (f) Training and experience of the officer.
- (g) Potential for injury to citizens, officers and suspects.
- (h) Risk of escape
- (i) Other exigent circumstances.

It is recognized that officers are expected to make split-second decisions and that the amount of an officer's time available to evaluate and respond to changing circumstances may impact his/her decision. While various degrees of force exist, each officer is expected to use force when it is objectively reasonable and necessary in the performance of a legal duty in accordance with this policy. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

It is recognized however, that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the standard tools, weapons or methods provided by the Department. Officers may find it more effective or practical to improvise their response to rapidly unfolding conditions they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only when reasonably necessary in the performance of a legal duty.

### 303.8.3 SAFETY PROCEDURES

12 gauge shotguns specifically designated for use with specialty impact munitions will be specifically marked in a manner that makes them readily identifiable as 12 gauge launching systems. 40mm launching systems will be maintained by their associated specialty units and can deploy specialty impact munitions as well.

Officers will inspect the launching system and specialty impact munitions at the beginning of each shift or authorized operation to ensure that the launching system is in proper working order and the specialty impact munitions are of the approved type and appear to be free from defects.

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When it is not deployed, the launching system will be unloaded and properly and securely stored. When deploying the launching system, the officer shall visually inspect the specialty impact munitions to ensure that the wrong munition is not being loaded into the launching system.

Absent compelling circumstances, officers who must transition from one type of specialty impact munition to another type of munition will employ the two-person rule for loading. The two-person rule is a safety measure in which a second officer watches the unloading and loading process to ensure that the launching system is completely emptied of the undesired munition.

### **303.9 TRAINING FOR CONTROL DEVICES**

The Administrative Services Sergeant shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and receive in-service training at least once every two years.

- Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- All training and proficiency for control devices will be documented in the officer's training file.
- Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

### **303.10 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES**

Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

# Officer-Involved Shootings and Deaths

## 304.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of another action of an officer.

In other incidents not covered by this policy, the Chief of Police may decide that the investigation will follow the process provided in this policy.

The intent of this policy is to ensure that such incidents be investigated in a fair and impartial manner.

## 304.2 TYPES OF INVESTIGATIONS

Officer-involved shootings and deaths may involve several separate investigations. The investigations may include but are not limited to:

- A criminal investigation of the suspect(s) actions
- A criminal investigation of the involved officer(s) actions
- An administrative investigation as to policy compliance by involved officers
- A civil investigation to determine potential liability

## 304.3 CONTROL OF INVESTIGATIONS

Investigators from surrounding law enforcement agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths. This may include at least one investigator from the law enforcement agency that employs the involved officer(s).

Jurisdiction is determined by the location of the shooting or death and the law enforcement agency employing the involved officer(s). The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

### 304.3.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect(s) is controlled by the law enforcement agency in whose jurisdiction the suspect crime occurred. For example, the Bellingham Police Department would control the investigation if the suspect crime occurred in Bellingham.

If multiple crimes have been committed in multiple jurisdictions, identification of the law enforcement agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the law enforcement agency in control of the criminal investigation of the involved officer(s), at the discretion of the Chief of Police and with concurrence from the other law enforcement agency.

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### **304.3.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS**

The control of the criminal investigation into the involved officer(s) conduct during the incident will be determined by the employing law enforcement agency's protocol and the Law Enforcement Mutual Aid Response Team (LEMART) agreement. When an officer from this department is involved, the criminal investigation will be handled according to the Investigation Process section of this policy and the LEMART agreement.

Requests made of this department to investigate a shooting or death involving an outside law enforcement agency's officer/deputy shall be referred to the Chief of Police or the authorized designee for approval and will be governed by the LEMART agreement, if applicable.

### **304.3.3 ADMINISTRATIVE AND CIVIL INVESTIGATION**

Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing law enforcement agency.

## **304.4 INVESTIGATION PROCESS**

The following procedures are guidelines used in the investigation of an officer-involved shooting or death.

This department is mindful that "involved officers" may include not only those who fired their weapon, but also officers who were at the scene and either did not, or could not, fire their weapon.

Such officers are often strongly impacted. It is possible that similar reactions by such officers may also take place following other critical incidents. This is not intended to expand the scope of rights that witness officers may or may not have with regard to the investigation, but should strongly be considered in providing support and mental health assistance to all "involved" personnel.

### **304.4.1 UNINVOLVED OFFICERS RESPONSIBILITIES**

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved Bellingham Police officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

- (a) Secure the scene and identify and eliminate hazards for all those involved
- (b) Check for injured persons and evacuate as needed
- (c) Take reasonable steps to obtain emergency medical attention for injured individuals
- (d) Coordinate a perimeter or pursuit of suspects
- (e) Request additional resources from the department or other agencies
- (f) Brief the supervisor upon arrival

Officers not involved in the incident, but on duty at the time of the incident, should be allowed, as time permits, to contact their families and advise them that a shooting or other critical incident had occurred, but that they were not involved (or injured).

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### 304.4.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved Bellingham Police supervisor should ensure completion of the duties as outlined above, plus as appropriate:

- (a) If applicable, the supervisor will contact non-shooting witness officers to obtain public safety information and an overview of the event. If there are no non-shooting witness officers, the supervisor shall order the shooting officer to answer specific questions pertaining to public safety information questions per Bellingham Police Department's Officer Involved Shooting form. These questions are also listed below.
- (b) The supervisor will not deviate from these questions and will write down the answers provided verbatim. The supervisor then shall disseminate this public safety information over the radio.
- (c) The police supervisor receiving this public safety information is required to submit a written statement to the Detective's Division. The statement is to include that the Public Safety Statement was formally given to the involved officer(s), the content of the answers given by the involved officer(s), and that the supervisor did not deviate from the specified questions.
  - 1. Are you injured?
  - 2. From where and what direction did you fire rounds?
  - 3. In what direction did the suspect fire rounds?
  - 4. If you know of anyone injured, what is his/her location?
  - 5. If any suspects are outstanding, what are their descriptions? Supervisors: If there are no outstanding suspects, proceed directly to question #6, otherwise ask questions 5- (a thru d)
    - (a) What was their direction of travel?
    - (b) How long have they been gone?
    - (c) With what weapons were they armed?
    - (d) Are there any other safety risks known about the outstanding suspect(s)?
  - 6. Does any evidence need protection?
  - 7. Any known witnesses?
  - 8. Where are they located?
- (d) The involved officer(s) should be cautioned not to discuss the incident further, except with legal counsel.
- (e) Provide all available information to What-Comm and the Duty Staff Officer. If feasible, sensitive information should be communicated over secure networks.
- (f) Take command of and secure the incident scene with additional Bellingham Police members until properly relieved by another supervisor or other assigned personnel or investigator.
- (g) Notify the Duty Staff Officer as soon as possible.

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- (h) Ensure involved officer(s) availability for appropriate weapons inspection/recovery.
- (i) When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g. as evidence), ensure that he or she is provided with a comparable replacement weapon or transported by other officers.

### 304.4.3 DUTY STAFF OFFICER RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Duty Staff Officer shall be responsible for coordinating all aspects of the incident until he/she is relieved by the Chief of Police or a designee.

All outside inquiries about the incident shall be directed to the Public Information Officer.

### 304.4.4 NOTIFICATIONS

The Duty Staff Officer shall notify the following persons as soon as practical:

- The Deputy Chief of Operations
- The Lieutenant of Investigations

The Deputy Chief of Operations shall notify the following persons as soon as practical:

- The Chief of Police
- The Public Information Officer
- The Guild President or designee
- The City of Bellingham Risk Manager
- The Lieutenant of the Office of Professional Responsibility

The Chief of Police shall notify the following persons as soon as practical:

- The Mayor

The Lieutenant of Investigations shall notify the following persons as soon as practical:

- Detective Supervisor and Detectives
- Evidence Supervisor
- Medical Examiner
- Whatcom County Prosecutor

The Lieutenant of the Office of Professional Responsibility shall notify the following persons as soon as practical:

- The Range Officer

The Guild President shall notify the following persons as soon as practical:

- The Guild Member's Legal Representative
- Peer Support Team(s)



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### 304.4.5 INVOLVED OFFICERS

The following shall be considered for the involved officer(s):

- (a) Discussions between uninvolved qualified peer counselors and involved officers will be considered privileged ([RCW 5.60.060 \(6\)\(a\)](#)).
- (b) Officers who fired a weapon or were directly involved in a critical incident should be provided with the opportunity and encouraged to personally contact their family members as soon as possible after the incident in order to reduce the likelihood of loved ones receiving incomplete or misleading information from the media or other forms of rapid electronic communications. Officers should be instructed to limit information to their well-being and not the facts of the incident.
  - 1. If it is not feasible to call family members themselves, then individuals who preferably know the families, or have been previously chosen by the officers, or have notification training, or are designated by this department, should call as soon as possible.
- (c) If officers have an immediate need to talk about the incident, they should be cautioned not to discuss the incident further, except with legal counsel or with individuals with whom they have privileged communication.
- (d) Legal or union representation will be accommodated.

Discussions with licensed attorneys will be considered privileged as attorney-client communications.

Involved officers may be permitted to meet collectively or in a group with an attorney.

Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until the investigators or lab personnel can properly retrieve it. Care should be taken to process and collect evidence from the officer(s) as soon as practicable to provide an opportunity to change into civilian clothing. This includes a photographic record.

When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g. evidence), a comparable replacement weapon shall be provided immediately unless there is an articulable basis for deviating from this procedure.

Each involved Bellingham Police officer shall be given reasonable paid administrative leave following an officer-involved shooting or death in order to marshal natural coping skills and manage the emotional impact of the incident prior to a return to duty. It shall be the responsibility of the shift or unit supervisor to make schedule adjustments to accommodate such leave.

### **304.5 CRIMINAL INVESTIGATION**

The Whatcom County Prosecutor's Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death.

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If available, investigative personnel from this department may be assigned to partner with investigators from outside agencies or the Whatcom County Prosecutor's Office to avoid duplicating efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators shall comply with the current Collective Bargaining Agreement concerning the timing of obtaining statements from the involved officer(s).

The following shall be considered for the involved officer(s):

(a) Bellingham Police supervisors and Office of Professional Responsibility personnel should not participate directly in any interview of Bellingham Police officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.

(b) Any involved officer(s) will be afforded the opportunity to consult with an attorney prior to speaking with criminal investigators, either individually or collectively as a group.

(c) Any involved officer(s) may review the scene, videos, audio tapes and other recordings of the incident in order to assist with providing the most-detailed and accurate statement. This may be done with their attorney present and without investigators being present in order to avoid investigative pressure and questioning.

(d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively-coerced statement(s) will be provided to any criminal investigators unless the officer consents.

(e) All other constitutional rights.

#### 304.5.1 REPORTS BY INVOLVED BPD OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved Bellingham Police officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

While the involved officer may write the report, it is generally recommended that such reports be completed by assigned investigators, who should interview all involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved Bellingham Police officer of the right to consult with legal counsel prior to assisting with any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the administrative investigation of the officer-involved shooting or death.

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### **304.5.2 WITNESS IDENTIFICATION AND INTERVIEWS**

Because potential witnesses to an officer-involved shooting or death may become unavailable, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available law enforcement personnel for the following:

- (a) Identification of all persons present at the scene and in the immediate area
  - 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
  - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the department.
  - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Promptly contacting the suspect(s) known family and associates to obtain any available and untainted background information about the suspect(s) activities and state of mind prior to the incident.

### **304.5.3 INVESTIGATIVE PERSONNEL**

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated investigation unit supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Department investigators will be assigned to work with investigators from the Whatcom County Prosecutor's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the Whatcom County Prosecutor's Office.

All related department reports, except administrative and/or privileged reports, will be forwarded to the designated investigation unit supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Deputy Chief.

### **304.6 ADMINISTRATIVE INVESTIGATION**

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation of involved Bellingham Police officers to determine conformance with department policy. This investigation will be conducted under the supervision of the Office of Professional Responsibility and will be considered a confidential peace officer personnel file.

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Interviews of members shall be subject to department policies and applicable laws.

- (a) Any officer involved in a shooting may be administratively compelled per this policy manual to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
  - 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his or her prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved officer has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
  - (a) Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer(s) physical and psychological needs have been addressed before commencing the interview.
  - (b) The officer(s) shall have the opportunity to select an uninvolved representative to be present during the interview. Involved officers may meet individually or collectively in a group(s) with a representative or attorney prior to being interviewed.
  - (c) Administrative interviews shall be recorded by the investigator. The officer(s) may also record the interview.
  - (d) The officer(s) shall be informed of the nature of the investigation. The officer shall be given his/her *Garrity* rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
  - (e) The Office of Professional Responsibility shall complete all relevant information and reports necessary for the department to determine compliance with applicable policies.
  - (f) The completed administrative investigation shall be submitted to the appropriate Deputy Chief, who will restrict his/her findings as to whether there was compliance with City of Bellingham Policies, Bellingham Police Department Policies, and Civil Service Rules.
  - (g) Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

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### **304.6.1 DEPARTMENT REVIEW BOARD**

After the Administrative Investigation has concluded, the Department Review Board will convene, read the administrative investigation findings and follow procedures outlined in this policy manual for review of the incident.

### **304.7 ASSIGNMENT TO ADMINISTRATIVE LEAVE**

The Chief of Police may assign the involved employee(s) to inactive duty pending completion of the Administrative Investigation.

In conjunction with this policy manual, an employee placed on administrative leave, by the Chief of Police, may be subject to the following guidelines:

- Under such circumstances, an employee placed on administrative leave shall continue to receive regular pay and benefits pending the completion of the investigation.
- An employee placed on administrative leave may be required by a supervisor to relinquish any badge, departmental identification, assigned weapon(s) and any other departmental equipment.
- An employee placed on administrative leave may be ordered to refrain from taking any action as a departmental employee or in an official capacity. The employee shall be required to continue to comply with all policies and lawful orders of a supervisor.
- An employee placed on administrative leave may be temporarily reassigned to a different shift (generally normal business hours) during the pendency of the investigation and the employee may be required to remain available for contact at all times during such shift and report as ordered.
- At such time as any employee placed on administrative leave is returned to full and regular duty, the employee may be returned to their regularly assigned shift with all badges, identification card and other equipment returned.

### **304.8 AUDIO AND VIDEO RECORDINGS**

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a statement or completing reports.

Any MAV, body-worn and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or City Attorney's Office, as appropriate.

### **304.9 POST-SHOOTING INTERVENTIONS**

Following an officer-involved shooting or death, Post Shooting Interventions will occur on an individual and group basis. Individual Interventions are described in this policy manual and Group Interventions, such as critical incident/stress and tactical debriefings, are described in this policy manual.

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As long as confidentiality and privilege can be maintained, family members and significant others may be included in the post-incident intervention process. If family members or significant others are invited, officers may have specific preferences about individual versus joint sessions, and mental health providers should give serious consideration to such preferences.

Post-shooting interventions are separate and distinct from any fitness-for-duty assessments or administrative or investigative procedures that may follow. This does not preclude an agency from requesting a formal fitness-for-duty evaluation based upon objective concerns about an officer's ability to perform his or her duties due to a suspected medical or psychological condition.

If a fitness-for-duty evaluation is requested, it should not be conducted by the mental health professional who provided the post-incident intervention, or any other post-incident counseling.

### 304.9.1 INDIVIDUAL INTERVENTION

Post-shooting and other critical incident interventions should be conducted only by licensed mental health professionals trained and experienced in working with law enforcement personnel and familiar with officer-involved shootings and other critical incidents. The initial critical incident debriefing should occur as soon as practicable after the incident, with the initial goal being to reduce stress, assess and "normalize" any problematic post-incident reactions, and provide education regarding the management of any problematic post-incident reactions.

The individual post-incident intervention is a confidential communication between the mental health professional and the officer(s) involved. No information about the content of these sessions should be released without the officer(s) written authorization. The usual legal exceptions to confidentiality should be explained to all participants, including whether or not the confidentiality is legally privileged.

It is recommended that officers not be required to return to work immediately following a post-shooting or other critical incident intervention session.

### 304.9.2 CRITICAL INCIDENT/STRESS DEBRIEFING

A critical incident/stress debriefing should be conducted only by licensed mental health professionals trained and experienced in working with law enforcement personnel and familiar with officer-involved shootings and other critical incidents. This debriefing should not be conducted until all involved members have been criminally cleared.

The Deputy Chief of Support Services Division is responsible for organizing the debriefing. Notes and recorded statements should not be taken and the debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law or a valid court order.

Attendance at the debriefing shall be limited to persons who were involved in the event and attendance should be strictly voluntary but encouraged.

It is recommended that officers not be required to return to work immediately following a post-shooting or other critical incident intervention session.

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#### **304.9.3 TACTICAL DEBRIEFING**

A tactical debriefing should take place to identify any training, equipment or areas of policy that need improvement. The Chief of Police should identify the appropriate participants. This debriefing should not be conducted until all involved members have dealt with criminal and/or administrative investigators.

#### **304.10 MEDIA RELATIONS**

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. Releases will be available to the shift supervisor, Investigation Deputy Chief and Public Information Officer in the event of inquiries from the media.

No involved BPD officer shall make any comment to the media unless he/she is authorized by the Chief of Police or a Deputy Chief.

Department members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

# Taser Guidelines

## 305.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the TASER (TM) device.

## 305.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the Bellingham Police Department authorizes officers to use Taser devices in accordance with the guidelines in this policy and the Use of Force policy.

## 305.3 ISSUANCE AND CARRYING THE TASER DEVICE

All uniformed police officers shall successfully complete the department-approved training and have demonstrated satisfactory skill and proficiency with the use may be issued and carry the Taser device. All uniformed officers shall be issued a Taser and shall wear the Taser, as outlined in this policy, while in performance of their duties.

Officers may be excused from wearing a TASER when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.

Officers shall only use the TASER (TM) device and cartridges that have been issued by the Department. Uniformed officers who have been issued the TASER (TM) device shall wear the device in an approved holster on their person. Non-uniformed officers may secure the TASER (TM) device in the driver's compartment of their vehicle.

Members carrying the TASER (TM) device should perform a spark test on the unit prior to every shift.

When carried while in uniform officers shall carry the TASER (TM) device in a holster on the side opposite the duty weapon.

- (a) All TASER (TM) devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Officers shall be responsible for ensuring that their issued TASER (TM) device is properly maintained and in good working order.

## 305.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the TASER (TM) device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other officers and individuals with a warning that the TASER (TM) device may be deployed.



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If, after a verbal warning, an individual is unwilling to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, display the electrical arc (provided that a cartridge has not been loaded into the device), or the laser in a further attempt to gain compliance prior to the application of the TASER (TM) device. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the TASER (TM) device in the related report.

### **305.5 USE OF THE TASER DEVICE**

The TASER (TM) device has limitations and restrictions requiring consideration before its use. The TASER (TM) device should only be used when its operator can safely approach the subject within the operational range of the device. Although the TASER (TM) device is generally effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

#### **305.5.1 APPLICATION OF THE TASER DEVICE**

The TASER (TM) device may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

- (a) The subject is violent or is physically resisting.
- (b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, him/herself or others.

Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the TASER (TM) device to apprehend an individual.

#### **305.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS**

The use of the TASER (TM) device on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capicum (OC) spray.

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- (f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

Because the application of the TASER (TM) device in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

The TASER (TM) device shall not be used to psychologically torment, elicit statements or to punish any individual.

### 305.5.3 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the TASER (TM) device probes to a precise target area, officers should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

### 305.5.4 MULTIPLE APPLICATIONS OF THE TASER DEVICE

Officers should apply the TASER (TM) device for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the TASER (TM) device against a single individual are generally not recommended and should be avoided unless the officer reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

If the first application of the TASER (TM) device appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the TASER (TM) device, including:

- (a) Whether the probes are making proper contact.
- (b) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (c) Whether verbal commands, other options or tactics may be more effective.

Officers should generally not intentionally apply more than one TASER (TM) device at a time against a single subject.

### 305.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers shall notify a supervisor of all TASER (TM) device discharges. Confetti tags should be collected and the expended cartridge, along with both probes and wire, should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

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### **305.5.6 DANGEROUS ANIMALS**

The TASER (TM) device may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

### **305.6 DOCUMENTATION**

Officers shall document all TASER (TM) device discharges in the related arrest/crime report and the TASER (TM) device report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device will also be documented on the Taser report form.

#### **305.6.1 REPORTS**

The officer should include the following in the arrest/crime report:

- (a) Identification of all personnel firing TASER (TM) devices
- (b) Identification of all witnesses
- (c) Medical care provided to the subject
- (d) Observations of the subject's physical and physiological actions
- (e) Any known or suspected drug use, intoxication or other medical problems

### **305.7 MEDICAL TREATMENT**

The Shift Supervisor shall be notified at the earliest practical opportunity whenever the TASER has been deployed. The Shift Supervisor should help determine if medical treatment is needed for the individual who has been subjected to the electrical discharge. If no medical treatment is needed, the officer that deployed the TASER should remove the imbedded probes from the subject using prescribed methods. Used TASER probes shall be considered a sharp biohazard, similar to a used hypodermic needle. Universal precautions should be taken accordingly.

Any individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person is suspected of being under the influence of controlled substances.
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The TASER probes are lodged in a sensitive area (e.g., groin, female breast, near the eyes).
- (e) The person requests medical treatment.
- (f) Any individual exposed to multiple or prolonged Taser Applications (i.e. more than 15 seconds) shall be examined in the field by medical personnel or transported to a medical facility prior to booking.

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Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, imperviousness to pain (sometimes called "excited delirium") or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death and should be examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting officer shall inform any person receiving custody or any person placed in a position of providing care that the individual has been subjected to the application of the TASER.

### **305.8 SUPERVISOR RESPONSIBILITIES**

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the TASER device may be used. A supervisor should respond to all incidents where the TASER device was activated.

A supervisor should review each incident where a person has been exposed to an activation of the TASER device. The device's onboard memory should be downloaded through the data port by a TASER instructor or Range Officer and saved with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed.

### **305.9 TRAINING**

Personnel who are authorized to carry the TASER (TM) device shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not carried the TASER (TM) device as a part of their assignment for a period of six months or more shall be recertified by a department-approved TASER (TM) device instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued TASER (TM) devices shall occur every two years. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Administrative Services Sergeant. All training and proficiency for TASER (TM) devices will be documented in the officer's training file.

Command staff, supervisors and investigators should receive TASER (TM) device training as appropriate for the investigations they conduct and review.

Officers who do not carry TASER (TM) devices should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

The Administrative Services Sergeant is responsible for ensuring that all members who carry TASER (TM) devices have received initial proficiency training.

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Application of TASER (TM) devices during training could result in injury to personnel and should not be mandatory for certification.

The Administrative Services Sergeant should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.
- (e) Handcuffing a subject during the application of the TASER (TM) device and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the TASER (TM) device.

## Firearms

### 306.1 PURPOSE AND SCOPE

This policy establishes procedures for the acquisition, use, and documentation of training in the use of firearms. The Chief of Police or his or her designee shall approve all Department firearms before they are acquired and utilized by any member of this department.

### 306.2 AUTHORIZED WEAPONS

No weapons will be carried that have not been thoroughly inspected by the Range Officer during a regularly scheduled range date. Agency personnel shall demonstrate satisfactory skill and proficiency with agency authorized weapons before being approved to carry and/or use such weapons.

Other weapons, including but not limited to chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by personnel in the performance of their official duty without the express written authorization of the employee's Deputy Chief.

### 306.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms and ammunition that are issued or approved by the Department and have been thoroughly inspected by the Range Officer. Agency personnel shall demonstrate satisfactory skill and proficiency with agency authorized firearms and ammunition before being approved to carry and/or use such firearms or ammunition.

Other firearms not provided by the Department, including, but not limited to chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by members in the performance of their official duties without the express written authorization of the member's Deputy Chief.

#### 306.3.1 HANDGUNS

The following are the authorized department-issued handguns:

MAKE	MODEL	CALIBER
Glock	17	9x19mm
Glock	19	9x19mm
Glock	21	.45ACP
Glock	22	.40 SW
Glock	23	.40 SW
Glock	26	9x19mm
Glock	27	.40 SW
Glock	30	.45ACP
Glock	48	9x19mm

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### 306.3.2 SHOTGUNS

The authorized department-issued shotgun is the Remington 870.

### 306.3.3 PATROL RIFLES

The authorized department-issued patrol rifle is the Colt AR-15.

Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

- (a) Situations where the member reasonably anticipates an armed encounter.
- (b) When a member is faced with a situation that may require accurate and effective fire at long range.
- (c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- (e) When a member reasonably believes that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.
- (g) When needed to euthanize an animal.

### **PATROL READY**

Any qualified officer carrying a patrol rifle in the field shall maintain the weapon in a patrol ready condition until deployed. A rifle is considered in a patrol ready condition when:

- The Chamber is empty; and
- The Bolt is forward; and
- The safety is on; and
- A Magazine is inserted in the magazine well.

To maximize safety, Officers shall use a "clearing barrel," or similar device, if they are at a location where one is available.

When not deployed, the patrol rifle shall be properly secured per policy 306.5.1.

### 306.3.4 PERSONALLY OWNED DUTY FIREARMS

Members desiring to carry an authorized but personally owned duty firearm must receive written approval from the Chief of Police or the authorized designee. Once approved, personally owned duty firearms are subject to the following restrictions:

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- (a) The firearm shall be in good working order and on the department list of approved firearms.
- (b) The firearm shall be inspected by the Range Officer prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.
- (d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Range Officer, who will maintain a list of the information.

### SPECIFICATIONS - Personal Duty Handgun:

All personally owned handguns must meet the following specifications. The Chief of Police or authorized designee shall approve any variation in type of the handgun. All personal handguns shall:

- (a) The handgun shall be a Glock chambered in:
  - 1. 9x19mm
  - 2. .40 S&W
  - 3. .45 ACP
- (b) The handgun must comply with all State and Federal laws.
- (c) The handgun must be submitted for inspection and the Agreement Form signed prior to carrying personally owned handgun.
- (d) Semiautomatic only.
- (e) Shall be equipped with Iron sights.
- (f) Magazines extensions are allowed but the officer is responsible for purchasing them. Approved brands are:
  - 1. Taran Tactical Innovations
  - 2. Arrendando
- (g) Ammunition shall be the same as department issue. Officer will be responsible for purchasing duty ammunition beyond what is standard issue.
- (h) May be equipped with one of the following manufacturers optics:
  - 1. Aimpoint
  - 2. Trijicon
  - 3. Doctor Optic
  - 4. Shield
- (i) Prior approval from the Range Officer is required prior to installation of any parts.
- (j) inspection by the Range Officer is required prior to placing any firearm into service.



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- (k) Installation of any parts (other than grip tape) must be approved and performed by the Range Officer.
- (l) No unauthorized modifications shall be done to the handgun.
- (m) The cost of duty holster will be the responsibility of the officer. The holster must be Safariland brand and utilize the ALS locking system at a minimum.

### SPECIFICATIONS - Personal Patrol Rifle:

All personally owned patrol rifles must meet the following specifications. The Chief of Police or authorized designee shall approve any variation in type of the patrol rifle. All patrol rifles shall:

- (a) The patrol rifle shall be an approved brand of AR-15 type that can be secured in the weapon rack in the patrol vehicle.
  - 1. Approved brands:
    - (a) Colt
    - (b) Bravo Company MFG
    - (c) Noveske Rifleworks
    - (d) Daniel Defense
    - (e) Larue Tactical
    - (f) Smith and Wesson
    - (g) As approved by the Chief of Police or authorized designee
- (b) The rifle must comply with all State and Federal laws.
- (c) Chambered for 5.56mm ammunition.
- (d) The rifle must be submitted for inspection and the Rifle Agreement Form signed prior to carrying personally owned rifle.
- (e) Semiautomatic only.
- (f) Shall be equipped with a patrol rifle sling. This must be suitable for police work and allow the officer to safely and efficiently transition to their pistol while retraining the rifle.
- (g) Shall have a white light affixed to the rifle.
- (h) Shall be equipped with Iron sights.
- (i) Secondary magazines are allowed but the officer is responsible for purchasing duty ammunition.
- (j) Ammunition shall be the same as department issue.
- (k) All rifles shall be sighted in at 50 yards for both iron and optic sights.
- (l) May be equipped with one of the following manufacturers of optics:
  - 1. Aimpoint
  - 2. Trijicon
  - 3. Eotech

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- (m) Prior approval from the Chief of Police or authorized designee is required prior to installation of any other parts.
- (n) Inspection by the Range Officer is required prior to placing any rifle into service.
- (o) Installation of any parts (other than optics, light, iron sights, or sling) must be approved and performed by the Range Officer.

### 306.3.5 AUTHORIZED SECONDARY HANDGUN

Officers desiring to carry a secondary weapon are subject to the following restrictions:

- (a) The weapon shall be in good quality and workmanship.
- (b) The purchase of the weapon and ammunition shall be the responsibility of the officer.
- (c) The weapon shall be carried out of sight at all times and in such a manner as to prevent accidental cocking, discharge or loss of physical control.
- (d) The weapon shall be subject to inspection whenever deemed necessary and may be removed from service at direction of the Range Officer.
- (e) Ammunition shall be the same as department issue. If the caliber of the weapon is other than department issue, the Chief of Police or the authorized designee shall approve the ammunition.
- (f) Personnel shall qualify with the secondary weapon under range supervision. Officers must demonstrate proficiency and safe handling, and serviceability of the weapon.
- (g) Personnel shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Range Officer

### 306.3.6 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by sworn officers while off-duty is permitted by the Chief of Police. Sworn officers who choose to carry a firearm while off-duty, based on their authority as a peace officer, will be required to meet the following guidelines:

- (a) The weapon shall be of good quality and workmanship.
- (b) The purchase of the weapon and ammunition shall be the responsibility of the officer.
- (c) The weapon shall be carried concealed at all times and in such a manner to prevent accidental cocking, discharge for loss of physical control.
- (d) It will be the responsibility of the officer to submit the weapon to the Range Officer for inspection prior to being carried off-duty. The Range Officer shall ensure that the officer is proficient in handling and firing the weapon and that it will be carried in a safe manner. The weapon shall be subject to periodic inspection by the Range Officer. The officer will successfully qualify with the weapon prior to it being carried and thereafter once every six months. The range qualification dates will be specified by the Range Officer.
- (e) A complete description of the weapon shall be contained on the qualification record approved by the Range Officer.

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- (f) If any member desire to use more than one weapon while off-duty, he/she may do so, as long as the officer meets all the requirements set forth in this policy for each weapon used.
- (g) Officers shall only carry department-authorized ammunition.
- (h) When armed, whether on- or off-duty, officers shall carry their badge and Department identification.

### **306.3.7 AMMUNITION**

Officers shall carry only department-authorized ammunition. Officers shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms every two years. Officers carrying personally owned authorized firearms of a caliber differing from department-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Range Officer when needed, in accordance with established policy.

All firearms and duty magazines carried by officers should be loaded with authorized duty ammunition in the manner and amount as described as follows:

- (a) Handguns - All magazines should be loaded to the manufacturer's specified maximum capacity. Uniformed officers' duty load shall be at least three magazines that should be loaded to capacity plus one round loaded in the chamber. Non-uniformed officers' duty load shall be at least two magazines that should be loaded to capacity plus one round loaded into the chamber.
- (b) Backup handguns - Backup handguns carried on duty should be loaded with the magazine or cylinder loaded capacity plus one round in the chamber for semi-automatic handguns.
- (c) Rifles - Rifles shall be stored in "Patrol Ready" as described in 306.3.3 (chamber empty). All duty rifle magazines should be loaded to the manufacturer's maximum capacity specification minus two rounds. This is done to reduce magazine spring tension ensuring proper seating of the magazine into the magazine well of the rifle when the bolt is in the forward position. For example a 30-round magazine should be loaded to 28 rounds and a 20-round magazine should be loaded to 18 rounds.
- (d) Less lethal shotguns - Less lethal shotguns should be loaded to capacity in the magazine tube and the side saddle carrier should be loaded to capacity. The chamber shall be empty when stored.

If an officer's magazines become loaded to a level lower than prescribed above for any reason the officer should obtain the proper duty ammunition and load the magazine as prescribed. This should be done in a reasonable amount of time given the circumstances that caused the depletion of duty rounds. Replacement ammunition shall be obtained through the officer's supervisor or the Range Officer.

### **306.4 EQUIPMENT**

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member.

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#### **306.4.1 REPAIRS OR MODIFICATIONS**

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Range Officer.

Firearms that are the property of the Department or personally owned firearms that are approved for department use may be repaired or modified only by a person who is department-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Range Officer.

Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense and must be approved by the Range Officer.

#### **306.4.2 HOLSTERS**

Only department-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

#### **306.4.3 TACTICAL LIGHTS**

Tactical lights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Range Officer. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

#### **306.4.4 OPTICS OR LASER SIGHTS**

Optics or laser sights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Range Officer. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

Except in an approved training situation, a member may only sight in on a target when the member would otherwise be justified in pointing a firearm at the target.

### **306.5 WEAPONS INSPECTION AND STORAGE**

#### **306.5.1 INSPECTION AND STORAGE**

The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. To maximize safety, Officers shall use a "clearing barrel," or similar device, if they are at a location where one is available. Handguns may remain loaded if they are secured in an appropriate holster.

#### **RIFLE STORAGE**

- (a) When not in use, department issued patrol rifles will be securely stored in the proper equipment room.

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- (b) At the end of the assigned officer's shift, department issued patrol rifles will be returned and secured in the proper equipment room.
- (c) Officers who are approved to carry personally owned patrol rifles under policy 306.3.4 are responsible for transporting and storing their patrol rifle in a secure location. The department is not responsible for providing personal patrol rifle storage/security (other than patrol vehicle rifle racks, while on shift).

### **SHOTGUN STORAGE**

When not deployed, the shotgun shall be properly secured in a locking weapons rack in the patrol vehicle with the magazine loaded with less lethal ammunition, the action closed on an empty chamber and the safety in the safe position. The shotgun shall be removed and secured in a locker in the equipment room if the assigned patrol vehicle will not be in the control of a sworn member of the department (city shop for service, for example).

#### **306.5.2 STORAGE AT HOME**

Officers shall ensure that all department-issued firearms while in their homes, vehicles or any other area under their control, are secured in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so.

#### **306.5.3 ALCOHOL AND DRUGS**

Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication, or has taken any combination thereof that would tend to adversely affect the member's senses or judgment.

### **306.6 FIREARMS TRAINING AND QUALIFICATIONS**

All sworn personnel are required to qualify a minimum of once every four months with their duty weapon on an approved range course. The Range Officer shall keep accurate records of qualifications, repairs, maintenance, training or as directed by the Administrative Services Sergeant. In addition to regular qualification schedules, the Range Officer shall be responsible for providing all sworn personnel with annual practical training designed to simulate field situations. At least annually, all personnel carrying a firearm will receive training on the department Use of Force policy and demonstrate their knowledge and understanding.

#### **306.6.1 NON-CERTIFICATION OR NON-QUALIFICATION**

Employees who fail to meet the qualification requirements will be granted a thirty-day grace period. Within that thirty-day period, the employee must report to the range officer for remedial training and qualification. Employees who fail to achieve qualification after attending remedial firearms training will be subject to appropriate disciplinary action for failure to comply with department policy.

If employees fail to report to the range officer within that thirty-day period they will be subject to appropriate disciplinary action for failure to comply with department policy.

Members who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action.

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### **306.7 FIREARM DISCHARGE**

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, written reports shall be made as follows:

- (a) If on-duty at the time of the incident, the member shall file a written report with his/her Deputy Chief or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.
- (b) If off-duty at the time of the incident, a written report shall be submitted or recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

#### **306.7.1 DESTRUCTION OF ANIMALS**

Members are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, TASER (TM) device, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

#### **306.7.2 INJURED ANIMALS**

With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

#### **306.7.3 WARNING AND OTHER SHOTS**

Warning shots are generally discouraged. However, warning shots may be employed in situations where deadly force is necessary and objectively reasonable and if the officer reasonably believes a warning shot can be fired safely in light of all circumstances of the incident.

### **306.8 RANGE OFFICER DUTIES**

The range will be under the exclusive control of the Range Officer. All members attending will follow the directions of the Range Officer. The Range Officer will maintain a roster of all members attending the range and enter the information into the training database after each range date.

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Failure of any officer to sign in and out with the Range Officer may result in non-participation or non-qualification.

The Range Officer has the responsibility of making periodic inspections, at least once a year, of all duty weapons carried by officers of this department to verify proper operation. The Range Officer has the authority to deem any department-issued or personally owned firearm unfit for service.

The member will be responsible for all repairs to his/her personally owned firearm; it will not be returned to service until inspected and approved by the Range Officer.

The Range Officer has the responsibility for ensuring each member meets the minimum requirements during training shoots and can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry.

The Range Officer shall complete and submit to the Administrative Services Sergeant documentation of the training courses provided. The Range Officer should keep accurate records of all training, qualifications, repairs, maintenance or other records as directed by the Administrative Services Sergeant.

### **306.9 FLYING WHILE ARMED**

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to officers who intend to be armed while flying on a commercial air carrier or flights where screening is conducted ([49 CFR 1544.219](#)):

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.
- (b) Officers must carry their Bellingham Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief of Police or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).
- (c) The Bellingham Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Bellingham Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.

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- (f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Officers should try to resolve any problems through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

### **306.10 CARRYING FIREARMS OUT OF STATE**

Qualified, active, full-time officers of this department are authorized to carry a concealed firearm in all other states subject to the following conditions ([18 USC § 926B](#)):

- (a) The officer shall carry his/her Bellingham Police Department identification card whenever carrying such firearm.
- (b) The officer is not the subject of any current disciplinary action.
- (c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) The officer will remain subject to this and all other department policies (including qualifying and training).

Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

Active permits from other states are subject to all requirements set forth in [18 USC § 926B](#).



## Edged Weapons

### **307.1 PURPOSE AND SCOPE**

The purpose of this policy is to establish guidelines for Officers who chose to carry an edged weapon.

### **307.2 EDGED WEAPON USE**

The Bellingham Police Department authorizes each officer to possess and use knives, both on and off duty, while acting in their official capacity. If an officer does choose to carry knives, they shall be carried in a manner that does not cause undue alarm to the public. It is recognized that the officer may have many needs for knives, including general work and for defensive purposes and is authorized via [RCW 9.41.250](#).

# Vehicle Pursuits

## 308.1 PURPOSE AND SCOPE

This policy provides guidelines for vehicle pursuits in order to protect the safety of involved officers, the public and fleeing suspects ([RCW 43.101.226\(3\)](#)).

### 308.1.1 DEFINITIONS

Definitions related to this policy include:

**Vehicle Pursuit:** An attempt by an officer in a police vehicle to stop a moving vehicle where the officer is signaling the vehicle to stop and the driver is resisting the stop by maintaining or increasing vehicle speed, making evasive maneuvers, or is otherwise ignoring the officer's attempt to stop the vehicle.

**Police Vehicle:** Vehicles assigned to officers for routine patrol and are equipped with emergency lights and siren.

**Supervisor:** The recognized supervisor for the shift.

**Primary Unit:** The police vehicle that is closest to the fleeing vehicle. The primary unit should be a fully marked police vehicle with overhead lights.

**Secondary Unit(s):** Any police vehicle(s) directly assisting the primary unit.

**Terminate:** Discontinuing the active pursuit of a fleeing vehicle.

## 308.2 POLICY

It is the policy of this department to weigh the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits.

## 308.3 OFFICER RESPONSIBILITIES

Vehicle pursuits shall only be conducted using authorized police department emergency vehicles that are equipped with and displaying emergency lighting and sirens as required by law. Officers shall drive with due regard for the safety of all persons and property. However, officers may, when in pursuit of a suspect and provided there is no unreasonable risk to persons and property ([RCW 46.61.035](#)):

- (a) Proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation.
- (b) Exceed the speed limit.
- (c) Disregard regulations governing parking, direction of movement or turning in specified directions.

The number of units directly involved in the pursuit should be no more than four vehicles unless the circumstances require more units. This number will not include those officers providing traffic control, perimeter or trailing units.

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### **INITIATING A PURSUIT:**

When engaging in a pursuit officers should identify the severity of the crime involved, including those crimes occurring during the pursuit. Officers should also determine the immediate threat that the suspect driver is presenting to the public and/or officers.

### **TERMINATING A PURSUIT:**

Officers shall terminate a pursuit when the risk to the public or officer(s) outweighs the need for immediate apprehension of the suspect or when directed by a Bellingham Police supervisor.

Officers will not be disciplined or sanctioned if they decide not to enter into a pursuit or if they terminate a pursuit.

## **308.4 PURSUIT VEHICLES**

### **308.4.1 PRIMARY PURSUIT VEHICLE RESPONSIBILITIES**

The primary officer involved in the pursuit shall notify dispatch of the pursuit as soon as practical.

Information to dispatch should include the following:

- (a) Location and direction of travel.
- (b) Description of fleeing vehicle.
- (c) Reason for pursuit.
- (d) Other known or suspected hazards, such as, DUI, armed suspects, possible hostage, or other unusual circumstances.

This information is critical to the supervisor's decision making in allowing the pursuit to continue.

### **308.4.2 SECONDARY PURSUIT VEHICLE RESPONSIBILITIES**

The second officer in the pursuit should:

- (a) Notify dispatch they are in the pursuit.
- (b) Take responsibility of broadcasting the pursuit to dispatch if practical.

## **308.5 PURSUIT DRIVING**

### **308.5.1 OFFICERS NOT INVOLVED IN THE PURSUIT**

Officers not involved in the pursuit should monitor its location and be prepared to assist with the pursuit if needed. They should also be available to handle any collision(s) that result from the pursuit. If needed an officer will coordinate a moving perimeter that will ensure timely assistance to the pursuing officers if needed.

## **308.6 SUPERVISORY CONTROL AND RESPONSIBILITIES**

The shift supervisor shall have command over the pursuit and will determine if the pursuit should continue. The shift supervisor will be responsible for the following:

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- (a) Ensuring the primary unit has provided the information on the pursuit as required.
- (b) Evaluate and direct tactics as needed such as: Air Support, K-9, other agency assist, spike strips, road blocks, intentional intervention, and/or pursuit intervention technique.
- (c) Terminating the pursuit if the danger to the public outweighs the need for apprehension of the suspect. A shift supervisor shall not be disciplined for terminating a pursuit.
- (d) Conducting an after-action review with the officers involved in the pursuit to critique the pursuit and address any training issues. If any training issues arise from the review the shift supervisor shall notify the EVOC training group, so these issues can be discussed and handled properly. Ensure the EVOC training group is forwarded the primary Longarm case number involving the pursuit.
- (e) Reviewing all Longarm reports and notifying the Patrol Lieutenant of the pursuit.
- (f) Assessing if any of the patrol vehicles used in the pursuit or intervention are in need of a safety check by fleet.

### **308.7 DISPATCH**

The radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or communications dispatcher. When a pursuit is initiated dispatch will:

- (a) Coordinate involved units and any additionally requested unit's, such as, aircraft, outside agencies, or medical personnel.
- (b) Ensure the shift supervisor is aware of the pursuit and relay the details to the shift supervisor if necessary.
- (c) Restrict the radio traffic for the pursuit units.
- (d) Maintain a detailed log of the pursuit.

### **308.8 LOSS OF PURSUED VEHICLE**

When the pursued vehicle is lost, the involved officers should broadcast pertinent information to assist other officers in locating the vehicle. The primary pursuing officer or supervisor will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

### **308.9 TRAINING**

All commissioned officers shall participate in the classroom and practical portion of the training.

Patrol personnel shall attend annual FRD or Bulletin classroom training, and biennial practical training.

### **308.10 INTERJURISDICTIONAL CONSIDERATIONS**

When a pursuit exits the city limits and does not appear to be re-entering the city limits in a short amount of time, the pursuing officer shall obtain permission from the shift supervisor to continue

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the pursuit. The shift supervisor will determine if the pursuit should be handed over to another agency.

If the pursuit is handed off to another agency the shift supervisor will determine how many, if any, Bellingham Officer(s) shall continue in the pursuit.

### **308.10.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY**

Officers will relinquish control of the pursuit when another agency has assumed the pursuit, unless the continued assistance of the Bellingham Police Department is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved officers may proceed, with supervisory approval, to the termination point of the pursuit to assist in the investigation. The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for any reports.

The roles and responsibilities of officers at the termination point of a pursuit initiated by this department shall be coordinated with appropriate consideration of the needs of the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local law enforcement agencies, a request for another agency's assistance will mean that its personnel will assume responsibility for the pursuit.

### **308.10.2 PURSUITS EXTENDING INTO THIS JURISDICTION**

Officer(s) should not join pursuits being conducted by other police agencies, unless the agency requests Bellingham Police assistance or the pursuing agency has only a single unit in the pursuit.

Shift supervisors shall approve the assistance and the number of units that can be directly involved in the pursuit. As soon as practical the shift supervisor shall determine the reason for the pursuit and, using Bellingham Police Policy and training, decide if the pursuit shall be continued or terminated.

## **308.11 PURSUIT INTERVENTION**

### **308.11.1 USE OF FIREARMS**

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers should not utilize firearms during an ongoing pursuit unless the conditions and circumstances meet the requirements authorizing the use of deadly force. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

### **308.11.2 INTERVENTION STANDARDS**

There are five methods of forcible stop: (1) Pursuit Immobilization Technique; (2) Spike Strips; (3) Intentional Intervention; (4) Roadblocks; (5) Boxing-in.

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- (a) The Pursuit Immobilization Technique (PIT) is a method of forcible stop used to bring pursuits to a conclusion. PIT is a forced rotational vehicle stop of a non-compliant suspect in an effort to end the suspect's flights and to ensure public safety. The PIT shall not be used on motorcycles unless deadly force is justified. The PIT can be used over 40 MPH under the same requirements as stated below, however, it could be considered a use of lethal force. Only those officers trained in the use of the Pursuit Immobilization Technique will be authorized to use this procedure. PIT maneuvers under 40 MPH may be executed by a trained officer driving a fully marked police vehicle. Officers should use the following considerations when considering the use of the Pursuit Immobilization Technique:
  - 1. Officers need to be aware of the environment and should give special consideration to sight assessment. Sight assessment includes: blind curves, bridge abutments, major obstacles or road shoulders, oncoming traffic, and pedestrians and bicyclists.
  - 2. Weather conditions that may negatively affect conducting a successful PIT.
  - 3. The availability of back-up and location of assisting officers.
  - 4. Whether the suspect vehicle has all four tires inflated or if the suspect's vehicle tires have been compromised by the use of the spike strip.
  - 5. The body and frame of the suspect vehicle, relative to the officer's patrol vehicle.
- (b) Spike strips (Stop Sticks) should be used when the officer(s) believe it would be effective in application and can be deployed with limited risk to the officer(s). Officer(s) will only deploy the spike strips when they are in communication by radio with pursuing officers. They will also advise the pursuing units where and when the spike strip is deployed. The shift supervisor will be notified as soon as practical that the spike strips have been deployed.
- (c) Intentional Intervention is the deliberate striking of another vehicle with a patrol vehicle(s) for the purpose of mechanically stopping the fleeing suspect vehicle. In some circumstances, the use of intentional intervention could be considered use of lethal force.
- (d) Roadblocks are the use of vehicles or other roadway obstruction that prevents the escape of a fleeing vehicle. It can only be used after approval is obtained from the shift supervisor. Because roadblocks involve a potential for serious injury, death and serious property damage it should only be used in the following circumstances: when the suspect(s) are involved in a violent felony or when the shift supervisor believes the suspect poses a significant threat of death or serious physical injury to the officer or others.
- (e) Boxing-in- A tactic designed to stop a suspect's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop. Boxing-in can be used by officers in situations where they determine it is the best tactic to safely stop a vehicle.

### 308.12 REPORTING REQUIREMENTS

A pursuit will not in itself be considered a Use of Force. Any use of a forcible stop will be considered a use of force and will be reviewed accordingly. A Police Traffic Collision Report (PTCR) will not

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be completed for a forcible stop, unless, the fleeing vehicle collides with other property after the forcible stop.

If a pursuit or forcible stop results in the serious injury or death of anyone involved, mutual aid shall be requested, from the Washington State Patrol, for an investigation of the pursuit or forcible stop.

All officers involved in a pursuit or use of intentional intervention shall complete a Longarm report to include the following:

- (a) The Shift supervisor will ensure that detailed reports are completed, and an "overall" account of the event is included.
- (b) The primary officer shall complete appropriate crime/arrest reports.
- (c) The primary officer shall ensure that the following photograph is taken and submitted with the Longarm Report:
  - 1. Officer will be wearing uniform that was worn during the pursuit; and
  - 2. Officer is standing next to the police vehicle used in the pursuit (emergency lighting equipment should be activated).
- (d) The primary officer shall complete a Report in Longarm which should contain the following detailed Information:
  - 1. The violation(s) that caused the pursuit to be initiated.
  - 2. The conditions of the pursuit, including, but not limited to, all of the following:
    - (a) Duration and route
    - (b) Approximate mileage
    - (c) Number of Officers involved
    - (d) Maximum number of units involved (Cover and Perimeter)
    - (e) Time of day
    - (f) Weather conditions
    - (g) Speeds in relation to speed limits
    - (h) Names of Officers involved
    - (i) Whether the pursuit involved multiple agencies
    - (j) The means or methods used to stop the suspect being pursued.
    - (k) If force was used, what type(s)
    - (l) Whether the pursuit resulted in a collision
    - (m) If injuries, type and seriousness
    - (n) Suspected alcohol/drug use of fleeing driver

### **308.13 TRAINING**

All commissioned officers shall participate in the classroom and practical portion of the training.

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Patrol personnel shall receive annual FRD, Bulletin, classroom training, and biennial practical training. EVOC instructor cadre shall attend annual training relating to emergency vehicle operations.

### **308.14 POLICY REVIEW & COMMAND STAFF REVIEW**

Officers of this department shall certify in writing that they have received, read and understand this policy initially, upon any amendments and whenever training on the policy is provided.

The Patrol Lieutenants will maintain a log of all pursuits and will review all pursuit reports annually to determine patterns or trends that indicate training needs and/or policy modifications. The annual review shall be provided to the Chief of Police, Command Staff, Training Staff and EVOC instructor cadre.



# Officer Response to Calls

## 309.1 PURPOSE AND SCOPE

This policy provides for the safe and appropriate response to emergency and non-emergency situations whether dispatched or self-initiated.

## 309.2 RESPONSE TO CALLS

Officers making an emergency response shall continuously operate emergency lighting equipment, including opticom, and shall sound the siren as reasonably necessary pursuant to [RCW 46.61.035](#). Examples of incidents that warrant an emergency, or "code three" response, include but are not limited to when an officer needs help immediately, or there is imminent and/or serious risks to public/officer safety.

Officers making an urgent response may use their emergency equipment, including opticom, to clear intersections or reduce response time. Urgent response includes response to non life threatening situations where an expedited arrival would enhance the likelihood of apprehending the suspect(s) or enhancing officer safety. Examples of incidents that warrant an urgent, or "code two" response, include but are not limited to when a situation is unstable/unsafe and has the possibility to deteriorate quickly, or has already deteriorated.

Any call that does not require an urgent or emergency response is a routine call. Officers responding to routine calls will observe traffic laws and not use emergency lights or siren unless reasonable in order to reduce response time to enhance public/officer safety.

Responding with emergency light(s) and siren does not relieve the officer of the duty to continue to drive with due regard for the safety of all persons. The use of any other warning equipment without appropriate lighting and siren does not provide any exemption from the [RCW 46.61.035](#).

## 309.3 REQUESTING EMERGENCY ASSISTANCE

Requests for emergency assistance, or a "code three" declaration, should be limited to those situations where the involved personnel reasonably believe that there is an imminent and/or serious risk to public/officer safety present. In any event, where a situation has stabilized and emergency response is not required, the requesting officer shall immediately notify Dispatch.

If circumstances permit, the requesting officer should give the following information:

- The unit number.
- The location.
- The reason for the request and type of emergency.
- The number of units required.

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### **309.4 RESPONSIBILITIES OF RESPONDING OFFICER(S)**

Officers shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. Officers shall reduce speed at all street intersections to such a degree that they shall have complete control of the vehicle.

The decision to continue an emergency or urgent response is at the discretion of the officer. If, in the officer's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of red lights and siren at the legal speed limit. In such an event, the officer should immediately notify Dispatch. An officer shall also discontinue a "code three" response when directed by a supervisor or other officer.

Upon determining an emergency response is appropriate, an officer shall immediately give the location from which he/she is responding.

### **309.5 COMMUNICATIONS RESPONSIBILITIES**

When an officer requests emergency assistance or available information reasonably indicates that the public is threatened with serious injury or death and immediate police response is needed. The dispatcher shall:

- (a) Attempt to assign the closest available unit to the location requiring assistance.
- (b) Immediately notify the Shift Supervisor.
- (c) Confirm the location from which the units are responding.
- (d) Notify and coordinate allied emergency services (e.g., fire and ambulance).
- (e) Continue to obtain and broadcast information as necessary concerning the response and monitor the situation until it is stabilized or terminated.
- (f) Control all radio communications during the emergency and coordinate assistance under the direction of the Shift Supervisor.

### **309.6 SUPERVISORY RESPONSIBILITIES**

Upon being notified that an emergency response has been initiated, the Shift Supervisor shall verify the following:

- (a) The proper response has been initiated.
- (b) No more than those units reasonably necessary under the circumstances are involved in the response.
- (c) Affected outside jurisdictions are being notified as practical and needed.

The Shift Supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing units into or out of the response if necessary. If, in the supervisor's judgment, the circumstances require additional units to be assigned, the supervisor may do so.

It is the supervisor's responsibility to terminate an emergency response that, in his/her judgment is inappropriate due to the circumstances.

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In the course of monitoring an emergency response, the Shift Supervisor should consider the following:

- The type of call.
- The necessity of a timely response.
- Traffic and roadway conditions.
- The location of the responding units.

#### **309.7 FAILURE OF EMERGENCY EQUIPMENT**

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the emergency response and respond accordingly. In all cases, the officer shall notify the Shift Supervisor, or Dispatch of the equipment failure so that another unit may be assigned to the emergency response.

# Canines

## 310.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment law enforcement services in the community including, but not limited to, locating individuals and contraband and apprehending criminal offenders.

## 310.2 GUIDELINES FOR THE USE OF CANINES

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has either committed or threatened to commit any criminal offense and if any of the following conditions exist:

- (a) There is a reasonable belief the individual poses an imminent threat of violence or serious harm to the public, any officer, or the handler.
- (b) The individual is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
- (c) The individual(s) is/are believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.
- (d) It is recognized that situations may arise that do not fall within the provisions set forth in this policy. In any such case, a standard of objective reasonableness shall be used to review the decision to use a canine in view of the totality of the circumstances.
- (e) For applications regarding minor criminal offenses, the handler shall follow the guidelines specified under Policy Manual §310.6 of this policy manual.

Absent reasonable belief that an individual has committed or threatened to commit a criminal offense, mere flight from pursuing officer(s) shall not serve as good cause for the use of a canine to apprehend an individual.

## 310.3 ASSIGNMENT

Canine teams should be assigned to assist and supplement the Uniform Patrol to function primarily in assist or cover assignments. However, they may be assigned by the shift supervisor to other functions, such as routine calls for service, based on the current operational needs.

Canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time and then only with the approval of the shift supervisor.

## 310.4 CANINE COORDINATOR

The canine coordinator shall be appointed by and directly responsible to the Special Operations Lieutenant or the authorized designee.

The responsibilities of the coordinator include, but are not limited to:

- (a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.

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- (b) Maintaining a liaison with the vendor kennel.
- (c) Maintaining a liaison with command staff and functional supervisors.
- (d) Maintaining a liaison with other agency canine coordinators.
- (e) Maintaining accurate records to document canine activities.
- (f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.
- (g) Scheduling all canine-related activities.
- (h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

### **310.5 REQUESTS FOR CANINE TEAMS**

Uniform Patrol Division members are encouraged to request the use of a canine. Requests for a canine team from department units or other agencies shall be approved by the shift supervisor.

Requests for a canine team for use by the SWAT team will be authorized by the tactical commander on scene. Only canine teams who have been previously authorized and trained to work with tactical teams in a tactical environment may be utilized in this function.

#### **310.5.1 OUTSIDE AGENCY REQUEST**

All requests for canine assistance from outside agencies must be approved by the shift supervisor and are subject to the following:

- (a) Canine teams shall not be used for any assignment that is not consistent with this policy.
- (b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.
- (c) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.
- (d) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

#### **310.5.2 PUBLIC DEMONSTRATIONS**

All public requests for a canine team shall be reviewed and, if appropriate, approved by the canine coordinator prior to making any resource commitment. The canine coordinator is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols.

### **310.6 APPREHENSION GUIDELINES**

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has either committed, is committing or is threatening to commit any serious offense and if any of the following conditions exist:

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- (a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any officers or the handler.
- (b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
- (c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

Absent a reasonable belief that a suspect has committed, is committing or is threatening to commit a serious offense, mere flight from a pursuing officer, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the shift supervisor. Absent a change in circumstances that present an imminent threat to officers, the canine or the public, such canine use should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonably practicable.

If the canine has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect.

#### 310.6.1 PREPARATION FOR DEPLOYMENT

Prior to the use of a canine to search for or apprehend any suspect, the canine handler and/or the supervisor on-scene should carefully consider all pertinent information reasonably available at the time. The information should include but is not limited to:

- (a) The nature and seriousness of the suspected offense.
- (b) Whether violence or weapons were used or are anticipated.
- (c) The degree of resistance or threatened resistance, if any, the suspect has shown.
- (d) The suspect's known or perceived age.
- (e) The potential for injury to officers or the public caused by the suspect if the canine is not utilized.
- (f) Any potential danger to the public and/or other officers at the scene if the canine is released.
- (g) The potential for the suspect to escape or flee if the canine is not utilized.

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As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.

It is the canine handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever he/she deems deployment is unsuitable.

A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.

Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

### **310.6.2 WARNINGS AND ANNOUNCEMENTS**

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard.

In the event of an apprehension, the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

### **310.6.3 REPORTING DEPLOYMENTS, BITES AND INJURIES**

Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented. The injured person shall be promptly treated by emergency medical services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the canine coordinator and Special Operations Lieutenant. Unintended bites or injuries caused by a canine should be documented in an email to the Special Operations Lieutenant, not in a canine use report.

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual's injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current department evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

## **310.7 NON-APPREHENSION GUIDELINES**

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine's suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply.

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- (a) Absent a change in circumstances that presents an imminent threat to officers, the canine or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.
- (b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.
- (c) Throughout the deployment the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.
- (d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

### 310.7.1 ARTICLE DETECTION

A canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

### 310.7.2 NARCOTICS DETECTION

A canine trained in narcotics detection may be used in accordance with current law and under certain circumstances, including:

- (a) The search of vehicles, buildings, bags, and other articles.
- (b) Assisting in the search for narcotics during a search warrant service.
- (c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

A narcotics-detection trained canine will not be used to search a person for narcotics unless the canine is trained to passively indicate the presence of narcotics.

### 310.7.3 BOMB/EXPLOSIVE DETECTION

Because of the high risk of danger to the public and officers when a bomb or other explosive device is suspected, the use of a canine team trained in explosive detection may be considered. When available, an explosive-detection canine team may be used in accordance with current law and under certain circumstances, including:

- (a) Assisting in the search of a building, structure, area, vehicle, or article where an actual or suspected explosive device has been reported or located.
- (b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes, trains).
- (c) Preventive searches at special events, VIP visits, official buildings, and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.
- (d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.



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At no time will an explosive-detection trained canine be used to render a suspected device safe or clear.

### **310.8 HANDLER SELECTION**

The minimum qualifications for the assignment of canine handler include:

- (a) An officer who has at least three years patrol experience with this department.
- (b) Residing in an adequately fenced, single-family residence (minimum 6-foot high fence with locking gates).
- (c) Living within 15 minutes travel time from the Bellingham City limits.
- (d) Agreeing to be assigned to the position for a minimum of three years.
- (e) Enjoy good health and be capable for passing the entry-level WSCJTC SWAT basic physical entry test.
- (f) Have a family in full agreement of assigned K9 duties.
- (g) Have no other dogs at home; this may be waived depending upon home review by the canine coordinator.

### **310.9 HANDLER RESPONSIBILITIES**

The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection and living conditions.

The canine handler will be responsible for the following:

- (a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.
- (c) When a handler is on vacation, leave, and out of the area in excess of one week, the vehicle shall be stored at the police facility.
- (d) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.
- (e) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.
- (f) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or shift supervisor.
- (g) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or shift supervisor.

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### **310.9.1 CANINE IN PUBLIC AREAS**

When reasonable, the canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

- (a) A canine shall not be left unattended in any area to which the public may have access.
- (b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the dog. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

### **310.10 HANDLER COMPENSATION**

The canine handler shall be available for call-out under conditions specified by the canine coordinator.

The canine handler shall be compensated for time spent in the care, feeding, grooming, and other needs of the canine in accordance with the Fair Labor Standards Act (FLSA), and according to the terms of the collective bargaining agreement/memorandum of understanding (29 USC § 207).

### **310.11 CANINE INJURY AND MEDICAL CARE**

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the canine coordinator or shift supervisor as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian.

### **310.12 TRAINING AND CERTIFICATION**

Before assignment in the field, each canine team shall be trained and certified to meet current Criminal Justice Training Commission (CJTC) standards. Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives also shall be trained and certified to meet current CJTC standards (WAC 139-05-915).

The canine coordinator shall be responsible for scheduling periodic training for all [departmentoffice] members in order to familiarize them with how to conduct themselves in the presence of [departmentoffice] canines. Because canines may be exposed to dangerous substances such as opioids, as resources are available, the canine coordinator should also schedule periodic training for the canine handlers about the risks of exposure and treatment for it.

All canine training should be conducted while on-duty unless otherwise approved by the canine coordinator or shift supervisor.

#### **310.12.1 CONTINUED TRAINING**

Each canine team shall thereafter be recertified to current CJTC standards or other recognized and approved certification standards on an annual basis. A canine team's certification will automatically

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expire if the handler and canine originally paired at the time of certification are no longer working together, or if the function for which the team was certified changes ([WAC 139-05-915](#)).

Additional training considerations are as follows:

- (a) Canine teams should receive training as defined in the current contract with the Bellingham Police Department canine training provider.
- (b) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.
- (c) To ensure that all training is consistent, no handler, trainer or outside vendor is authorized to train to a standard that is not reviewed and approved by this department.

### 310.12.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved.

### 310.12.3 TRAINING RECORDS

A record for each canine that includes training, performance and identification records, and that meets CJTC requirements, shall be created and maintained in the canine handler's and the canine's training file.

### 310.12.4 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. Officers possessing, using or transporting controlled substances or explosives for canine training purposes must comply with federal and state requirements. Alternatively, the Bellingham Police Department may work with outside trainers with the applicable licenses or permits.

### 310.12.5 CONTROLLED SUBSTANCE TRAINING AIDS

Officers acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with state and federal laws. (21 USC § 823(f); RCW 69.50.302; RCW 69.50.508; WAC 246-887-200).

The Chief of Police or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Bellingham Police Department to be possessed by the member or a narcotics-detection canine trainer who is working under the direction of this [departmentoffice] for training purposes, provided the controlled substances are no longer needed as criminal evidence.

As an alternative, the Chief of Police or the authorized designee may request narcotics training aids from the Drug Enforcement Administration (DEA).

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

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### 310.12.6 CONTROLLED SUBSTANCE PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of the canine's accidental ingestion of these controlled substances, the following procedures shall be strictly followed:

- (a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.
- (b) The weight and test results shall be recorded and maintained by this [departmentoffice].
- (c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.
- (d) All controlled substance training samples will be inspected, weighed, and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.
- (e) All controlled substance training samples will be stored in locked, airtight, and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.
- (f) The canine coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
- (g) Any unusable controlled substance training samples shall be returned to the Evidence and Identification Unit or to the dispensing agency.
- (h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

### 310.12.7 EXPLOSIVE TRAINING AIDS

Officers may possess, transport, store, or use explosives or destructive devices in compliance with state and federal laws (18 USC § 842; 27 CFR 555.41; RCW 70.74.191(4)).

Explosive training aids designed specifically for canine teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids by canine teams is subject to the following:

- (a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials.
- (b) An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.
- (c) The canine coordinator shall be responsible for verifying the explosive training aids on hand against the inventory ledger once each quarter.
- (d) Only members with current explosive handling licenses shall have access to the explosive training aids storage facility.

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- (e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.
- (f) Any lost or damaged explosive training aids shall be promptly reported to the canine coordinator, who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

# Domestic Violence

## 311.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of this Bellingham Police Department to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic violence.

### 311.1.1 DEFINITIONS

Definitions related to this policy include:

**Court order** - All forms of orders related to domestic violence, that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

**Domestic violence** - Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, sexual assault, or stalking of one intimate partner by another intimate partner; or physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, sexual assault, or stalking of one family or household member by another family or household member ([RCW 10.99.020](#); and [RCW 26.50.010](#)).

## 311.2 POLICY

The investigation of domestic violence cases places officers in emotionally charged and sometimes highly dangerous environments. No provisions of this guideline are intended to supersede the responsibility of all officers to exercise reasonable care for the safety of any officers and parties involved.

### 311.2.1 OFFICER PROTECTION FROM LIABILITY

No officer may be held criminally or civilly liable for making a domestic violence arrest if the officer acts in good faith and without malice ( [RCW 26.50.140](#), and [RCW 10.31.100 \(15\)](#)). Officers who willfully fail to enforce the law are not immune from liability, the above statutes notwithstanding. Victims of domestic violence must receive equal protection under the law and it is the policy of the Bellingham Police Department that all officers will be held accountable for any willful failure to enforce domestic violence laws.

## 311.3 ENFORCEMENT OF DOMESTIC VIOLENCE

In its response to domestic violence all employees of the Bellingham Police Department should consistently stress the enforcement of the laws in order to protect the victim and communicate the attitude that violent behavior is criminal behavior and will not be tolerated.

### 311.3.1 MANDATORY ARRESTS

Officers who respond to an incident of domestic disturbance shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when

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the officer has probable cause to believe that a person has committed a domestic violence offense as outlined in

(RCW 10.31.100 (2).

### 311.3.2 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

- (a) The primary duty of officers when responding to a domestic violence situation is to enforce the laws allegedly violated and to protect the complaining party (RCW 10.99.030(5)).
- (b) When an officer responds to a domestic violence call and has probable cause to believe that a crime has been committed, he/she shall make an arrest pursuant to the criteria in RCW 10.31.100 and RCW 10.99.030(6)(a).
- (c) 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(2).

### 311.3.3 ARRESTS

In responding to domestic violence incidents, officers should generally be reluctant to make dual arrests. Officers shall make reasonable efforts to identify the primary physical aggressor in any incident. The primary physical aggressor is the person determined to be the most significant, and not necessarily the first aggressor. In identifying the primary physical aggressor, an officer shall make reasonable effort to consider the following (RCW 10.31.100(2)(d)):

- (a) The intent of the law, which is to protect victims of domestic violence from continuing abuse.
- (b) The comparative extent of injuries inflicted or serious threats creating fear of physical injury.
- (c) The history of domestic violence of each person involved, including whether the conduct was part of an ongoing pattern of abuse.

Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:

- (a) Marital status of suspect and victim.
- (b) Whether the suspect lives on the premises with the victim.
- (c) Claims by the suspect that the victim provoked or perpetuated the violence.
- (d) The potential financial or child custody consequences of arrest.
- (e) The physical or emotional state of either party.
- (f) Use of drugs or alcohol by either party.
- (g) Denial that the abuse occurred where evidence indicates otherwise.
- (h) A request by the victim not to arrest the suspect.

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- (i) Location of the incident (public/private).
- (j) Speculation that the complainant may not follow through with the prosecution.
- (k) The racial, cultural, social, professional position or sexual orientation of the victim or suspect.

### **311.3.4 RELEASE**

Once a suspect has been arrested under the provisions of [RCW 10.31.100\(2\)](#) the suspect shall be taken to jail. Officers have no authority to subsequently release the arrested person and any post incarceration release decision will be the responsibility of corrections personnel.

### **311.4 INVESTIGATION**

The following guidelines should be followed by officers when investigation domestic violence cases:

- (a) Calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest priorities. This includes incomplete 9-1-1 calls.
- (b) 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.
- (c) 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 have not been in the house at the time should also be obtained for follow-up.
- (d) When practicable and legally permitted, video or audio record all significant statements and observations.
- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Investigations Unit in the event that the injuries later become visible.
- (f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (g) 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 an opportunity to make a statement and make an arrest or seek an arrest warrant if appropriate.
- (h) Unless doing so would jeopardize the criminal investigation, the victim should be apprised of investigative plans such as when the suspect or witnesses are going to be interviewed and any plans for making an arrest.

### **311.5 EVIDENCE**

The following guidelines should be considered by officers investigating domestic violence cases:



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### **311.5.1 RECORDING INJURIES AND STATEMENTS**

All visible injuries should be photographed, regardless of severity, and all victims shall receive proper medical care prior to being photographed, if needed or desired. If feasible, officers may video record injuries and should seek permission from victims to record statements. Officers should request that the victim complete and sign an authorization for release of medical records.

Victims whose injuries are not visible at the time of the incident shall be advised to contact the Investigation Unit in the event the injuries later become visible. An investigator may be assigned to ensure that the injuries are photographed during the course of preparing the case for court.

When possible, officers shall obtain a written statement from the victim. Other statements, from witnesses and/or suspect(s) may be audio or video recorded.

### **311.5.2 OTHER EVIDENCE**

All injuries, whether observable or not, should be documented in the incident report. The emotional demeanor of the victim and suspect should be noted.

Officers should impound all physical evidence that substantiates the victim's injuries and/or the crimes charged (e.g., weapons, torn clothing, and broken items).

Whenever possible, officers should attempt to preserve the 9-1-1 tape of the call for assistance, particularly when the victim is the calling party.

### **311.6 FIREARMS & AMMUNITION**

When investigating domestic violence cases, officers shall seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping

- (a) Officers who have probable cause for a crime, shall lawfully seize all firearms and ammunition that they reasonably believe were used or threatened to be used in the commission of the offenses, including all firearms in plain sight or discovered in a lawful search. Officers shall request consent to take temporary custody of any other firearms and ammunition that the alleged suspect may have access to ([RCW 10.99.030](#)).
- (b) Officers shall separate the victim and inquire whether there are any firearms or ammunition in the home, whether the suspect has access to any firearms either on the premises or stored elsewhere, whether the suspect has a concealed pistol license, and whether a firearm has ever been used by the suspect under other circumstances that could be threatening or coercive ([RCW 10.99.030](#)).
- (c) The officers report shall include all information about firearms and concealed pistol licenses and be properly coded to indicate the presences of or access to firearms so that personal recognizance screeners, prosecutors, and judicial officers can address the heightened risk to the victim, family, and peace officer safety due to the alleged abuser's access to firearms ([RCW 10.99.030](#)).

### **311.7 PROBABLE CAUSE STATEMENT AND LETHALITY ASSESSMENT (LAP)**

When there is probable cause to arrest a person for a Domestic Violence Crime, a probable cause statement should be completed.

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- (a) The Probable Cause Statement should be submitted to the jail at the time the subject is booked.
- (b) The identifying information of the victims and witnesses should be listed on a page separate from the Probable Cause affidavit. This form should not be provided to the suspect and should only be used by the Prosecutors Office.
- (c) The Lethality Assessment (LAP) tool should be completed in all domestic violence arrest cases, and victims should be put in touch with DVSAS according to the protocol.
- (d) The LAP shall include all information about firearms and concealed pistol licenses and properly coded to document information concerning the abuser's access to firearms, as outlined in ([RCW 10.99.030](#)).

### **311.8 VICTIM ASSISTANCE**

While investigating and reporting domestic violence cases, an officer may assist a victim in many ways. Some suggested methods of assistance are:

- (a) Assist in obtaining appropriate medical attention if a complainant claims injury, whether visible or not.
- (b) Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for their safety, or the officer determines a need exists.
- (c) Stand by for a reasonable amount of time when a complainant requests police assistance while removing essential items of personal property.
- (d) Offer assistance in connecting the victim to DV advocacy.

#### **311.8.1 VICTIM'S RIGHTS**

In all cases when an officer responds to a domestic violence call, the officer shall advise the victim of all reasonable means to prevent further abuse, including advising each person of the availability of a shelter or other services in the community, and giving each person immediate notice of his/her legal rights and available remedies. The notice shall include giving each person a copy of a pamphlet ("You deserve to be safe") as required pursuant to [RCW 10.99.030\(7\)](#).

### **311.9 DOMESTIC VIOLENCE SUMMONS PROCESS**

Whenever there is probable cause to believe that a crime has been committed, unless the case is under active investigation, all domestic violence crime reports will be forwarded to the Prosecutors Office within 10 days of the date of the incident was reported ([RCW 10.99.030 \(9\)](#) Chapter 367 § 3, 2019 Laws.

Unless the situation is unusual or the investigating officer/supervisor feels that the summons process is not appropriate, for an articulable reason, **ALL MISDEMEANOR DV** related crimes, after being actively pursued and investigated, will use the standard summons process to arrest the violator if physical custody has not occurred.

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### **311.10 SUPERVISORS RESPONSIBILITIES**

Patrol supervisors are responsible to review domestic violence related reports to ensure that their personnel have conducted thorough investigations and that all required reports and forms are completed.

The detective supervisor of the Special Victims Unit will be responsible to assign a detective to follow up on felony level domestic violence complaints when warranted.

### **311.11 COURT ORDERS**

A willful violation of a no-contact provision of a court order is a criminal offense and shall be enforced accordingly to preserve the integrity and intent of the domestic violence act ([RCW 26.50.110](#)).

#### **311.11.1 ORDER VIOLATION**

An officer shall arrest without a warrant and take into custody a person whom the officer has probable cause to believe has violated a valid protective order ([RCW chapter 7.92](#), [7.90](#), [9A.40](#), [9A.46](#), [9A.88](#), [9.94A](#), [10.99](#), [26.09](#), [26.10](#), [26.26A](#), [26.26B](#), or [74.34](#)), or a valid foreign protection order that restrains the person or excludes the person from a residence, workplace, school, or day care, or prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, if the person restrained knows of the order. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order ([RCW 26.50.110 \(2\)](#)).

#### **311.11.2 ORDER VIOLATION REPORT**

When completing an incident report or arrest 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. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.

#### **311.11.3 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 (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

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CANADIAN COURT ORDERS - Any foreign court order properly issued in Canada shall be enforced by an officer as a foreign court order above. Any notice, if required, should be made in compliance with Chapter 263 § 903, 2019 Laws.

### 311.11.4 VERIFICATION OF COURT ORDERS

When officers respond to violations of court orders it is necessary to verify the court order and its service prior to taking any enforcement action. All types of court orders are valid statewide.

The court orders can be verified by:

- (a) Contacting the law enforcement agency in the jurisdiction where the order was issued.
- (b) Washington Crime Information Center (WACIC) check.
- (c) Determining that the respondent has knowledge of the order:
  - 1. No proof of service is required for No Contact orders as the respondent's presence is required at the time of issue.
  - 2. If the order has been served, but neither the complainant nor the respondent has a copy reflecting the terms of the order, request that Records check the terms.

If the order is not verifiable, the order shall not be enforced and the complainant should be advised to contact the court that issued the order. If probable cause exists that a separate crime has been committed, the suspect should be arrested regardless of the status of the order.

Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

### 311.11.5 ORDER SERVICE

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 Records, who will then send the information to the Washington Crime Information Center (WACIC).

Such forms shall include:

- (a) Who was served.
- (b) What documents were served.
- (c) Court order name and number.
- (d) Date and time of service.
- (e) Address where service occurred.
- (f) Serving officers' names, signatures and badge number.

### 311.11.6 SERVICE OF ORDER - FIREARMS SURRENDER

The officer serving a protection order, no-contact order, or restraining order that includes an order to surrender all firearms, dangerous weapons, and a concealed pistol license under RCW 9A.41.800 shall (Chapter 245 § 2, 2019 Laws):

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- (a) Advise the subject that the order is effective upon service.
- (b) Request that any firearms, dangerous weapons, and any concealed pistol license be immediately surrendered. Officers shall take possession of any firearms discovered in plain view, lawful search, or consent from the subject.
  - 1. If the subject indicates by word or action that he/she will not comply with a request to surrender firearms, dangerous weapons, or a concealed pistol license, consideration should be given to obtaining a search warrant for seizure.
- (c) Issue a receipt for any surrendered items.
  - 1. The officer should ensure the original receipt is forwarded to the Records Manager as soon as practicable for filing with the court.

All firearms and weapons collected shall be handled and booked in accordance with the Property and Evidence Policy.

### 311.11.7 CIVIL ISSUE (TENANCY)

If there is no court order in effect, officers may request a person who is not in lawful possession of the premises to leave when:

- 1. The complainant is in lawful possession of the premise (as exhibited by rent receipts, lease, deed, verification by apartment manager, etc.); and
- 2. The complainant has requested that the person leave the premises.

The officer should stand by until the suspect removes essential belongings.

- 1. Officers will not assist or participate in the division of property.
- 2. Such civil standbys should be limited to no more than 20 minutes.

If the suspect does not leave upon request, an arrest may be made for trespass.

If the complainant requesting removal of the suspect cannot show proof of lawful possession, the officer should refer the complainant for a Protection Order or other appropriate civil remedy.

## **311.12 REPORTS AND RECORDS**

### 311.12.1 REPORTS

Officers responding to a domestic violence call shall take a complete offense report, including the disposition of the case ([RCW 10.99.030 \(6\)\(b\)](#)).

- (a) The report shall include all information about firearms and concealed licenses and be properly coded to alert any officials reviewing the report to the existence of the information concerning firearms([RCW 10.99.030](#)).
- (b) All such reports should be documented under the appropriate crime classification and should use the distinction "Domestic Violence" in the type of crime box of the crime report form [RCW 10.99.030 \(11\)](#) Chapter 367 § 3, 2019 Laws).

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### **311.12.2 RECORDS RESPONSIBILITIES**

All law enforcement agencies are required to maintain records on the number of domestic violence related calls reported to their agency. This information is to be reported to the Washington Association of Sheriff's and Police Chiefs. It shall be the responsibility of the Records Manager to maintain and report this information as required [RCW 10.99.030](#).

- (a) The Records Manager shall ensure that accurate records of domestic violence incidents are maintained and submitted to the Washington Association of Sheriffs and Police Chiefs, in accordance with state law [RCW 10.99.030 \(12\)](#), Chapter 367 § 3, 2019 Laws).
- (b) The Records Manager should ensure that the original receipt issued for any firearm, dangerous weapon, or pistol license surrendered after service of a protection order is filed with the court within 24 hours of service of the order and retain a copy of the receipt electronically if available (Chapter 245 § 2, 2019 Laws).

### **311.13 DOMESTIC VIOLENCE TRAINING**

The Bellingham Police Department will provide DV investigation training to all new employees within the first year of their employment. The police department will provide follow up refresher training to all other department personnel as needed. Training will include risk evaluation, interviewing domestic violence victims, recognition of abuse patterns, obtaining statements, and other report writing criteria.

The Bellingham Police Department remains committed to maintaining police and community partnerships with organized domestic violence groups for on going review of department training standards and policies.

The police department will implement new technologies and training where appropriate to support its personnel in the investigation of domestic violence related incidents.

# Search and Seizure

## 312.1 PURPOSE AND SCOPE

Case law regarding search and seizure is ever changing and frequently subject to interpretation under the varying facts of each situation. This policy is intended to provide a few of the basic guidelines that may assist an officer in evaluating search and seizure issues. Specific situations should be handled according to current training and an officer's familiarity with clearly established case law.

## 312.2 POLICY

Both the United States and the Washington Constitutions provide every individual with the right to be free from unreasonable governmental intrusion. As a general rule, members of this department should not physically enter any area where an individual has a reasonable expectation of privacy in order to conduct a search or seizure without one or more of the following:

- A valid search warrant.
- Exigent circumstances.
- Valid consent.
- Search incident to valid arrest.
- Inventory Searches.
- Plain View Searches.
- Terry Stop Searches.

### 312.2.1 SEARCH PROTOCOL

- (a) Members of this department will conduct person searches with dignity and courtesy.
- (b) Members of this department will conduct property searches in a manner that returns the condition of the property to its pre-search status as nearly as reasonably practical.
- (c) Members of this department should attempt to gain keys to locked property when a search is anticipated and the time and effort required to gain the keys makes it a practical option.
- (d) When the person to be searched is of the opposite sex of the officer, an officer of the like sex should be summoned to the scene to conduct the search.
- (e) A search may be undertaken of a member of the opposite sex when it is not practical to summon an officer of the like sex. In these instances the officers will adhere to the following guidelines:
  1. A supervisor and/or one other officer should witness the search, if practical.
  2. Officers will use the back side of their hands and fingers to search sensitive areas of the opposite sex to include the breast, crotch and buttocks areas.

## *Search and Seizure*

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- (f) The officer will explain to the person being searched the reason for the search and how the officer will conduct the search.

### **312.3 SEARCHES**

#### **312.3.1 RESIDENCE**

Absent a valid search warrant, exigent circumstances, probation or parole authorization, or valid consent, every person has a reasonable expectation of privacy inside his/her home. Individuals do not, however, generally have a reasonable expectation of privacy in areas around their home where the general public (e.g., mail carriers and solicitors) would reasonably be permitted to go.

#### **312.3.2 PLAIN VIEW**

Because an individual does not have an expectation of privacy as to items that are in plain view, no search has taken place in a constitutional sense when an object is viewed from a location where the officer has a right to be.

An item in plain view may generally be seized when all of the following conditions exist:

- (a) It was viewed from a lawful location.
- (b) There is probable cause to believe that the item is linked to criminal activity.
- (c) The location of the item can be legally accessed.

It is important to note that the so-called "Nexus Rule" requires that even items in plain view must not be seized unless there is probable cause to believe that the item will aid in an investigation. Such a nexus should be included in any related reports.

#### **312.3.3 EXIGENT CIRCUMSTANCES**

Exigent circumstances permitting entry into premises without a warrant or valid consent generally include any of the following:

- (a) Imminent danger of injury or death.
- (b) Serious damage to property.
- (c) Imminent escape of a suspect.
- (d) The destruction of evidence.

An exigency created by the officer's own conduct as an excuse for a warrantless entry is not generally permitted.

#### **312.3.4 VEHICLE SEARCHES INCIDENT TO AN ARREST**

A search warrant shall be obtained prior to conducting the search of a vehicle, incident to an arrest, except in very limited circumstances as enumerated below:

- (a) With consent of the operator.
- (b) To make a limited search for weapons when a reasonable suspicion exists that a suspect is dangerous and the suspect may gain immediate control of a weapon.



## Search and Seizure

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- (c) If the suspect has not been arrested (and, therefore, is not in handcuffs and still has access to the vehicle) and the officer has reasonable suspicion/concern for his/her safety or that evidence will be destroyed. The suspicion/concern must be based on specific, objective facts and the area searched must be related to the concern.
- (d) When necessary to examine the vehicle identification number or to determine the ownership of the vehicle.
- (e) Under emergency circumstances not otherwise enumerated above.

Warrantless searches of vehicles are subject to numerous other restrictions under specific conditions. Officers should, whenever possible, seek supervisory approval before conducting a warrantless search of a vehicle.

### 312.3.5 RESTRICTIONS ON CELL SITE SIMULATOR USE

A member may only install or use a pen register, trap and trace device or cell site simulator device with a supporting court order or when there is both coordination with a prosecuting attorney and joint determination of probable cause to believe an emergency situation exists that involves immediate danger of death or serious bodily injury to a person. A court order must be obtained within 48 hours after installation of the pen register, trap and trace device or cell site simulator device when an emergency situation exists ([RCW 9.73.260](#)).

### 312.4 CONSENT SEARCHES

Entry into a location for the purpose of conducting a search for any item reasonably believed relevant to any investigation is permitted once valid consent has been obtained. A search by consent however is only valid if the following criteria are met:

- Voluntary (i.e., clear, specific, and unequivocal).
- Obtained from a person with authority to give the consent.
- Does not exceed the scope of the consent given.

Prior to conducting a consensual search officers shall inform all persons giving consent of the following, and shall describe such circumstances in the related report(s):

- (a) The person may refuse to give consent if they so choose.
- (b) Once given, consent may be withdrawn at any point during the search.
- (c) The scope of the search may be limited.
- (d) Any evidence found during the search may be used against them or others in court.

Unless unusual circumstances would prevent the use of the Department's Consent to Search form, officers should have the individual read the form, ensure he/she understands it, and provide them with a copy after he/she has signed it.

Consent must be obtained as the product of a free will. It cannot be obtained through submission to authority, expressed or implied.

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A person with authority to consent to search should be present or otherwise in a position to communicate a withdrawal of consent should they so desire. Absent other legal justification, any related search should be discontinued at any point that consent is withdrawn.

### **312.5 CELL PHONE SEARCHES**

Unless officers have exigent circumstances, they should apply for a search warrant to search a suspect's phone. Under our Constitution, the court has determined that cell phones have greater rights to privacy.

## Temporary Custody of Juveniles

### 313.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Bellingham Police Department (34 USC § 11133).

#### 313.1.1 DEFINITIONS

Definitions related to this policy include:

**Juvenile non-offender** - An abused, neglected, dependent or alien juvenile who may be legally held for his/her own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for his/her protection or for purposes of reuniting the juvenile with a parent, guardian or other responsible person.

**Juvenile offender** - A juvenile 17 years of age or younger who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense) or a juvenile who has violated [RCW 9.41.040\(2\)\(a\)\(iv\)](#) by possessing a handgun ([28 CFR 31.303](#)).

**Non-secure custody** - When a juvenile is held in the presence of an officer or other custody employee at all times and is not placed in a locked room, cell or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation.

**Secure custody** - When a juvenile offender is held in a locked room, a set of rooms or a cell. Secure custody also includes being physically secured to a stationary object.

Examples of secure custody include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- (b) A juvenile handcuffed to a rail.
- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- (d) A juvenile being processed in a secure booking area when an unsecure booking area is available.
- (e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.
- (f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.

**Sight and sound separation** - Located or arranged to prevent physical, visual or auditory contact.

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## *Temporary Custody of Juveniles*

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**Status offender** - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation or truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender.

### **313.2 POLICY**

The Bellingham Police Department is committed to releasing juveniles from temporary non-secure custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary non-secure custody at the Bellingham Police Department. Juveniles should be held in temporary non-secure custody only for as long as reasonably necessary for processing, transfer or release. Juveniles shall not be held in secure custody at the Bellingham Police Department.

### **313.3 JUVENILES WHO SHOULD NOT BE HELD**

Juveniles who exhibit any of the following conditions should not be held at the Bellingham Police Department:

- (a) Unconscious
- (b) Seriously injured
- (c) A known suicide risk or obviously severely emotionally disturbed
- (d) Significantly intoxicated
- (e) Extremely violent or continuously violent

Officers taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation.

If the officer taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release or a transfer is completed.

### **313.4 CUSTODY OF JUVENILES**

Officers may take custody of a juvenile and hold the juvenile in temporary non-secure custody at the Bellingham Police Department when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile that is suspected of being a victim.

No juvenile should be held in temporary non-secure custody at the Bellingham Police Department without authorization of the arresting officer's supervisor or the shift supervisor.

Any juvenile taken into custody shall be released to the care of the juvenile's parent, legal guardian or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable.

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### **313.4.1 CUSTODY OF JUVENILE NON-OFFENDERS**

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Bellingham Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders may not be held in secure custody (34 USC § 11133).

### **313.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS**

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (34 USC § 11133; [RCW 43.185C.260](#)).

### **313.4.3 CUSTODY OF JUVENILE OFFENDERS**

Juvenile offenders should be held in non-secure custody while at the Bellingham Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

Generally, juvenile offenders may be taken into custody under the following circumstances ([RCW 13.40.040\(1\)](#)):

- (a) Pursuant to a court order.
- (b) Without a court order, by an officer if grounds exist for the arrest of an adult in identical circumstances.
- (c) When his/her parole has been suspended.

### **313.5 ADVISEMENTS**

When a juvenile offender is taken into custody, the officer should, as soon as practicable, notify the juvenile's parent, guardian, or a responsible relative that the juvenile is in custody.

Juveniles taken into custody should be advised the reason for the custody ([RCW 43.185C.265](#)).

### **313.6 JUVENILE CUSTODIAL BOOKING REQUIREMENTS**

Since the Bellingham Police Department has no temporary holding facilities, an individual taken into custody shall be processed as soon as practical at the Whatcom County Juvenile Detention Facilities. When a juvenile is taken into custody, the following steps shall be taken by the arresting officer or the detective assigned to the case:

- (a) Take immediate steps to notify the juvenile's parent, guardian, or a responsible relative that such juvenile is in custody and provide the location where the juvenile is being held and the intended disposition.
- (b) Submit a completed report to the shift supervisor for approval.

Status offenders, including those on a court order for contempt (or a probation violation) and dependents that are taken into custody may be taken to a DSHS approved facility or location but

## *Temporary Custody of Juveniles*

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may not be held in a detention environment or come into contact with adults in custody in the station.

### **313.7 NO-CONTACT REQUIREMENTS**

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the [DepartmentOffice] (34 USC § 11133). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is walking through a hallway ), a member of the Bellingham Police Department shall maintain a constant, immediate presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

### **313.8 TEMPORARY NON-SECURE CUSTODY REQUIREMENTS**

Members and supervisors assigned to monitor or process any juvenile at the Bellingham Police Department shall ensure the following:

- (a) Area's within the Bellingham Police Department where juveniles may be held in non-secure custody include the lobby, either of the two PSO offices, the interrogation rooms, or other multi-purpose area. The Bellingham Police Department has no rooms that are designed or used as a secure detention area.
- (b) Juveniles held in non-secure custody at the Bellingham Police Department shall only be held in the facility long enough for the purpose of identification, investigation, arranging transfer to Child Protective Services, or release to a parent, legal guardian or other responsible adult.
- (c) Juveniles held in non-secure custody at the Bellingham Police Department shall not be secured to a stationary object within the facility.
- (d) Juveniles held in non-secure custody at the Bellingham Police Department must be held in continuous visual supervision by a law enforcement officer during the period of time the juvenile is in non-secure custody.
- (e) Juveniles held in non-secure custody at the Bellingham Police Department shall be allowed to use the restroom without direct supervision to allow for privacy.
- (f) Juveniles shall have reasonable access to a drinking fountain or water.
- (g) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
- (h) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse.

### **313.9 RELIGIOUS ACCOMMODATION**

Juveniles have the right to the same religious accommodation as adults in temporary custody (see the Temporary Custody of Adults Policy).

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### **313.10 USE OF RESTRAINT DEVICES**

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Bellingham Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

Other restraints shall only be used after less restrictive measures have failed and with the approval of the shift supervisor. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse.

#### **313.10.1 PREGNANT JUVENILES**

Juveniles who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

### **313.11 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY OF A JUVENILE**

The arresting officer should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill himself/herself, or any unusual behavior which may indicate the juvenile may harm himself/herself while in custody in either secure or non-secure detention.

The detaining or transporting officer is responsible to notify the juvenile detention booking officer if he/she believes the juvenile may be a suicide risk. The booking officer may require a fit for jail or arrange to contact a mental health team for evaluation. The juvenile shall be under constant personal supervision until the transfer is completed.

### **313.12 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS**

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent to an interview or interrogation.

### **313.13 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING**

A juvenile offender may be photographed and fingerprinted as provided by [RCW 43.43.735](#).

### **313.14 RELEASE OF INFORMATION CONCERNING JUVENILES**

Court decisions and legislation have combined to carefully specify situations in which information may be given out or exchanged when a case involves a juvenile. Officers of this department shall not divulge any information regarding juveniles in situations where they are uncertain of the legal authority to do so.

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### 313.14.1 RELEASE OF INFORMATION PURSUANT TO WASHINGTON LAW

Juvenile records are confidential and may be released only as provided in [RCW 13.50.010](#) and [RCW 13.50.050](#):

- (a) Information may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile is being pursued by the other participant, or when that other participant is assigned the responsibility for supervising the juvenile.
- (b) Information not in the juvenile court file that could not reasonably be expected to identify the juvenile or the juvenile's family may be released.
- (c) Following the decision to arrest, information about an investigation, diversion or prosecution of a juvenile, including an incident report, may be released to the school in which the juvenile is enrolled to assist in protecting other students, staff and school property.
- (d) Information about a juvenile offender, the offender's parent or guardian and the circumstances of the crime may be released to the victim or the victim's immediate family.
- (e) Information identifying child victims of sexual assault committed by juvenile offenders may be released only with the permission of the child victim or legal guardian.
- (f) A court may permit certain juvenile records to be released by rule or order.

It shall be the responsibility of the Records Manager and the appropriate Investigation Unit supervisors to ensure that personnel of those bureaus act within legal guidelines.



# Alcohol Enforcement

## 314.1 PURPOSE AND SCOPE

It is the policy of the Bellingham Police Department to establish consistency in the enforcement of alcohol related offenses by persons under the age of twenty one years. This policy is meant to clarify , not only to the police officer, but also to the public in general, what the enforcement policies and procedures are regarding persons under the age of twenty one years, who commit alcohol related offenses.

## 314.2 MANDATORY ARREST

Misdemeanor citations will be issued to persons under the age of twenty one years when probable cause exists to verify that he or she is in possession and/or has consumed an alcoholic beverage. If the person is under the age of eighteen years, a citation will not be issued but a juvenile referral will be completed.

Misdemeanor citations with the appropriate charge will be issued to anyone furnishing premises for a party or gathering where alcoholic beverages are being served or consumed by persons under the age of twenty one years, other than parents serving to their children.

Misdemeanor citations will be issued to anyone who is found to be purchasing or providing a minor with alcoholic beverages.

### 314.2.1 PARENTAL NOTIFICATION

When an arrest for any alcohol related offense occurs in which the arrestee is under eighteen years of age, the officer is responsible for notifying the arrestee's parents. The intent is to ensure that parents will be notified as soon as possible either by telephone or in person.

For those under eighteen, but who are students enrolled at the University, parental notification may not be possible nor intended in this section.

### 314.2.2 EVIDENCE COLLECTION

If a citation is issued to a person under twenty one years of age, or a subject claims that the alcohol is owned by a parent or guardian over twenty one years, then any and all unopened alcohol containers, or resealable items, as well as alcohol related items, such as beer kegs and taps, will be confiscated and placed into evidence and/or found property. The alcohol or alcohol related items will be released only to an adult twenty one years of age or older, or will be destroyed by this Department.

Only opened containers that contain an alcoholic beverage will be emptied or destroyed at the scene by the investigating officer(s).

### 314.2.3 LIQUOR CONTROL BOARD

The Washington State Liquor Control Board will be notified of any business establishment that is found serving or selling alcoholic beverages to persons under twenty one years of age.

# Abuse of Vulnerable Adults

## 315.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with direction and understanding of their role in the prevention, detection, and intervention in incidents of vulnerable adult abuse. It is the policy of the Bellingham Police Department to treat reports of violence against vulnerable adults as high priority criminal activity that is to be fully investigated regardless of the relationship between the victim and suspect.

## 315.2 DEFINITIONS

Definitions related to this policy include ([RCW 74.34.020](#)):

**Abandonment** - Action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter or health care.

**Abuse** - The willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain or mental anguish. Abuse includes sexual abuse, mental abuse, physical abuse and exploitation of a vulnerable adult, and improper use of restraint against a vulnerable adult.

**Chemical restraint** - The administration of any drug to manage a vulnerable adult's behavior in a way that reduces the safety risk to the vulnerable adult or others, has the temporary effect of restricting the vulnerable adult's freedom of movement, and is not standard treatment for the vulnerable adult's medical or psychiatric condition.

**Consent** - Express written consent granted after the vulnerable adult or his/her legal representative has been fully informed of the nature of the services to be offered and that the receipt of services is voluntary.

**DSHS** - The Department of Social and Health Services.

**Exploitation** - An act of forcing, compelling or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

**Financial exploitation** - The illegal or improper use, control over or withholding of the property, income, resources, or trust funds of the vulnerable adult by any person or entity for profit or advantage.

**Improper use of restraint** - The inappropriate use of chemical, physical, or mechanical restraints for convenience or discipline in a manner that: (i) is inconsistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under [RCW Chapter 71A.12](#); (ii) is not medically authorized; or (iii) otherwise constitutes abuse under this section.

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**Mental abuse** - Any willful action or inaction resulting in mental or verbal abuse. Mental abuse includes, but is not limited to, coercion, harassment, inappropriately isolating a vulnerable adult from family, friends, or regular activity, and verbal assault that includes ridiculing, intimidating, yelling or swearing.

**Neglect** - A pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or an act or omission by a person or entity with a duty of care that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare or safety including, but not limited to, conduct prohibited under [RCW 9A.42.100](#).

**Personal exploitation** - An act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

**Physical abuse** - The willful action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, prodding, or the use of chemical restraints or physical restraints unless the restraints are consistent with licensing requirements, and includes restraints that are otherwise being used inappropriately.

**Self-neglect** - The failure of a vulnerable adult, not living in a facility, to provide for him/herself the goods and services necessary for the vulnerable adult's physical or mental health, and the absence of which impairs or threatens the vulnerable adult's well-being. This definition may include a vulnerable adult who is receiving services through home health, hospice, or a home care agency, or an individual provider when the neglect is not a result of inaction by that agency or individual provider.

**Sexual abuse** - Any form of non-consensual sexual contact, including but not limited to, unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual abuse includes any sexual contact between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under [RCW Chapter 71A.12](#), and a vulnerable adult living in that facility or receiving service from a program authorized under [RCW Chapter 71A.12](#), whether or not it is consensual.

**Vulnerable adult**- Includes a person 60 years of age or older who has the functional, mental, or physical inability to care for him/herself; is found to be incapacitated under [RCW Chapter 11.88](#); or has a developmental disability as defined under [RCW 71A.10.020](#); or is admitted to any facility; or is receiving services from home health, hospice, or home care agencies licensed or required to be licensed under [RCW Chapter 70.127](#); or is receiving services from an individual provider; or who self-directs his/her own care and receives services from a personal aide.

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### **315.3 MANDATORY REPORTING REQUIREMENTS**

Pursuant to [RCW 74.34.020\(13\)](#) any officer of the Bellingham Police Department is considered a mandated reporter.

Members of the Bellingham Police Department shall notify the Washington State Department of Social and Health Services (DSHS) when there is reasonable cause to believe that abandonment, abuse, financial exploitation, or neglect of a vulnerable adult has occurred. Members shall also notify DSHS when there is reason to suspect sexual assault or physical assault or reasonable cause to believe that an act has caused fear of imminent harm. The medical examiner or coroner shall also be notified when there is reason to suspect that the death of a vulnerable adult was caused by abuse, neglect or abandonment by another person ([RCW 74.34.035](#)).

For purposes of mandatory reporting ([RCW 74.34.020](#)):

- Abandonment is action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the person without the means or ability to obtain necessary food, clothing, shelter or health care.
- Abuse is willful action or inaction that inflicts injury, unreasonable confinement or restraint, sexual abuse, physical abuse, financial exploitation, mental abuse, intimidation or punishment as provided.
- A vulnerable adult is a person who is:
  - (a) (a) 60 years or older who has the functional, mental or physical inability to care for himself/herself; or
  - (b) Is found by the superior court to be incapacitated under [RCW 11.88.005](#) et seq; or
  - (c) Has a developmental disability as defined under [RCW 71A.10.020](#); or
  - (d) Is admitted to any facility as defined in [RCW 74.34.020](#) (assisted living facility, nursing home or other facility licensed by DSHS); or
  - (e) Is receiving services from an individual provider or licensed home health, hospice or home care agency; or
  - (f) Self-directs his/her own care and receives services from a personal aide under [RCW 74.39.001](#) et seq.

#### **315.3.1 RECORDS BUREAU RESPONSIBILITY**

The Records Bureau is responsible for providing a copy of the vulnerable adult abuse report to the DSHS. This requirement is applicable even if the initial call was received from DSHS.

### **315.4 OFFICER RESPONSE**

All incidents involving actual or suspected vulnerable adult abuse shall be fully investigated and appropriately documented.

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### 315.4.1 INITIAL RESPONSE

Officers may be called upon to effect a forced entry as the first responder to the scene of a suspected vulnerable adult abuse. Entry should be immediate when it appears reasonably necessary to protect life or property. When the need for an emergency entry is not evident, officers should seek supervisory approval. Officers must be prepared to provide emergency care pending the arrival of medical personnel, if not already present.

### 315.4.2 STABILIZE THE SITUATION

Officers must quickly assess the situation in an effort to ensure the immediate safety of all persons. Officers shall also consider the following:

- (a) Attempt to identify the victim, suspect and witnesses as well as the roles and relationships of all parties. Parties should be interviewed separately whenever possible. Frequently it is wrongfully assumed that vulnerable adults are incapable of accurately reporting the incident. Do not automatically discount the statement of a vulnerable adult.
- (b) Preserve the crime scene where evidence may be present. All persons should be removed from the scene until it has been photographed and processed. Any evidence such as injuries that may change in appearance should be photographed immediately.
- (c) Assess and define the nature of the problem. Officers should assess the available information to determine the type(s) of abuse that may have taken place or the potential for abuse in the future that may be eliminated by our intervention.
- (d) Make on-scene arrests when appropriate. Immediate arrest of an abuser (especially when the abuser is a family member or caretaker) may leave the vulnerable adult victim without necessary support and could result in institutionalization. The effect of an arrest on the victim should be considered and weighed against the assessed risk and the competent victim's desires. The present and future safety of the victim is of utmost importance and institutionalization is generally preferable to continued abuse.

### 315.4.3 SUPPORT PERSONNEL

The following person(s) should be considered if it appears an in-depth investigation is appropriate:

- Patrol Supervisor.
- Detective personnel.
- Crime scene investigators.
- DSHS personnel.
- Elder care organizations.

### 315.4.4 EMERGENCY PROTECTIVE ORDERS

In any situation which an officer reasonably believes that a vulnerable adult is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the officer should make an attempt to obtain a protective

## *Abuse of Vulnerable Adults*

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order against the person alleged to have committed or threatened such abuse pursuant to [RCW 74.34.110](#); [RCW 74.34.150](#); [RCW 74.34.210](#); or other applicable statutes.

### **315.5 VULNERABLE ADULT ABUSE REPORTING**

Every allegation of vulnerable adult abuse shall be documented. Reporting of cases of vulnerable adult abuse is confidential and will only be released as per the Release of Records and Information Policy. The following information should be provided in addition to the general information provided on the crime report ([RCW 74.34.035\(8\)](#); [RCW 74.34.040](#)):

- The name and address of the person making the report
- The name of address of the vulnerable adult and the name of the facility or agency providing care for the vulnerable adult
- The name and address of the legal guardian or alternate decision maker
- The nature and extent of the abandonment, abuse, financial exploitation, neglect, or self-neglect
- The identity of the alleged perpetrator if known
- Other information that may be helpful in establishing the extent of abandonment, abuse, financial exploitation, neglect, or the cause of death of the deceased vulnerable adult

### **315.6 PROTECTIVE CUSTODY**

Before taking a vulnerable adult victim into protective custody when facts indicate the vulnerable adult may not be able to care for him/herself, the officer should make reasonable attempts to contact DSHS. Generally, removal of a vulnerable adult victim from his/her family, guardian or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this Bellingham Police Department should remove a vulnerable adult victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking a vulnerable adult victim into protective custody, the officer should take reasonable steps to deliver the vulnerable adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the vulnerable adult is delivered to DSHS.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a vulnerable adult victim into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking the vulnerable adult into protective custody.

When vulnerable adult victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order

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on behalf of the vulnerable adult victim to either remove the vulnerable adult from a dangerous environment (protective custody) or restrain a person from contact with the vulnerable adult.

In any situation which an officer reasonably believes that a vulnerable adult is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the Family Crimes Unit supervisor should be notified and an investigator should be assigned to attempt to obtain a protective order against the person alleged to have committed or threatened such abuse pursuant to [RCW 74.34.110](#); [RCW 74.34.210](#); or other applicable statutes.

# **Discriminatory Harassment**

## **316.1 PURPOSE AND SCOPE**

This policy is intended to prevent department members from being subjected to discrimination or sexual harassment.

## **316.2 POLICY**

The Bellingham Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against employees in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The non-discrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

## **316.3 DISCRIMINATION PROHIBITED**

### **316.3.1 DISCRIMINATION**

The Department prohibits all forms of discrimination, including any employment-related action by an employee that adversely affects an applicant or employee and is based on race, color, religion, sex, age, national origin or ancestry, genetic information, disability, military service, sexual orientation and other classifications protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment, can include making derogatory comments, crude and offensive statements or remarks, making slurs or off-color jokes, stereotyping, engaging in threatening acts, making indecent gestures, pictures, cartoons, posters or material, making inappropriate physical contact, or using written material or department equipment and/or systems to transmit or receive offensive material, statements or pictures. Such conduct is contrary to department policy and to the department's commitment to a discrimination free work environment.

Retaliation is treating a person or applicant differently or engaging in acts of reprisal or intimidation against the person because he/she has engaged in protected activity, filed a charge of discrimination, participated in an investigation or opposed a discriminatory practice. Retaliation will not be tolerated.



## *Discriminatory Harassment*

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### **316.3.2 SEXUAL HARASSMENT**

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or an employee because of that person's sex.

Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors or other verbal, visual or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment position or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

### **316.3.3 ADDITIONAL CONSIDERATIONS**

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the Washington State Human Rights Commission.
- (b) Bona fide requests or demands by a supervisor that an employee improve his/her work quality or output, that the employee report to the job site on time, that the employee comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and employee.

### **316.4 RESPONSIBILITIES**

This policy applies to all department personnel. All members shall follow the intent of these guidelines in a manner that reflects department policy, professional law enforcement standards and the best interest of the Department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory or harassing conduct or known violations of this policy to a supervisor. Any employee who is not comfortable with reporting violations of this policy to his/her immediate supervisor may bypass the chain of command and make the report to a higher ranking supervisor or manager. Complaints may also be filed with the Chief of Police, Director of Human Resources or the Chief Administrative Officer.

Any member who believes, in good faith, that he/she has been discriminated against, harassed, subjected to retaliation, or who has observed harassment or discrimination, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

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### 316.4.1 SUPERVISOR RESPONSIBILITY

Each supervisor and manager shall:

- (a) Continually monitor the work environment and strive to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Take prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment or retaliation.
- (c) Ensure their subordinates understand their responsibilities under this policy.
- (d) Ensure that employees who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Notify their immediate supervisor in writing of the circumstances surrounding any reported allegations or observed acts of discrimination/harassment no later than the next business day.

### 316.4.2 SUPERVISOR'S ROLE

Because of differences in individual values, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing or retaliatory. Supervisors and managers shall be aware of the following considerations:

- (a) Behavior of supervisors and managers should represent the values of the Department and professional law enforcement standards.
- (b) False or mistaken accusations of discrimination, harassment or retaliation have negative effects on the careers of innocent members.
- (c) Supervisors and managers must act promptly and responsibly in the resolution of such situations.
- (d) Supervisors and managers shall make a timely determination regarding the substance of any allegation based upon all available facts.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling employees or issuing discipline, in a manner that is consistent with established procedures.

### **316.5 INVESTIGATION OF COMPLAINTS**

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved members should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination or harassment shall be fully documented, and promptly and thoroughly investigated. The participating or opposing member should be protected against retaliation, and the complaint and related investigation should be kept confidential to the extent possible.

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### **316.5.1 SUPERVISORY RESOLUTION**

Members who believe they are experiencing discrimination, harassment or retaliation should be encouraged to inform the individual that his/her behavior is unwelcome. However, if the member feels uncomfortable, threatened or has difficulty expressing his/her concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

### **316.5.2 FORMAL INVESTIGATION**

Upon being notified of any complaint that cannot be satisfactorily resolved through the supervisory means cited above, the Chief of Police or his or her designee shall initiate a formal investigation.

The employee assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint or for offering testimony or evidence in any investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include, but not be limited to, details of the specific incident, frequency and dates of occurrences and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, Director of Human Resources, or the Chief Administrative Officer.

### **316.5.3 EQUAL OPPORTUNITY EMPLOYMENT COMPLAINTS**

No provision of this policy shall be construed to prevent any employee from seeking legal redress outside the Department. Employees who believe that they have been harassed or discriminated against are entitled to bring complaints of employment discrimination to federal, state and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Employees are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

## **316.6 NOTIFICATION OF DISPOSITION**

The complainant and/or victim will be notified in writing of the disposition of the investigation and actions taken to remedy the complaint.

## **316.7 DOCUMENTATION OF COMPLAINTS**

All complaints or allegations shall be documented on forms and in a manner designated by the Chief of Police. All reports shall be:

- Approved by the Chief of Police.
- Maintained for a minimum of five years.

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### **316.8 TRAINING**

All new employees shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new employee. The employee shall certify by signing the prescribed form that he/she has been advised of this policy, is aware of and understands its contents and agrees to abide by its provisions during his/her term of employment.

All members should receive periodic refresher training on the requirements of this policy.

#### **316.8.1 QUESTIONS REGARDING DISCRIMINATION OR SEXUAL HARASSMENT**

Members with questions regarding discrimination or sexual harassment are encouraged to contact a supervisor, manager, the Chief of Police, Director of Human Resources or the Chief Administrative Officer, or they may contact the Washington State Human Rights Commission at 800-233-3247.

### **316.9 WHISTLEBLOWER PROTECTION**

Bellingham Police Department officials and employees are prohibited from taking retaliatory action against an employee because he or she has, in good faith, reported a discriminatory offense, or improper governmental action, in accordance with these policies and procedures.

Per [RCW 42.41.030](#), the City of Bellingham has complied with the "Whistleblower Act of 1992" by establishing policy for the reporting of improper governmental action and protecting employees against retaliation.

Employees who believe that they have been retaliated against in this manner shall advise their Supervisor, the Chief of Police or the City Attorney. City officials shall take appropriate action to investigate and address complaints of retaliation.

See also:

City of Bellingham Policy [LEG 01.00.03](#), REPORTING IMPROPER GOVERNMENTAL ACTION AND PROTECTING EMPLOYEES AGAINST RETALIATION.

# Child Abuse

## 317.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Bellingham Police Department members are required to notify the Department of Children, Youth, and Families, Child Protective Services (CPS) of suspected child abuse.

### 317.1.1 DEFINITIONS

Definitions related to this policy include:

**Child** - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

**Child abuse** - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency.

## 317.2 POLICY

The Bellingham Police Department will investigate reported incidents of alleged criminal child abuse and ensure CPS is notified as required by law.

## 317.3 MANDATORY NOTIFICATION

Members of the Bellingham 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 or neglect ([RCW 26.44.030](#)).

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](#)).

Officers shall promptly notify CPS whenever a child under 16 years of age is in a vehicle being driven by the child's parent, guardian, legal custodian, sibling or half-sibling and that person is being arrested for a drug or alcohol-related driving offense ([RCW 46.61.507](#)).

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](#)).

### 317.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows ([RCW 26.44.030\(5\)](#)):

- (a) In emergency cases, notification to CPS should be made immediately when the child's welfare is endangered but in all such cases within 24 hours.
- (b) In non-emergency cases, notification to CPS shall be made within 72 hours after a report is received.

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- (c) Notification, when possible, should include ([RCW 26.44.040](#)):
  - 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.
- (d) The Department shall forward all case dispositions to CPS.

### **317.4 QUALIFIED INVESTIGATORS**

Qualified investigators should be available for child abuse investigations. These investigators should:

- (a) Conduct interviews in child appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all cases of alleged child abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable ([RCW 26.44.180](#) et seq.).

### **317.5 INVESTIGATIONS AND REPORTING**

In all reported or suspected cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.

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- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) 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 the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.
- (k) Applicable local protocol regarding child abuse investigations ([RCW 26.44.180](#) et seq.).

All cases 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).

### **317.6 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 the child welfare authorities when they are present or have become involved in an investigation.

Whenever a child is taken into protective custody, the officer should take reasonable steps to deliver the child to another parent or legal guardian, after assessing that individual's custodial authority for the child in question. Whenever feasible, the officer should consult with the Department of Social and Health Services (DSHS) before releasing a child to a non-custodial parent or legal guardian. In no case should a child be released if it reasonably appears that the release would endanger the minor or result in abduction.

Whenever practicable, the officer should inform a 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.

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.

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- (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).

### 317.6.1 SAFE HAVEN LAW

A parent is not guilty of abandonment when leaving a newborn 72 hours old or younger with a qualified person at the emergency department of a licensed hospital or a fire station while personnel are present ([RCW 13.34.360](#)). The qualified person shall notify CPS. CPS shall assume custody of the newborn.

## 317.7 INTERVIEWS

### 317.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews, with a child under twelve years of age, until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

### 317.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

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 one of the following applies:

- (a) Exigent circumstances exist, such as:
  - 1. A reasonable belief that medical issues of the child need to be addressed immediately.
  - 2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
  - 3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
- (b) A court order or warrant has been issued.

### 317.7.3 TRAINING REQUIREMENT

Only those members who have successfully completed Washington State Criminal Justice Training Commission (WSCJTC) sponsored training on interviewing child victims of sexual abuse shall participate in or conduct such interviews. 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](#).



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### **317.8 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 or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

### **317.9 STATE MANDATES AND OTHER RELEVANT LAWS**

Washington requires or permits the following:

#### **317.9.1 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 and the Records Maintenance and Release Policy (RCW 42.56.240).

Records and information may be made available to multidisciplinary investigative team members as necessary for the performance of the member's duties as a member of the team. Records and information are subject to the same privacy and confidentiality restrictions as the person providing the information or records (Chapter 82 § 3, 2019 Laws).

#### **317.9.2 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).

#### **317.9.3 CASE SUBMISSION TO PROSECUTOR**

The Bellingham Police Department shall forward all cases of child abuse to the appropriate prosecutor when a crime may have been committed under the following circumstances ([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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### 317.9.4 AGENCY COORDINATION

If this department responds to a complaint of alleged child abuse and discovers that another agency has also responded to the complaint, this department shall notify the other agency of its presence. The agencies shall coordinate the investigation and keep each other apprised of progress ([RCW 26.44.035](#)).

### 317.9.5 LOCAL CHILD ABUSE PROTOCOLS

The Family Crimes 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.).

### 317.9.6 CONFLICT OF INTEREST IN INVESTIGATIONS

An officer shall not participate as an investigator in a child abuse case concerning a child for whom he/she is, or has been, a parent, guardian or foster parent ([RCW 26.44.190](#)).

### 317.9.7 POSTING OF MANDATED REPORTER REQUIREMENTS

The Family Crimes Unit supervisor shall ensure that the Department of Children, Youth and Families poster regarding mandated reporting requirements for child abuse and neglect is posted in a member common area ([RCW 26.44.030](#)).

# Missing Persons

## 318.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

### 318.1.1 DEFINITIONS

Definitions related to this policy include:

**At risk** - This includes persons who:

- (a) Are 13 years of age or younger.
- (b) Regardless of age, are believed or determined to be experiencing one or more of the following circumstances:
  - 1. Missing under unexplained, involuntary or suspicious circumstances and is believed to be in danger because of age, health, mental or physical disability, in combination with environmental or weather conditions, or it is believed that the person is unable to return to safety without assistance.
  - 2. Out of the zone of safety for his/her chronological age and developmental stage.
  - 3. Mentally or behaviorally disabled.
  - 4. Drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening.
  - 5. Absent from home for more than 24 hours before being reported to law enforcement as missing.
  - 6. In a life-threatening situation.
  - 7. In the company of others who could endanger his/her welfare.
  - 8. Absent in a way that is inconsistent with established patterns of behavior and cannot be readily explained. Most children have an established and reasonably predictable routine.
  - 9. Involved in a situation that would cause a reasonable person to conclude the person should be considered at risk.

**Missing person** - Any person who is reported missing to law enforcement when that person's location is unknown.

**Missing person networks** - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC) and the Washington Crime Information Center (WACIC).

## 318.2 POLICY

The Bellingham Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The Bellingham Police Department gives missing person cases priority over

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property-related cases and does not require a specific amount of time to have passed before beginning a missing person investigation.

### **318.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS**

The Investigation Unit supervisor shall ensure the following forms and kits are developed and available:

- Medical records release form
- Biological sample collection kits

### **318.4 ACCEPTANCE OF REPORTS**

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

### **318.5 INITIAL INVESTIGATION**

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

- (a) Respond to a dispatched call as soon as practicable.
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
- (c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).
- (d) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 16 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 16 years of age or may be at risk.
- (e) Ensure that entries are made into the appropriate missing person networks, as follows:
  1. Immediately, when the missing person is at risk.
  2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.
- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.
- (g) Collect and/or review:

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1. A photograph and fingerprint card of the missing person, if available.
  2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
  3. Any documents that may assist in the investigation, such as court orders regarding custody.
  4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier (RCW 80.36.570).
1. Information may only be sought from a carrier in an emergency situation that involves the risk of death or serious physical harm.
  2. Members shall check NCIC and other available databases for a history of domestic violence or court order restricting contact and verify through the Washington State Patrol (WSP) that the missing person is not participating in the address confidentiality program under RCW 40.24.030 et seq. Information obtained from NCIC, other databases, or WSP shall not be released except by court order.
  3. Information received from a carrier is restricted and should only be released to first responders responding to the emergency situation.
- (i) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.
- (j) Consider contacting the WSP Missing and Exploited Children's Task Force (MECTF) if additional resources are needed (RCW 13.60.110).

### 318.6 REPORT PROCEDURES AND ROUTING

Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

Ensure report is titled either "Missing Person" or "Juvenile Runaway" as appropriate.

#### 318.6.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall review and approve missing person reports upon receipt and ensure resources are deployed as appropriate, initiating a command post as needed. The reports should be promptly sent to the Records Bureau.

The supervisor shall also ensure applicable notifications and public alerts are made and documented and that records have been entered into the appropriate missing person networks.

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The supervisor should also take reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

### **318.6.2 RECORDS BUREAU RESPONSIBILITIES**

The responsibilities of the Records Bureau receiving member shall include but are not limited to:

- (a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.
- (b) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen.
- (c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.
- (d) Forwarding a copy of the report to the Investigation Unit.
- (e) Coordinating with the NCIC Terminal Contractor for Washington to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

### **318.7 INVESTIGATION UNIT FOLLOW-UP**

The investigator assigned to a missing person investigation:

- (a) Should ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
  - 1. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information if the school receives a call requesting the transfer of the missing child's files to another school.
- (b) Should re-contact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available.
- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (d) Shall verify and update WACIC, NCIC and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located ([34 USC § 41308](#)).
- (e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
- (f) Shall maintain a close liaison with state and local child welfare systems and the [National Center for Missing and Exploited Children](#) (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC 41308).
- (g) Should make appropriate inquiry with the Medical Examiner.

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- (h) Should obtain and forward medical and dental records, photos, X-rays and biological samples, as applicable.
- (i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to the WSP Missing and Unidentified Persons Unit (MUPU) and enter the photograph into applicable missing person networks (34 USC 41308).
- (j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

### 318.7.1 MISSING OVER 30 DAYS OR WHEN CRIMINAL ACTIVITY SUSPECTED

When a person reported missing has not been found within 30 days of the report or at any time when criminal activity is suspected, the handling detective shall contact the county coroner or medical examiner to determine if that office has any information concerning the missing person. If, after conferring with the coroner or medical examiner, the person is still determined to be missing the handling officers shall complete the following:

- (a) File a missing person's report with MUPU.
- (b) Initiate the collection of biological samples from the known missing person and his/her family members for nuclear and mitochondrial DNA testing along with the necessary consent forms, if not previously obtained during the investigation.
- (c) Ask the missing person's family or next of kin to give written consent to request the person's dental records.
  - 1. Whenever possible, obtain diagnostic quality copies or original records of the missing person's dental records. As soon as possible, biological samples shall be submitted to the appropriate lab; dental records shall be submitted to MUPU ([RCW 43.43.751](#); [RCW 68.50.320](#)).

In all missing person cases, the assigned detective should attempt contact with the reporting party no less than every three months in order to verify the status of the reported missing person. After 12 months, contact with the reporting party should be attempted yearly. All verifications should be reported to WSP via A Central Computerized Enforcement Service System (ACCESS).

### 318.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the reporting party and other involved agencies and refer the case for additional investigation if warranted.

The Records Manager should ensure that, upon receipt of information that a missing person has been located, the following occurs:

- (a) Notification is made to MUPU.
- (b) Entries are made in the applicable missing person networks.
- (c) When a person is at risk, the fact that the person has been found should be reported within 24 hours to MUPU.

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- (d) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

### **318.8.1 UNIDENTIFIED PERSONS**

Department members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File.
- (c) Use available resources, such as those related to missing persons, to identify the person.

### **318.9 CASE CLOSURE**

The Investigation Unit Supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.
- (b) If the missing person is a resident of Bellingham or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.



## Public Alerts

### 319.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

### 319.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

### 319.3 RESPONSIBILITIES

#### 319.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the Bellingham Police Department should notify their supervisor or Investigation Unit Supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

#### 319.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly make appropriate staff notification (Supervisor's Lieutenant or DSO) when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- (a) Updating alerts
- (b) Canceling alerts
- (c) Ensuring all appropriate reports are completed
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Deputy Chief

#### 319.3.3 PUBLIC ALERT REPORTING OFFICER RESPONSIBILITIES

The Chief of Police should designate a public alert reporting officer, who is responsible for:

- (a) Remaining familiar with the protocols for activating, maintaining and canceling all applicable public alerts.
- (b) Being the point of contact with the Washington AMBER Alert Advisory Committee.
- (c) Ensuring the Department has members who have completed the appropriate training.

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### **319.4 WASHINGTON STATEWIDE AMBER ALERT™ PLAN**

This department has adopted the North Puget Sound AMBER Alert Plan (NPSAAP).

The NPSAAP is a collaborative effort between local law enforcement, media, and county emergency management divisions within Whatcom, Skagit, and San Juan Counties to provide local guidance and administration of all AMBER Alerts generated from the three county regions.

The Bellingham Police Department is a member of the NPSAAP. The North Puget Sound AMBER Alert Plan is approved by the Washington State Emergency Communications Committee (SECC) and works in conjunction with the Washington State Amber Alert Plan.

#### **319.4.1 ALERT CRITERIA**

The following criteria must exist prior to requesting an AMBER Alert:

- (a) The child is under 18 years of age and is known to have been abducted. The child is not a runaway or a throw-away child.
- (b) The abducted child is believed to be in danger of death or serious bodily injury. If "no," use EMPA.
- (c) The AMBER Alert activation should occur within four hours of the qualifying event unless circumstances or the timeliness of the information warrant otherwise. If over four hours, use EMPA.
- (d) There must be enough descriptive information to believe that an AMBER Alert activation will assist in the recovery of the child, including (if not, use EMPA):
  - 1. Where the abduction took place.
  - 2. A physical description of the child: height, weight, age, hair color and length, eye color, clothing worn when the child was last seen, and any distinguishing physical characteristics.
  - 3. A physical description of the abductor: height, weight, age, hair color and length, eye color, clothing worn when the suspect last seen, and any distinguishing physical characteristics.
  - 4. Place last seen.
  - 5. Description of the vehicle: color, make, model, license number, approximate year.
- (e) The incident must be reported to and investigated by a law enforcement agency.

#### **319.4.2 PROCEDURE**

An employee receiving a child abduction report shall notify the appropriate Supervisor, as soon as practical. The Supervisor will then determine if the incident meets the criteria for an AMBER Alert. Should the Supervisor determine the incident meets the criteria for the North Puget Sound Amber Alert Plan, the Supervisor, shall:

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- (a) Request the activation of an AMBER Alert through their Lieutenant or DSO. **Only Lieutenants, Deputy Chiefs, or Chief may authorize an AMBER Alert.**
- (b) Once authorization has been given, request Call Center Activation:
  - 1. The activating unit Supervisor will contact the Bellingham Fire Department dispatch Center (676-6811) and request the Whatcom Unified Emergency Management (WUEM) Duty Officer be paged to call the activating unit Supervisor
  - 2. The activating unit Supervisor will request the WUEM Duty Officer to activate the AMBER Alert Call Center.
  - 3. The Call Center is located in WUEM.
  - 4. The Call Center telephone number will be **360-778-8500**.
  - 5. The activating unit Supervisor will assign a commissioned person, who is familiar with the case, to be present at the call center 24/7 to evaluate tips and assist the call takers with questions from the public.
  - 6. The Call Center is not to be used for media access unless they are calling in a tip.
- (c) Collect the information required in the plan directly onto a WSP AmberAlert data entry form.
- (d) The activating unit Supervisor, who has received proper training will assure the WSP AMBER ALERT Data Entry Form is prepared correctly. This form is located on the M Drive under "AMBER Alert, Endangered Missing..." Fill out the form, then save it to a file, such as "desk top;" address an email to AMBERAlertRequest@wsp.wa.gov and attach the WSP AMBER Alert Data Entry Form to the email and send it. Call WSP (360-676-2076) to let them know that Alert is coming.
- (e) The North Puget Sound AMBER Alert Plan is an approved plan through the Washington State Emergency Communications Committee (SECC). No further WSP review of the decision to activate the AMBER Alert is required.
- (f) All AMBER Alert activations of the EAS and Portal are STATEWIDE in scope. If just a local AmberAlert is preferred, do not advise WSP, just release information through local media.
- (g) Designate or assume the role of point of contact.

After sending the data entry form to WSP , the AMBER Alert is automatically activated. WSP is the sole point of contact for all AMBER Alert activities; you need not contact EMD or DOT.

### 319.4.3 INITIAL NOTIFICATIONS

Upon initiation of an AMBER Alert, the supervisor shall:

- (a) Ensure prompt entry of information into the Washington Crime Information Center (WACIC) and National Crime Information Center (NCIC) databases.
- (b) Ensure proper staff notification has been made.
- (c) Ensure that all initial press inquiries are directed to the designated PIO.

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- (d) Consider the following resources or contacts if direct action is dictated by the circumstances.
  - 1. National Center for Missing and Exploited Children (NCMEC):
    - (a) Provides and monitors the Cyber Tip Link.
    - (b) Posts missing children alerts.
    - (c) Provides educational materials for children, teachers, and the public.
    - (d) Provides statistical information.
  - 2. Local allied law enforcement agency resources
  - 3. FBI local office
  - 4. Use of Bellingham Police social media sites.

### 319.4.4 UPDATES/CANCELLATIONS

All updates, photos, and cancellations shall be sent to the WSP by email at [AMBERAlertRequest@wsp.wa.gov](mailto:AMBERAlertRequest@wsp.wa.gov). WSP will then update the Portal.

### 319.5 ENDANGERED MISSING PERSON ADVISORY

The Endangered Missing Person Advisory is a voluntary partnership between law enforcement, other government agencies and local broadcasters to rapidly disseminate information to law enforcement agencies, the media and the public about a missing and endangered person in circumstances that do not qualify for an AMBER Alert ([RCW 13.60.050](#)).

The Bellingham Police Department participates in this partnership and may initiate the required notifications whenever a person is reported missing from this jurisdiction and meets the criteria of an Endangered Missing Person. An endangered missing person advisory may be termed a "silver alert" when initiated to assist in the recovery of a missing endangered person age 60 or older.

#### 319.5.1 ADVISORY CRITERIA

All of the following criteria must exist prior to initiating an Endangered Missing Person Advisory:

- (a) The person is missing under unexplained, involuntary or suspicious circumstances.
- (b) The person has a developmental disability, is a vulnerable adult or is believed to be in danger because of age, health, mental or physical disability, in combination with environmental or weather conditions, or is believed to be unable to return to safety without assistance. This also includes a person diagnosed as having Alzheimer's disease or other age-related dementia ([RCW 13.60.010](#)).
- (c) There is enough information that could assist the public in the safe recovery of the missing person (e.g., photo or description, clothing worn when last seen, vehicle, location last seen).
- (d) The incident has been reported to and investigated by a law enforcement agency.

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### 319.5.2 PROCEDURE

Should the supervisor determine that the incident meets the criteria of an Endangered Missing Person Advisory, the supervisor should:

Request the activation of an ENDANGERED MISSING PERSON ADVISORY MESSAGE through their Lieutenant or DSO. Only Lieutenants, Deputy Chiefs, or Chief may authorize such an alert since it is done through the same procedure as an AMBER Alert.

Once a decision to activate has been made ensure that the activating agency has prepared sufficient call center staff to handle any incoming calls. Depending on the situation, it may be preferable not to activate the call center.

The activating unit Supervisor will assign a commissioned person, who is familiar with the case, to be present at the call center 24/7 to evaluate tips and assist the call takers with questions from the public. The Call Center is not to be used for media access unless they are calling in a tip.

Collect the information required in the plan by using the "Endangered/Missing Person Alert (EMPA) Data Entry Form..." This form is located on the M drive under "AMBER Alert Endangered Missing..." Fill out the form, save it to a file such as "Desktop."

The activating unit Supervisor, who has received proper training and authorization from WSP, will send an email to WSP ([AMBERAlertRequest@wsp.wa.gov](mailto:AMBERAlertRequest@wsp.wa.gov)) subject line "EMPA" attach the data form to the email and send it. All updates, photos, and cancellation will be communicated to WSP by this email method. Call WSP(360-676-2076) to let them know the alert is coming.

The North Puget Sound AMBER Alert Plan is an approved plan through the Washington State Emergency Communications Committee (SECC). No further review of the decision to activate the EMPA Alert by WSP is required. Designate someone or assume the role of point of contact.

After sending the email the EMPA will be activated by WSP. WSP is the sole point of contact for all Alert activities; you need not contact EMD or DOT. Any questions or problems with the Portal, contact the Washington State Patrol (360) 676-2076.

### 319.5.3 AMBER OR EMPA?

See attachment: [AmberAlertGraphic.JPG](#)

## 319.6 BLUE ALERTS

The Blue Alert system is a voluntary cooperation between law enforcement, state Government agencies and local broadcasters to enhance the public's ability to assist in locating and apprehending persons suspected of killing or seriously injuring a law enforcement officer ([RCW 10.108.030](#)).

The Bellingham Police Department participates in this partnership and may initiate a Blue Alert to disseminate information to the public when the criteria for a Blue Alert are met.

### 319.6.1 CRITERIA

All of the following criteria are required to exist prior to initiating a Blue Alert ([RCW 10.108.030](#)):

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- (a) The suspect has not been apprehended.
- (b) The suspect may be a serious threat to the public.
- (c) Enough suspect and vehicle information (as described below) is available to disseminate to assist in apprehending the suspect (include as much as possible).
- (d) The release of the information will not compromise the investigation.
- (e) Releasing the victim information will not improperly notify an officer's next of kin.
- (f) Suspect(s) Information: photo (if available); name; age; race; gender; height; weight; hair and eye color; any distinguishing physical characteristics such as hair length, facial hair, scars, marks, tattoos, glasses, etc; clothing description when last seen.
- (g) Vehicle Information: color, year, make, model, accessories (rims, spoiler, tinted windows, stickers, etc.), license plate, state; and location last seen.

### 319.6.2 PROCEDURE

Should the supervisor determine that the incident meets the criteria of a Blue Alert, the supervisor should:

- (a) Direct Records Bureau personnel to prepare a Blue Alert administrative message through ACCESS. The words, "Blue Alert Advisory" should be included in the title of the message.
- (b) Contact WSP Communications to verify that the advisory was received and, if available, provide the suspect's vehicle information and request the Washington Department of Transportation (WSDOT) to activate variable message signs.
- (c) Ensure that descriptive information about the suspect, the suspect's whereabouts and the suspect's method of escape is disseminated.
- (d) Appoint a Public Information Officer to issue press releases and handle media inquiries.
  - 1. The Public Information Officer should be updated continually and be in constant contact with all media outlets to obtain maximum media exposure, provide updates and cancel the Blue Alert when appropriate.
- (e) Advise Dispatch of the Blue Alert and ensure that it is prepared to handle a high volume of telephone calls.
- (f) Ensure that a press release is issued cancelling the Blue Alert.

### 319.6.3 AFTER THE BLUE ALERT IS ACTIVATED

- (a) All Washington law enforcement agencies are notified through the ACCESS Administrative message.
- (b) A press release will notify all alerting partners and the public via the media of the initial alert and any subsequent updates. In the event the investigating agency needs additional resources to send out a wide range press release: The Washington State Association of Broadcasters has an e-mail list available on their web site for reference.

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The WSP Government and Media Relations Office have an e-mail list available for the investigating agency's use upon request.

- (c) The State Patrol will notify the WSDOT Traffic Management Centers (TMCs) for activation of the Variable Messages Signs (VMS). Content of the signs will be determined by the TMC Supervisor and the WSP in accordance with approved WSDOT Blue Alert Standard Operating Procedures. The length of time alert information will remain on a VMS will be determined after discussion between the TMC Supervisor and the WSP.
- (d) The State Patrol will notify all Washington State Ports of Entry of the Blue Alert.

#### 319.6.4 CANCELING THE BLUE ALERT

- (a) The investigating agency shall terminate the Blue Alert with respect to a particular suspect when the suspect is located or the incident is otherwise resolved, by sending another Administrative Message through ACCESS.
- (b) The investigating agency must send a cancellation advisory press release. The press release will automatically notify all alerting partners and the public, via the media, of the cancellation. In the event the investigating agency needs additional resources to send out a wide- range press release: The Washington State Association of Broadcasters has an e-mail list available on its web site for reference. The WSP Government and Media Relations Office have an e-mail list available for the investigating agency's use upon request.

# Suspected Hate Crimes

## 320.1 PURPOSE AND SCOPE

This Bellingham Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this Bellingham Police Department will utilize all available resources to see that justice is served under the law. This policy has been developed to provide members of this Bellingham Police Department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

## 320.2 DEFINITIONS

Except where otherwise noted, the following definitions are provided per RCW 9A.04.110:

**Bodily injury, physical injury, or bodily harm** - Physical pain or injury, illness, or an impairment of physical condition.

**Gender expression or identity** - 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 9A.36.080).

**Malice and maliciously** - To import 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, or 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 reasonable person who is a member of the victim's race, color, religion, ancestry, national origin, gender, or sexual orientation, or who has the same gender expression or identity, or the same mental, physical, or sensory handicap as the victim (RCW 9A.36.080).

**Sexual orientation** - Heterosexuality, homosexuality, or bisexuality (RCW 9A.36.080).

**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.

## 320.3 CRIMINAL STATUTES

### 320.3.1 HATE CRIME OFFENSES

A person is guilty of a hate crime offense 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, gender expression or identity, or mental, physical, or sensory disability (RCW 9A.36.080):

- (a) Causes physical injury to the victim or another person.



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- (b) Causes physical damage to or destruction of the property of the victim or another person.
- (c) 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 are described in RCW 9A.36.080(2).

### **320.3.2 THREATS TO BOMB OR INJURE PROPERTY**

It is unlawful for any person to threaten to bomb or otherwise injure any public or private school building, any place of worship or public assembly, any governmental property, or any other building, common carrier, or structure, or any place used for human occupancy; or to communicate or repeat any information concerning such a threatened bombing or injury, knowing such information to be false and with intent to alarm the person or persons to whom the information is communicated or repeated ( [RCW 9.61.160](#)).

### **320.3.3 FEDERAL JURISDICTION**

The federal government has the power to investigate and prosecute bias-motivated violence by giving the U.S. Department of Justice jurisdiction over crimes of violence where the perpetrator has selected the victim because of the person's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability ( [18 USC § 245](#)).

### **320.4 CIVIL STATUTES**

In addition to the criminal penalty provided in RCW 9A.36.080 for committing a hate crime offense, the victim may bring a civil cause of action for the hate crime offense against the person who committed the offense. A person may be liable to the victim of the hate crime offense for actual damages, punitive damages of up to one hundred thousand dollars, and reasonable attorneys' fees and costs incurred in bringing the action (RCW 9A.36.083).

### **320.5 PREVENTING AND PREPARING FOR LIKELY HATE CRIMES**

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by:

- (a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes to form and cooperate with prevention and response networks.
- (b) Providing victim assistance and follow-up as outlined below, including community follow-up.
- (c) Educating community and civic groups about hate crime laws.

### **320.6 PROCEDURE FOR INVESTIGATING HATE CRIMES**

Whenever any member of this [departmentoffice] receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

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- (a) Officer(s) will be promptly assigned to contact the victim, witness, or reporting party to investigate the matter further as circumstances may dictate.
- (b) A supervisor shall be notified of the circumstances as soon as practical.
- (c) Once “in progress” aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of present suspects, etc.), the assigned officer(s) will take all reasonable steps to preserve available evidence that may tend to establish that a hate crime was involved.
- (d) 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.
- (e) Depending on the situation, the assigned officer(s) or supervisor may request additional assistance from detectives or other resources to further the investigation.
- (f) The assigned officer(s) will include all available evidence indicating the likelihood of a hate crime in the relevant report(s). All related reports will be clearly marked as “Hate Crimes” and, absent prior approval of a supervisor, will be completed and submitted by the assigned officer(s) before the end of the shift.
- (g) The assigned officer(s) and supervisor should take reasonable steps to ensure that any such situation does not escalate further.

### 320.6.1 INVESTIGATION UNIT RESPONSIBILITY

If a case is assigned to the Investigation Unit, the assigned detective will be responsible for following up on the reported hate crime as follows:

- (a) Complete a Hate crime worksheet.
- (b) Coordinate further investigation with the County Prosecutor and other appropriate law enforcement agencies, as appropriate.
- (c) Maintain contact with the victim(s) and other involved individuals as needed.

### 320.6.2 HATE/BIAS CRIMES COORDINATOR

The Deputy Chief who oversees Investigations shall be designated as the Bellingham Police Departments Hate/Bias Crimes Coordinator.

In his/her absence, the Chief of Police will assign this function.

The Hate/Bias Crimes Coordinator is responsible for the following:

- Maintain statistical data on suspected hate crimes and tracking as indicated and report such data to the Washington Association of Sheriff's and Police Chiefs (WASPC) (RCW 36.28A.030).
- The Coordinator will maintain a liaison with community groups and City and County departments regarding Hate/Bias Crimes.
- The Coordinator will ensure adequate investigative follow up on each Hate/Bias Crime and assist with prosecution matters when necessary, and will maintain a complete file of all Hate/Bias Crimes.

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- The Coordinator will cause a monthly recap of activity to be distributed to the designated supervisors in this department.
- The Coordinator will act as a resource for media relations, and will be the resource/referral person for victims, assuring victims are contacted through follow up.

### **320.7 TRAINING**

All members of this department will receive CJTC approved training on hate crime recognition and investigation ( [RCW 43.101.290](#)).

# Disciplinary Policy

## 321.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of this department and are expected of its members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning member conduct. Members are also subject to provisions contained throughout this manual as well as any additional guidance on conduct that may be disseminated by the Department or the member's supervisors.

The Chief of Police shall have the power and authority to discipline members of the department for noncompliance with the rules, regulations, procedures and lawful orders issued by him/her or any commanding officer.

This policy applies to all employees (full- and part-time), reserve officers and volunteers.

## 321.2 DISCIPLINE POLICY

The continued employment of every employee of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this policy, whether on-duty or off-duty, may be cause for disciplinary action.

An employee's off-duty conduct shall be governed by this policy to the extent that it is related to act(s) that may materially affect or arise from the employee's ability to perform official duties or to the extent that it may be indicative of unfitness for his/her position.

### 321.2.1 PROGRESSIVE DISCIPLINE

The administration of discipline is generally expected to be progressive in nature, with relatively minor violations of rules resulting in minor disciplinary action for firsttime violations. Repetitive violations, or more serious violations, would generally result in progressively more serious forms of discipline being administered.

Nothing in this policy is intended to preclude the administration of more serious forms of discipline, including termination, for a first offense when warranted by the seriousness of the offense.

## 321.3 CONDUCT WHICH MAY RESULT IN DISCIPLINE

The following list of causes for disciplinary action constitutes a portion of the disciplinary standards of this department. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient department service:

### 321.3.1 ATTENDANCE

- (a) Leaving job to which assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness on scheduled day(s) of work.

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- (c) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.
- (d) Failure to notify the Department within 30 days of any permanent change in residence address or within 24 hours of change in main contact phone number.
- (e) Failure to comply with attendance-related policies.

### 321.3.2 CONDUCT

- (a)
- (b) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Chief of Police of such action.
- (c) Using Departmental resources in association with any portion of their independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.
- (d) Engaging in any activity resulting in injury or property damage or the reasonable possibility thereof.
- (e) Unauthorized possession of, loss of, or damage to department property through unreasonable carelessness or maliciousness.
- (f) Failure of any employee to promptly and fully report activities on their own part or the part of any other employee where such activities may result in criminal prosecution under this policy.
- (g) Failure of any employee to promptly and fully report activities that have resulted in official contact by any other law enforcement agency.
- (h) Using or disclosing one's status as an employee with the Department in any way that could reasonably be perceived as an attempt gain influence or authority for non-departmental business or activity ([RCW 9A.80.010](#)).
- (i) The use of any information, photograph, video or other recording obtained or accessed as a result of employment with the Department for personal or financial gain or without the expressed authorization of the Chief of Police or his/her designee may result in discipline under this policy.
- (j) Seeking restraining orders against individuals encountered in the line of duty without notifying Chief's office.
- (k) Harassing, threatening, or disorderly behavior towards any member of the public or any member of this department or another law enforcement agency.
- (l) Unwelcome solicitation of a personal or sexual relationship while on or off-duty or through the use of official capacity.
- (m) Engaging in on-duty sexual relations including, but not limited to sexual intercourse, excessive displays of public affection or other sexual contact.

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### 321.3.3 DISCRIMINATION

- (a) Discriminate against any person because of age, race, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, physical or mental disability or medical condition.
- (b) Violation of Departmental or City policies prohibiting discrimination and harassment.

### 321.3.4 INTOXICANTS

- (a) Bellingham Police Department employees shall not drink intoxicating liquor of any kind while on duty or in uniform. Employees shall not report for work, or be in uniform while under the influence of intoxicants. Any employee who appears to be under the influence of intoxicants or has the odor of intoxicants on their breath while on duty or in uniform shall be required to submit to a breath test. The breath test will be used to determine the employees blood/alcohol level. This breath test can be required at the request of any supervisor or administrator. A breath test will be administered by a State Certified operator. A breath test that results in a blood/alcohol level reading in excess of .04 percent shall be cause for discipline. This does not preclude supervisory personnel from allowing their subordinates to consume alcohol as may be required during an investigation
- (b) Unauthorized possession or use of, or attempting to bring intoxicants to the work site, except as authorized in the performance of an official assignment. An employee who is authorized to consume intoxicants is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Failure to promptly disclose to an immediate supervisor the use of any over-the-counter or prescription medication containing a controlled substance which have warning labels or notices which have reported side effects that could reasonably be expected to affect the ability of the employee to safely perform the essential functions of the job.
- (d) Reporting for work or being at work following the use of a controlled substance or any drug (whether legally prescribed or otherwise) where such use may impair the employee's ability to perform assigned duties.
- (e) Unauthorized possession, use of, or attempting to bring a controlled substance or illegal drug to any work site.
- (f) Committing any violation of departmental policies related to the possession, use or consumption of drugs or alcohol.

### 321.3.5 PERFORMANCE

- (a) Unauthorized sleeping during on-duty time or assignments.
- (b) Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.

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- (c) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.
- (d) Concealing or attempting to conceal defective work, removing, destroying or otherwise concealing it without permission.
- (e) Disobedience or insubordination including refusal or deliberate failure to carry out or follow any proper order from any supervisor or person in a position of authority.
- (f) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (g) Disparaging remarks or conduct concerning authority figures/supervisors to the extent that such conduct disrupts the efficiency of the Department or subverts the good order, efficiency and discipline of the Department.
- (h) Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Department or members thereof.
- (i) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.
- (j) Wrongfully loaning, selling, giving away or appropriating
- (k) The unauthorized use of any badge, uniform, identification card or other department equipment or property for personal gain.
- (l) The receipt or acceptance of a reward, fee, gratuity or gift from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits excepted).
- (m) Any knowing or negligent violation of the provisions of the department manual, operating procedures or other written directive of an authorized supervisor. The Department shall make the manual available to all employees. Employees shall familiarize themselves with and be responsible for compliance with each of the policies contained herein. The Department shall promptly notify all employees of any changes to the manual, and shall provide training and updates when those changes significantly affect the day-to-day operations.
- (n) Work-related dishonesty, including attempted or actual theft of department property, services or the property of others.
- (o) Unauthorized removal or possession of Departmental property or the property of another employee.
- (p) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on- or off-duty.
- (q) Failure to disclose material facts or the making of any false or misleading statement on any application, examination form or other official document, report, form, or during the course of any work-related investigation.

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- (r) Failure
- (s) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when a department member knows or reasonably should have known of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by the Department.
- (t) Offer or acceptance of a bribe.
- (u) Misappropriation or misuse of public funds.
- (v) Unlawful gambling
- (w) Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in, or are continuing to engage in, serious violations of state or federal laws, where the employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Department.
- (x) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on department property or while in any way representing him/herself as a member of this agency, except as expressly authorized by the Chief of Police.
- (y) Violating any misdemeanor or felony statute.
- (z) Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Department or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Department or its members.
- (aa) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.
- (ab) Failure to maintain required and current licenses (e.g. driver's license) and certifications (e.g. first aid).
- (ac) False or misleading statements to a supervisor or other person in a position of authority in connection with any investigation or employment-related matter.

### 321.3.6 SAFETY

- (a) Failure to observe posted rules, signs, and written or oral safety instructions while on duty and/or within department facilities or to use required protective clothing or equipment.
- (b) Knowingly failing to report any on-the-job or work related accident within 24 hours.
- (c) Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.
- (d) Failure to maintain physical condition sufficient to safely perform all essential functions of the law enforcement position held.



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- (e) Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment.
- (f) Engaging in any serious or repeated violation of departmental safety standards or safe working practices.

### 321.3.7 SECURITY

- (a) Unauthorized, intentional release of designated confidential information, materials, data, forms or reports.

### 321.3.8 SUPERVISION RESPONSIBILITY

- (a) Failure of a supervisor to take appropriate action to ensure that employees comply with policies and procedures of this department and all applicable laws.
- (b) Failure of a supervisor to timely report known misconduct of an employee or to document such misconduct appropriately or as required by policy.
- (c) The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose.

## **321.4 INVESTIGATION OF DISCIPLINARY ALLEGATIONS**

Regardless of the source of an allegation of misconduct, all such matters will be investigated in accordance with Personnel Complaint Procedure Policy Manual § 1011 and [RCW 41.12.090](#).

- (a) No person in the classified civil service who shall have been permanently appointed or inducted into civil service pursuant to [RCW 41.12.090](#), shall be removed, suspended, demoted or discharged except for cause, and only upon:
  - 1. Written accusation of the appointing power, or any citizen or taxpayer; a written statement of which accusation, in general terms, shall be served upon the accused, and a duplicate filed with the civil service commission.
- (b) In the event the conduct in question is potentially criminal in nature, the employee shall be provided with and required to sign a "Garrity" notice.

### 321.4.1 REMOVALS, SUSPENSIONS, AND DEMOTIONS

After such investigation the civil service commission may affirm the removal, or if it shall find that the removal, suspension, or demotion was made for political or religious reasons, or was not made in good faith for cause, shall order the immediate reinstatement of, or reemployment of, such person in the office, place, position or employment from which such person was removed, suspended, demoted or discharged, which reinstatement shall, if the commission so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension, demotion or discharge.

The civil service commission upon such investigation, in lieu of affirming the removal, suspension, demotion or discharge may modify the order of removal, suspension, demotion or discharge by directing a suspension, without pay, for a given period, and subsequent restoration to duty, or

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demotion in classification, grade, or pay; the findings of the commission shall be certified, in writing to the appointing power, and shall be forthwith enforced by such officer ( [RCW 41.12.090](#)).

### **321.5 POST INVESTIGATION PROCEDURES**

#### **321.5.1 DEPUTY CHIEF RESPONSIBILITIES**

Upon receipt of any completed personnel investigation, the assigned Deputy Chief shall review the entire investigative file, the employee's personnel file and any other available materials identified as relevant to the investigation.

The Deputy Chief may make recommendations regarding the disposition of any allegations and request that appropriate discipline be imposed.

- (a) Prior to forwarding recommendations to the Chief of Police, the Deputy Chief may return the entire investigation to the Office of Professional Responsibility for further investigation or action.
- (b) When forwarding any written recommendation to the Chief of Police, the Deputy Chief shall include all relevant materials supporting the recommendation. Actual copies of an employee's existing personnel file need not be provided and may be incorporated by reference.

#### **321.5.2 RESPONSIBILITIES OF THE CHIEF OF POLICE**

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials.

The Chief of Police may modify any recommendations and/or may return the file to the Deputy Chief for further investigation or action.

- (a) In the event disciplinary action is recommended, which, if implemented, would result in the deprivation of a property or liberty interest, the Chief of Police shall provide the employee with written (Loudermill) notice of the following information:
  - 1. Specific charges set forth in separate counts, describing the conduct underlying each count.
  - 2. A separate recommendation of proposed discipline for each charge.
  - 3. A statement that the employee has been provided with or given access to all of the materials considered by the Chief of Police in recommending the proposed discipline.
  - 4. An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the Loudermill notice.
  - 5. A statement that the employee is entitled to union representation, if represented by a union.
- (b) Upon a showing of good cause by the employee, the Chief of Police may grant a reasonable extension of time for the employee to respond.

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- (c) If the employee elects to respond orally, the presentation shall be recorded by the Department. Upon request, the employee shall be provided with a copy of the recording.
  - 1. The Loudermill response is not intended to be an adversarial or formal hearing.
  - 2. Although the employee may be represented by an uninvolved representative or legal counsel, the Loudermill response is not designed to accommodate the presentation of testimony or witnesses.
  - 3. The employee, union, or attorney representing the employee, may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.
  - 4. In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results of such subsequent investigation prior to the imposition of any discipline.
  - 5. The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issue(s) of information raised in any subsequent materials.
  - 6. Once the employee has completed his/her Loudermill response or, if the employee has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall thereafter render a timely written decision to the employee imposing, modifying or rejecting the recommended discipline.
  - 7. Once the Chief of Police has issued a written decision, the discipline shall become effective.

### **321.6 EMPLOYEE RESPONSE**

- (a) Any person so removed, suspended, demoted or discharged may within ten days from the time of his/her removal, suspension, demotion or discharge, file with the civil service commission a written demand for an investigation, whereupon the commission shall conduct such investigation ( [RCW 41.12.090](#)).
- (b) The investigation shall be confined to the determination of the question of whether such removal, suspension, demotion or discharge was or was not made for political or religious reasons and was or was not made in good faith for cause.
- (c) After such investigation the civil service commission may affirm the removal, or if it shall find that the removal, suspension, or demotion was made for political or religious reasons, or was not made in good faith for cause, shall order the immediate reinstatement of, or reemployment of, such person in the office, place, position or employment from which such person was removed, suspended, demoted or discharged, which reinstatement shall, if the commission so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension, demotion or discharge.

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- (d) The civil service commission upon such investigation, in lieu of affirming the removal, suspension, demotion or discharge may modify the order of removal, suspension, demotion or discharge by directing a suspension, without pay, for a given period, and subsequent restoration to duty, or demotion in classification, grade, or pay.
- (e) The findings of the civil service commission shall be certified, in writing to the appointing power, and shall be forthwith enforced by such officer.
- (f) All investigations made by the civil service commission pursuant to the provisions of this section shall be had by public hearing, after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded an opportunity to appear in person and by counsel, and to presenting his/her defense. If such judgment or order be concurred in by the commission or a majority thereof, the accused may:
  - 1. Appeal there from to the court of original and unlimited jurisdiction in civil suits of the county wherein he/she resides. Such appeal shall be taken by serving the commission, within thirty days after the entry of such judgment or order, a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the record and of all papers on file in the office of the commission affecting or relating to such judgment or order, be filed by the commission with such court.
  - 2. The civil service commission shall, within ten days after the filing of such notice, make, certify and file such transcript with such court. The court of original and unlimited jurisdiction in civil suits shall thereupon proceed to hear and determine such appeal in a summary manner: Provided, however, that such hearing shall be confined to the determination of whether the judgment or order of removal, discharge, demotion or suspension made by the commission, was or was not made in good faith for cause, and no appeal to such court shall be taken except upon such ground or grounds.

### **321.7 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE**

In the event that an employee tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file.

The tender of a retirement or resignation by itself shall not serve as grounds for the termination of pending discipline. Any such tender will be evaluated to determine whether that action renders any further investigation or action moot.

### **321.8 POST LOUDERMILL PROCEDURE**

In situations in which the imposed discipline amounts to a written reprimand or less, the employee's right to formally respond shall be limited to the aforementioned Loudermill process and the appeal process detailed in Policy 321. In situations resulting in the imposition of a suspension, punitive transfer, demotion, termination of a non-probationary employee, the employee shall have the right to an evidentiary appeal of the Chief of Police's imposition of discipline pursuant to the operative

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memorandum of understanding (MOU), Policy Manual § 1003 and [RCW 41.12.090](#) or applicable collective bargaining provisions.

### **321.9 NOTIFICATION TO CJTC CERTIFICATION BOARD**

Upon termination of a peace officer for any reason, including resignation, the agency of termination shall, within fifteen days of the termination, notify CJTC on a personnel action report form provided by the commission. The agency of termination shall, upon request of CJTC, provide such additional documentation or information as the commission deems necessary to determine whether the termination provides grounds for revocation of the peace officer's certification ( [RCW 43.101.135](#)).

# Information Technology Use

## 322.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems. The policy will also define how remote access and advanced authentication (AA) are used at the agency.

### 322.1.1 DEFINITIONS

Definitions related to this policy include:

**Advanced Authentication (AA)** - Defined by CJIS Security Policy, the intent of Advanced Authentication (AA) is to meet the standards of two-factor authentication. Two-factor authentication employs the use of two of the following three factors of authentication: something you know (e.g. computer password), something you have (e.g. hard token), something you are (e.g. biometric). The two authentication factors shall be unique (i.e. password/token or biometric/password but not password/password or token/token).

**Computer system** - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Bellingham Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

**Hardware** - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

**Remote Access** - Remote access defined by CJIS Security Policy is any temporary access to an agency's information system by a user (or an information system) communicating temporarily through an external, non-agency-controlled network (e.g. the Internet).

**Software** - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

**Temporary file, permanent file or file** - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, email messages, instant messaging, text messaging, photographs or videos.

## 322.2 POLICY

It is the policy of the Bellingham Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

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### **322.3 PRIVACY EXPECTATION**

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any department computer system.

The Department reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network and/or any information placed into storage on any department system or device. This includes records of all keystrokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices or networks.

Employees may not be asked or required to disclose logon information for their personal social networking accounts or to provide access to their personal social networking accounts unless otherwise allowed under [RCW 49.44.200](#).

### **322.4 RESTRICTED USE**

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures. Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures. Refer to [CJIS Security Policy §5.6](#).

#### **322.4.1 SOFTWARE**

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

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Introduction of software by members should only occur as part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

### **322.4.2 HARDWARE**

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

To reduce the risk of a computer virus or malicious software, members shall not use personal or non-police issued USB drives or other foreign devices on any department computer and/or system.

### **322.4.3 INTERNET USE**

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms and similar or related Internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information shall be limited to messages, mail and data files.

### **322.4.4 OFF-DUTY USE**

Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities. This also applies to personally owned devices that are used to access department resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

## **322.5 PROTECTION OF AGENCY SYSTEMS AND FILES**

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords,



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login information and other individual security data, protocols and procedures are confidential information and are not to be shared. Password length, format, structure and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

Department approved anti-virus software will be running on all computers that are connected to the Internet to check downloaded files, e-mail and attachments for embedded viruses. Suspected problems with any security or anti-virus protections shall be promptly reported.

### 322.5.1 ADVANCED AUTHENTICATION / REMOTE ACCESS

#### Laptop/Tablet/Mobile Device Computers (MDC)

Laptop/Tablet/MDCs are designed to be used in remote environments. The agency allows the use of remote computers that have CAD and/or RMS applications installed to be used in non-secured locations if the following requirements are met:

1. Tablet computer belongs to City of Bellingham (COB) domain
2. Tablet computer is equipped with AA client application
3. Tablet computer is equipped with VPN client application meeting FIPS 140-2 certified encryption

#### Remote Assistance

BPD IT staff are permitted to provide remote assistance for BPD staff if the following requirements are met:

1. BPD IT staff has been provided an AA account; OTP or HID with card reader along with AD account unique to the individual (accounts cannot be shared)
2. Remote computer equipped with AA client application
3. Remote computer equipped with VPN client application meeting FIPS 140-2 certified encryption

#### IT Vendor Access

IT Vendors are allowed to remote into BPD computers if the following requirements are met:

1. Vendor has been provided an AA account; OTP along with AD account unique to the individual (accounts cannot be shared)
2. Vendor has current level 4 security awareness training certificate on file with BPD

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3. Vendor has a valid Washington State and national fingerprint-based background check on file with BPD

4. Vendor has a current Security Addendum on file with BPD

OR

1. The session is monitored at all times by an authorized escort

2. The escort shall be familiar with the system/area in which the work is being performed

3. The escort shall have the ability to end the session at any time

4. The remote administrative personnel connection shall be via an encrypted (FIPS 140-2 certified) path

5. The remote administrative personnel shall be identified prior to access and authenticated prior to or during the session. This authentication may be accomplished prior to the session via an AA solution or during the session via active teleconference with the escort throughout the session.

### **322.6 INSPECTION OR REVIEW**

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

### **322.7 SYSTEM BACKUP**

Information Technology personnel shall be responsible for establishing regularly scheduled network system backup protocols. Retention of all system backups should be stored off-site and retained until no longer needed for department business and then destroyed according to the current Local Government Common Records Retention Schedule (CORE).

# Report Preparation

## 323.1 PURPOSE AND SCOPE

Report preparation is a major part of each officer's job. The purpose of reports is to document sufficient information to refresh the officer's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

### 323.1.1 REPORT PREPARATION

It is the primary responsibility of the assigned officer to ensure that reports are fully prepared or that supervisory approval has been obtained to delay the report before going off duty. The preparing officer must determine whether the report will be available in time for appropriate action to be taken, such as investigative leads or a suspect is in custody.

If report completion will result in overtime, prior supervisory authorization is required.

Any handwritten reports must be prepared legibly. If the report is not prepared legibly, the officer will be required by the supervisor to promptly correct the report. Officers who dictate reports by any means shall use appropriate grammar, as content is not the responsibility of the typist. Officers who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard, or assimilated by any other sense, and any actions taken. Employees shall not repress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing.

## 323.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

### 323.2.1 CRIMINAL ACTIVITY REPORTING

When an employee responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the employee is required to document the activity. The fact that a victim is not desirous of prosecution is not an exception to documenting a report. The following are examples of required documentation:

- (a) In every instance where a felony has occurred, the documentation shall take the form of a written crime report.
- (b) In every instance where a misdemeanor crime has occurred, documentation shall take the form of a written crime report.
- (c) In every case where any force is used against any person by police personnel.
- (d) All incidents involving domestic violence.
- (e) All arrests.

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- (f) Information is discovered that could assist in a crime being cleared.
- (g) Brief misdemeanor reports resulting from self-initiated activity may be completed on the back of the citation. If a Longarm report is completed instead, the citation number shall be referenced in the report.

### 323.2.2 NON-CRIMINAL ACTIVITY

Incidents that require documentation on the appropriate approved report include:

- (a) Any time an officer points a firearm at any person.
- (b) Any use of force against any person by a member of this department (see the Use of Force Policy).
- (c) Any firearm discharge (see the Shooting Policy).
- (d) Any incident involving the death of a human being.
- (e) Any time a person is reported missing, regardless of jurisdiction (see the Missing Persons Reporting Policy).
- (f) Any found property or found evidence.
- (g) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy).
- (h) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy.
- (i) All emergent detentions.
- (j) Suspicious incidents that may place the public or others at risk.
- (k) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor.
- (l) Incidents likely to generate public or press inquiry to the Department, Mayor's Office, or City Council.

### 323.2.3 INJURY OR DAMAGE BY CITY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a City employee. Additionally, reports shall be taken involving damage to City property or City equipment.

### 323.2.4 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

- (a) The injury is a result of drug overdose.
- (b) Attempted suicide.
- (c) The injury is major/serious, whereas death could result.

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- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

### **323.3 GENERAL POLICY OF EXPEDITIOUS REPORTING**

In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

#### **323.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS**

Some incidents and report forms lend themselves to block print rather than typing.

Citations, Infractions Notices, and Supplemental Forms may be block printed. Statements may be block printed or recorded and submitted for transcription by Records.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for departmental consistency.

#### **323.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS**

County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

### **323.4 SUPERVISORY RESPONSIBILITY**

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should complete the "comments for report on hold" field in Longarm, stating the reasons for rejection. The original report and the correction form should be returned to the reporting employee for correction as soon as practical. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

### **323.5 REPORT CHANGES OR ALTERATIONS**

Reports that have been approved by a supervisor and submitted to the Records Bureau shall not be modified or altered except by way of a supplemental report.

# Public Service Officer

## 324.1 PURPOSE AND SCOPE

This policy is to establish consistency within the Police Department in the operation of the Public Service Officer; to set guidelines on what types of calls will be referred to the Public Service Officer and how they will be referred.

## 324.2 CALL REFERRAL

The Public Service Officer should be utilized for non emergency calls.

Those who are responsible for call referral, (Dispatch, and Reception) must establish whether or not an Officer's presence is required or requested. If an Officer is required or requested one will be sent, and the call should be referred to What-Comm.

## 324.3 CALL GUIDELINES

Examples of Public Service Officer referrals could include, but are not limited to, the following types of complaints, or calls:

- Thefts
- Malicious Mischief
- Car Prowl
- Threats
- Obscene telephone calls
- Harassing telephone calls
- Gas run out
- Lost property
- Insurance reports
- House checks (vacation and extra patrol)
- Warrant service in the station
- Abandoned vehicles (not blocking or hazards)

### 324.3.1 WALK-IN CALLS

The following list of calls will be taken by the Public Service Officer only on a walk in basis. In addition, these types of calls should not be referred to the Public Service Officer if the complainant originally contacts the Police Department through the phone at Dispatch or Reception when the Public Service Officer is off duty. In this situation a patrol unit should be dispatched.

- Juvenile runaways
- Missing persons

## *Public Service Officer*

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- Found property
- Non reportable hit and run collisions

### **324.3.2 INFORMATIONAL CALLS**

The following calls will be taken by the Public Service Officer as informational when no current disturbance exists:

- Civil problems
- Assist citizens

### **324.4 WHEN PSO IS NOT STAFFED**

When the Public Service Officer position is not staffed and the citizen does not require or request an officer response, call receivers should instruct the citizen of the Public Service Officer's office recorded message center [(360) 778-8804], and that an officer will respond by telephone the following business day that the Public Service Officer is staffed.

### **324.5 PSO DUTY RESPONSIBILITIES**

It shall be the responsibility of those assigned to the Public Service Officer's position to fill out the reports and draw an event number from dispatch for those calls taken.

### **324.6 HOURS OF OPERATION**

The Public Service Office will be staffed as directed by the Deputy Chief for Patrol. The hours of this assignment may vary according to service needs. Officers assigned to the Public Service Officer position may not have a scheduled vacation during the same time frame as each other.

Whenever possible, one of the Public Service Officers will be available in the reception area during business hours.

### **324.7 PSO SUPERVISION**

The Public Service Officer is under the direct supervision of the on-duty Patrol Supervisor(s).

### **324.8 UNIFORM**

The uniform of the day is mandatory for employees working the Public Service Officer position unless prior permission is received. If a uniform is not worn Police Department Identification will be prominently displayed on the upper garment, and/or a badge will be worn in a visible position on the clothing.

## News Media Relations

### 325.1 PURPOSE AND SCOPE

The Bellingham Police Department must have the support of the community to be successful. Establishing and maintaining an effective relationship with the news media is crucial to accomplishing this goal.

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

### 325.2 RESPONSIBILITIES

It is the ultimate responsibility of the Chief of Police to release information to the public.

That responsibility may be delegated to the following personnel:

- (a) Public Information Officer or Public Information Officer Designee: the PIO is the primary contact for the news media.
- (b) Other Employees: the Duty Staff Officer or Shift Supervisor may respond to media inquiries.

#### 325.2.1 MEDIA REQUEST

The Bellingham Police Department will respond to all media inquiries in a timely and professional manner.

- (a) During normal business hours, media inquiries shall be directed to the PIO. In his/her absence, the Sergeant of Major Crimes will assume the duties and in his/her absence, the Sergeant of Special Victims Unit.
- (b) Between 4pm and 8am (and on weekends) the Patrol Supervisors will be the contact for the news media for routine requests for information. The Media will be given the phone number to the Records Bureau. The Records Specialist will forward the media request to the on-duty shift supervisor for a timely response.
- (c) In the event of a major incident, the PIO will respond to the scene and be the primary contact for media inquiries.
- (d) For all interview requests:
  - 1. The PIO is responsible for assisting the news media by conducting the interviews or coordinating the interview with qualified agency personnel.
  - 2. Employees contacted directly by the media shall notify the P.I.O. of any interview requests.
  - 3. All conversations with members of the news media shall be considered "on the record" and subject to being quoted.



## *News Media Relations*

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### **325.3 MEDIA ACCESS**

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions:

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
  - 1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the department Public Information Officer or other designated spokesperson.
  - 2. Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the shift supervisor. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted ([14 CFR § 91.137](#)).
- (c) No member of this Department who is under investigation shall be subjected to media visits or interviews without the consent of the involved employee.
- (d) Media interviews with individuals who are in custody shall not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media should be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Public Information Officer.

#### **325.3.1 PROVIDING ADVANCE INFORMATION**

To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception the Chief of Police will consider, at minimum, whether the release of information or presence of the media would unreasonably

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endanger any individual, violate privacy of the accused, prejudice the rights of any person or is otherwise prohibited by law.

### **325.4 SCOPE OF INFORMATION SUBJECT TO RELEASE**

The Department will maintain a daily information log of significant law enforcement activities that shall be made available to media representatives through the official [City of Bellingham Website](#). When requested, additional information may be made available ( [RCW 42.56.070\(1\)](#)). This log will generally contain the following information:

- (a) The date, time, location, case number, type of crime, extent of injury or loss and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.
- (b) The date, time, location, case number, name, birth date and charges for each person arrested by this department unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law.

At no time shall identifying information pertaining to a juvenile arrestee, victim, or witness be publicly released except as permitted under [RCW 13.50.010](#) and [.050](#), or with prior approval of a competent court.

Information concerning incidents involving certain sex crimes and other offenses shall be restricted in accordance with applicable statutory provisions.

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner's Office.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the shift supervisor. Such requests will generally be processed in accordance with the provisions of the Public Records Act ( [RCW Chapter 42.56](#)).

#### **325.4.1 RESTRICTED INFORMATION**

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department. When in doubt, authorized and available legal counsel should be obtained. Examples of such restricted information include, but are not limited to ( [RCW 42.56.240](#)):

- (a) Specific intelligence information and specific investigative records compiled by investigative, law enforcement and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which

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is essential to effective law enforcement or for the protection of any person's right to privacy.

- (b) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim, or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.
- (c) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in [RCW Chapter 9A.44](#) or sexually violent offenses as defined in [RCW 71.09.020](#), which have been transferred to the Washington Association of Sheriffs and Police Chiefs for permanent electronic retention and retrieval pursuant to [RCW 40.14.070\(2\)\(b\)](#).
- (d) License applications under [RCW 9.41.070](#); copies of license applications or information on the applications may be released to law enforcement or corrections agencies.
- (e) Information revealing the identity of child victims of sexual assault who are under age 18. Identifying information means the child victim's name, address, location, photograph, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator.

### **325.5 MEDIA RELEASES**

Media releases shall be written and disseminated on major incidents and events of community interest or concern.

The Chief of Police, or his designee, will review and approve all releases.

In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.

## Court Appearance And Subpoenas

### 326.1 PURPOSE AND SCOPE

This procedure has been established to provide for the acceptance of subpoenas and to ensure that employees appear when subpoenaed, or are available to appear in court when requested and present a professional appearance.

### 326.2 COURT SUBPOENAS

Employees who receive subpoenas related to their employment with this department are subject to the provisions of this policy. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed, or properly notified. This policy applies to civil and criminal subpoenas. Employees are expected to cooperate with the prosecution to ensure the successful conclusion of a case.

#### 326.2.1 SERVICE OF SUBPOENA

A subpoena may be served by any suitable person over eighteen years of age, by reading it to the witness, or by delivering to him/her a copy at his/her residence. ( [RCW 12.16.020](#), [WA CR 45](#) ) . Service of a subpoena on a law enforcement officer may be effected by serving the subpoena upon the officer's employer.

A subpoena may be served by any suitable person over eighteen years of age, by exhibiting and reading it to the witness, or by giving him/her a copy thereof, or by leaving such copy at the place of his/her abode. When service is made by any person other than an officer authorized to serve process, proof of service shall be made by affidavit or declaration under penalty of perjury. Service of a subpoena on a law enforcement officer may be effected by serving the subpoena upon the officer's employer.

#### 326.2.2 VALID SUBPOENAS

No subpoena shall be accepted for an employee of this department unless it has been verified to have originated from a recognized legal authority.

#### 326.2.3 ACCEPTANCE OF SUBPOENA

Subpoenas will be received by the Records Support Services Specialist who is detailed to Court Services and distributed to the Officer's immediate Supervisor for service, or officers can receive subpoenas via electronic mail to their departmental electronic mail account.

Process servers and attorneys wishing to serve subpoenas may leave them with police reception who will deliver the subpoena to the Officer's immediate Supervisor for service.

#### 326.2.4 REFUSAL OF SUBPOENA

- (a) Subpoenas received by the Bellingham Police Department will be served on and accepted by the officer regardless of conflicts such as days off, vacation, approved training, etc. The subpoenaed officer will then immediately or as soon as possible make contact with the issuing prosecutor to discuss their availability and potential

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## *Court Appearance And Subpoenas*

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conflicts. If the conflicts cannot be resolved and the officer is still required to attend court, the officer shall notify his/her division Lieutenant of the conflict.

- (b) If the immediate supervisor or other authorized individual knows that he/she will be unable to deliver a copy of the subpoena to the named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or other authorized individual may return the subpoena to the issuing court with a request to quash.
- (c) If, after initially receiving a subpoena, a supervisor or other authorized individual determines that he/she will be unable to deliver a copy of the subpoena to the individually named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or the subpoena clerk shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance.
- (d) No employee will attend court while on scheduled vacation without prior consent from a Deputy Chief.

### **326.2.5 COURT STANDBY**

To facilitate contact with the courts, employees are required to provide and maintain current information on their address and phone number with the Department. Employees are required to notify the Department within 24 hours of any change in residence address or contact phone number, and to provide accurate and reasonably reliable means or methods for contact.

After providing testimony, the employee shall provide a contact phone number to the Deputy Prosecutor, assigned the case, in case of recall, unless excused by the court.

### **326.2.6 OFF-DUTY RELATED SUBPOENAS**

Employees receiving valid subpoenas for actions taken off-duty not related to their employment with Bellingham Police Department shall comply with the requirements of the subpoena. Employees receiving these subpoenas are not compensated for their appearance and arrangements for time off shall be coordinated through their immediate supervisor.

### **326.2.7 FAILURE TO APPEAR**

Any employee who fails to comply with the terms of any valid and properly served subpoena may be subject to discipline as well as court imposed civil and/or criminal sanctions.

## **326.3 CIVIL SUBPOENAS**

The Department will compensate employees who appear in their official capacity on civil matters arising out of the employee's official duties as directed by the current Memorandum of Understanding. In such situations, the Department will also reimburse any officer for reasonable and necessary travel expenses.

The Department will receive reimbursement for the officer's compensation by billing the civil attorney of record who subpoenaed the officer.

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### **326.3.1 PROCEDURE**

To ensure that the officer is able to appear when required, that the officer is compensated for such appearance, and to protect the Department's right to reimbursement, officers shall follow the established procedures for the receipt of a civil subpoena.

### **326.3.2 CONTACTING CITY ATTORNEY'S OFFICE**

If an officer receives a civil subpoena or any other civil court process (such as a complaint and summons relating to a civil lawsuit) supervisory notification shall be made, and the officer shall notify the City Attorney's Office.

### **326.4 OVERTIME APPEARANCES**

If the officer appeared on his/her off-duty time, he/she will be compensated in accordance with the current labor contract.

### **326.5 COURTROOM PROTOCOL**

Employees must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are subpoenaed.

#### **326.5.1 PREPARATION FOR TESTIMONY**

Before testifying, the subpoenaed officer shall request a copy of relevant reports and become familiar with their content in order to be prepared for court.

#### **326.5.2 COURTROOM ATTIRE**

Employees shall dress in uniform or business attire. Suitable business attire for men would consist of a coat, tie, and dress pants. Suitable business attire for female employees would consist of a dress jacket, dress blouse, and skirt or slacks.

### **326.6 COURTHOUSE DECORUM**

Employees shall observe all rules of the court in which they are appearing, refrain from smoking or chewing gum in the courtroom, and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

### **326.7 TESTIFYING AGAINST THE INTEREST OF THE PEOPLE OF THE STATE**

Any member or employee who is subpoenaed to testify, who has agreed to testify, or who anticipates testifying or providing information on behalf of or at the request of any party other than the People of the State of Washington, any county, any city, or any of their officers and employees in which any of those entities are parties, will notify their immediate supervisor and the assigned Deputy Prosecutor without delay. The supervisor will then notify his/her division Lieutenant.

This includes, but is not limited to the following situations:

- (a) Providing testimony or information for the defense in any criminal trial or proceeding.
- (b) Providing testimony or information for the plaintiff in a civil proceeding against any county, any city, or their officers and employees.

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- (c) Providing testimony or information on behalf of or at the request of any party other than any county, city, or any county or city official in any administrative proceeding, including but not limited to personnel and/or disciplinary matter.

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## Mutual Aid and Outside Agency Assistance

### 327.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to officers in the request of or answering the request for assistance involving another law enforcement agency.

It is the policy of this department to provide assistance whenever possible, consistent with the applicable laws of arrest and detention policies of this department, when another law enforcement agency requests assistance with an arrest or detention of any person. This department may also request an outside agency to provide assistance.

#### 327.1.1 ASSISTING OUTSIDE AGENCIES

Generally, calls for assistance from other agencies are routed to the Shift Supervisor for approval. When an authorized employee of an outside agency requests the assistance of this department in taking a person into custody, available officers shall respond and assist in making a lawful arrest. If an officer receives a request in the field for assistance, that officer shall notify a supervisor. Arrestees may be temporarily detained by our agency until arrangements for transportation are made by the outside agency. Only in exceptional circumstances will this department provide transportation of arrestees to other county facilities.

When such assistance is rendered, a case number will be issued to report action taken by Bellingham Police Department Personnel.

#### 327.1.2 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES

If assistance is needed from another agency, the employee requesting assistance shall first notify a supervisor of his/her intentions. The handling officer or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting officer should secure radio frequencies for use by all involved agencies so that communication can be coordinated as needed. If necessary, reasonable effort should be taken to provide radio equipment capable of communicating on the assigned frequency to any personnel who do not have compatible radios.



## Outside Agency Special Requests

### **328.1 PURPOSE AND SCOPE**

To provide information to Bellingham Police Personnel, concerning special requests outside agencies have made concerning their interaction with the Bellingham Police Department.

### **328.2 ST. JOSEPH'S HOSPITAL PATIENT CONTACT PROTOCOL**

The hospital administrative staff are requesting that they be notified whenever police personnel conduct business at their facility. To facilitate this request, officers shall:

- Check in with the Charge Nurse prior to making contact of any victim, suspect, or witness who is being treated at St. Joseph's Emergency Room.
- Check in with the Nursing Supervisor or House Manager when making contact with any victim, suspect, or witness who is being treated in the main portion of St. Joseph's Hospital.

## Registered Offender Information

### 329.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Bellingham Police Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Bellingham Police Department will disseminate information and respond to public inquiries for information about registered offenders.

### 329.2 POLICY

It is the policy of the Bellingham Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

### 329.3 REGISTRATION

Registration for offenders living within this jurisdiction is facilitated by the Whatcom County Sheriffs Office.

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

### 329.4 MONITORING OF REGISTERED OFFENDERS

The Investigation Unit Supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include, as applicable:

- (a) Efforts to confirm residence using an unobtrusive method, such as an Internet search or drive-by of the declared residence.
- (b) Review of information on the WASPC Sex Offender Information Center website.
- (c) Contact with a registrant's community correction officer.
- (d) Review any available Washington State database of felony firearm offenders.

Any discrepancies with sex/kidnapping offenders should be reported to ACCESS (A Central Computerized Enforcement Service System), which is administered by WSP, and, in the case of sex offenders only, to the Washington Association of Sheriffs and Police Chiefs (WASPC), which administers the Sex Offender Information Center website.

The Investigation Unit Supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Bellingham Police Department personnel, including timely updates regarding new or relocated registrants.

### 329.5 DISSEMINATION OF PUBLIC INFORMATION

Employees will not unilaterally make a public notification advising the community of a particular sex/kidnapping registrant's presence in the community. Employees who identify a significant risk

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## *Registered Offender Information*

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or other public safety issue associated with a sex/kidnapping registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on sex/kidnapping registrants should be provided the [WASPC Sex Offender Information Center](#) website or the [Bellingham Police Department's website](#).

Information pertaining to felony firearm offenders should not be disseminated to the public. All inquiries should be referred to WSP.

### 329.5.1 RELEASE NOTIFICATIONS FOR SEX OR KIDNAPPING OFFENDERS

Registrant information that is released should include notification that:

- (a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
- (b) The information is provided as a public service and may not be current or accurate.
- (c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- (d) The crime for which a person is convicted may not accurately reflect the level of risk.
- (e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.
- (f) The Bellingham Police Department has no authority to direct where an offender may live.

### 329.5.2 MANDATORY NOTIFICATION

The Investigation Deputy Chief shall ensure that:

- (a) The Whatcom County Sheriff's Office has the responsibility of making public notifications for sex offenders who are classified as Risk Level III and who register in the City (RCW 4.24.550 (4)).
- (b) The Bellingham Police Department will provide information requested by the Washington Association of Sheriffs and Police Chiefs to administer the statewide registered kidnapping and sex offender web site (RCW 4.24.550 (5)(b)).

### 329.5.3 DISCRETIONARY DISSEMINATION FOR SEX OFFENDERS

Dissemination should be predicated upon the levels detailed below ([RCW 4.24.550\(3\)](#)):

- (a) Offenders classified as Risk Level I: The Department may disclose, upon request, relevant, necessary and accurate information to any victim or witness to the offense and to any individual community member who lives near the residence where the sex offender resides, expects to reside or is regularly found, and to any individual who requests information regarding a specific offender.

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- (b) Offenders classified as Risk Level II: In addition to the dissemination for Level I, the Department may also disclose relevant, necessary and accurate information to public and private schools, child day care centers, family day care providers, public libraries, businesses and organizations that serve primarily children, women or vulnerable adults, and neighbors and community groups near the residence where the sex offender resides, expects to reside or is regularly found.
- (c) Offenders classified as Risk Level III: In addition to the dissemination of Level I and Level II, the Department may also disclose relevant, necessary and accurate information to the public at large.
- (d) Homeless and transient sex offenders may present unique risks to the community due to the impracticality of localized notification. The Department may also disclose relevant, necessary and accurate information to the public at large for sex offenders registered as homeless or transient.

### **329.5.4 SCHOOL NOTIFICATIONS**

The Whatcom County Sheriff's Office has the responsibility of notifying the applicable school's principal or public safety department of any sex/kidnapping offender who attends or is employed at the school and for providing the following information about the offender ([RCW 9A.44.138](#)):

- Name
- Complete residential address
- Date and place of birth
- Place of employment
- Crime for which the person has been convicted
- Date and place of conviction
- Aliases
- Social Security number
- Photograph
- Risk level classification

### **329.6 PROCEDURES FOR CLASSIFICATION OF OFFENDERS**

Upon receipt of information that a sexual offender has been released, detectives will contact DOC, DSHS, or the State Juvenile Justice System, and the original investigating agency. Prior to any release of information a detective will check for the physical presence of the offender in the community following the offender's release from state custody. Before a Level III release of information, detectives will check with the original arresting agency to discuss the assessment of this offender as a Level III threat.

Detectives who conduct background investigations on released offenders will keep accurate reports. When the information from the state contains convictions for crimes other than the one

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the offender was last incarcerated for, the detective should conduct a records check to obtain a complete and accurate record of all the offender's convictions

Upon the completion of the background investigation of the released offender, the report will be forwarded to the Investigative Lieutenant. If the Lieutenant believes a Level II or III release should be made, the report with recommendation will be forwarded to the Chief of Police.

Upon receipt of the report, the Chief of Police, in consultation with the department command staff, will classify the offender as Level II or III. Following the classification, the Chief of Police will ensure the appropriate notification is made.

Detectives who handle risk assessments of released offenders will receive appropriate training regarding sex offender registration process.

### **329.7 SEX OFFENDER RISK ASSESSMENT**

The Investigation Deputy Chief shall establish a procedure to review and assign an initial risk level classification of sex offenders who have moved or are released into this jurisdiction and the risk assessment level has not already been assigned by the Washington Department of Corrections. That procedure shall address [\(RCW 4.24.550\(6\)\)](#):

- The circumstances under which the Bellingham Police Department is authorized to assign its own risk level.
- What risk assessment tools may be used and how such tools are scored.
- Notification process following a change in the risk level classification.

# Death Investigation

## 330.1 PURPOSE AND SCOPE

The investigations of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations cannot be emphasized enough.

## 330.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken.

Washington State law does not define who may pronounce death. By convention, paramedics, physicians, nurse practitioners, physician assistants, and registered nurses pronounce death in Whatcom County.

When death occurs in private residences, the Medical Examiner's Office should not be notified until such pronouncement has occurred. Even if there is involvement by a terminal health care agency, such as Hospice, and even if the death is expected, death must be formally pronounced before the Medical Examiner's Office becomes involved.

If no health care provider is present, paramedics shall be called in all suspected death cases unless the death is obvious (decapitated, decomposed, etc.).

Officers are not authorized to pronounce death.

A supervisor shall be notified in all death investigations.

### 330.2.1 WHATCOM COUNTY MEDICAL EXAMINER JURISDICTION OVER REMAINS

The Whatcom County Medical Examiner has jurisdiction of bodies of all deceased persons who come to their death suddenly in many cases as outlined under [RCW 68.50.010](#).

The Whatcom County Medical Examiner has established the following triage criteria for Medical Examiner consultation:

#### **Unnatural Causes:**

Based upon investigation of the death scene, if the death is from unnatural causes (homicide, suicide, accident, assault), the Medical Examiner must be contacted by phone before the body may be moved or altered. The policy of the Medical Examiner is to take primary custody of all unnatural deaths for autopsy examination.

#### **Natural Causes:**

Based upon investigation of the death scene, if the death appears to be of natural cause:

- (a) If the death is expected from known medical condition, and there is a Whatcom County health care provider (physician, physician's assistant or nurse) that has seen the

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patient, release directly to the funeral home of family choice or use the rotation funeral home. There is no need to contact the Medical Examiner.

- (b) If the patient has seen a health care provider within the preceding 36 hours, and there are no identified suspicious circumstances, release directly to the funeral home. There is no need to contact the Medical Examiner.
- (c) If the patient was in usual health and there is no previously identified medical condition which reasonably explains the death, and there are no suspicious circumstances, the Medical Examiner needs to be contacted in the following manner:
  - (a) Between 0700-2200 hours, daily, make telephone contact with Medical Examiner before removal. The Medical Examiner will decide to assume or not to assume jurisdiction before the body is removed.
  - (b) Between 2200-0700 hours, daily, release to funeral home with instructions for the body to be "held pending medical examiner release." Evidence and ID Staff will contact the Medical Examiner's office in the morning.
  - (c) Contacting Medical Examiner:
    - (a) Obtain on-call information from What-Comm.
    - (b) If no answer or call-back from on-call Medical Examiner within 10 minutes call Medical Examiner's Lead Investigator (What-Comm will have contact information).
    - (c) If no answer or call-back from Medical Examiner's Lead Investigator within 30 minutes, on duty supervisor or Crime Scene Investigator will determine means for body removal (Medical Examiner's removal service or on-call funeral home).
- (d) If the death is expected, but there is no identifiable Whatcom County health care provider, follow "c" above.

### **Medical Examiner Consultation Questions:**

Prior to calling the Medical Examiner, please have the following information ready for discussion:

- Name, date of birth, and address of the death scene.
- Time of death declaration and time the subject was last seen alive.
- Case number and your telephone number.
- Resuscitation attempt or comments from the paramedics.
- Presence of weapons and/or medications (communicate all identified medications, issues dates, prescribing physician, pill counts, pill mixing in bottles).
- Possibility of scene tampering or body moved prior to law enforcement arrival.
- Known medical history, health care provider, any recent changes in health.

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- Social history - drug use, smoking, alcohol, illicit and prescription drugs.
- Law enforcement history.
- Logistical issues - size of individual and help needed for removal.

### 330.2.2 DEATH NOTIFICATION

Notification to the next-of-kin of the deceased person shall be made, in person, by the shift supervisor assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, law enforcement from that jurisdiction will be requested to make the notification. Notification shall be documented in the case report.

### 330.2.3 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Medical Examiner arrives, the Medical Examiner's office will issue a "John Doe" or "Jane Doe" number for the report.

### 330.2.4 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

### 330.2.5 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the shift supervisor shall notify the Lieutenant of patrol or DSO (after hours). The Investigations Division and Evidence and ID Supervisor shall be notified to determine the possible need for additional personnel to respond to the scene for further immediate investigation.



# Identity Theft

## 331.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

## 331.2 REPORTING

This department will initiate an incident report whenever a person reasonably suspects that his/her financial information or means of identification has been unlawfully obtained, used, or transferred to another person or entity in all cases where the victim resides or works within this jurisdiction, or where any part of the crime occurred within this jurisdiction. The employee receiving the report will ensure that the complainant receives a copy of the incident report ( [RCW 9.35.020](#)).

In cases where the reporting party does not reside or work within this jurisdiction and there is no known or suspected criminal activity occurring within this jurisdiction the reporting party may be referred to the appropriate law enforcement agency having jurisdiction. If it is not reasonably practical for the reporting party to file a timely report with his/her home jurisdiction the receiving employee should take a courtesy incident report to be forwarded to the agency having jurisdiction.

Reports should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).

The employee preparing the report should also cross-reference all other known reports made by the victim (e.g., US Secret Service, credit reporting bureaus, US Postal Service and DOL) with all known report numbers.

Following supervisory review and departmental processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

# Limited English Proficiency Services

## 332.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) ([42 USC § 2000d](#)).

### 332.1.1 DEFINITIONS

Definitions related to this policy include:

**Authorized interpreter** - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

**Interpret or interpretation** - The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

**Limited English proficient (LEP)** - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

**Qualified bilingual member** - A member of the Bellingham Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

**Translate or translation** - The replacement of written text from one language (source language) into an equivalent written text (target language).

## 332.2 POLICY

It is the policy of the Bellingham Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

## 332.3 LEP COORDINATOR

The Chief of Police shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Uniform Patrol Deputy Chief or the authorized designee.

The responsibilities of the LEP Coordinator include, but are not limited to:

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- (a) Coordinating and implementing all aspects of the Bellingham Police Department's LEP services to LEP individuals.
- (b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.
- (c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each supervisor and Deputy Director. The list should include information regarding the following:
  - 1. Languages spoken
  - 2. Contact information
  - 3. Availability
- (d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.
- (e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.
- (f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.
- (g) Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters.
- (h) Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures, or recommending modifications to this policy.
- (i) Receiving and responding to complaints regarding department LEP services.
- (j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

### **332.4 FOUR-FACTOR ANALYSIS**

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.

## *Limited English Proficiency Services*

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- (b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

### **332.5 TYPES OF LEP ASSISTANCE AVAILABLE**

Bellingham Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

### **332.6 WRITTEN FORMS AND GUIDELINES**

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

### **332.7 AUDIO RECORDINGS**

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

### **332.8 QUALIFIED BILINGUAL MEMBERS**

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

When a qualified bilingual member from this department is not available, personnel from other City departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

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### **332.9 AUTHORIZED INTERPRETERS**

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

#### **332.9.1 SOURCES OF AUTHORIZED INTERPRETERS**

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other City departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

#### **332.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE**

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

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Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

### **332.10 CONTACT AND REPORTING**

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

### **332.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE**

The Bellingham Police Department will take reasonable steps and will work with the Department of Human Resources to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

#### **332.11.1 EMERGENCY CALLS TO 9-1-1**

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in Dispatch, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

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While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

### **332.12 FIELD ENFORCEMENT**

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

### **332.13 INVESTIGATIVE FIELD INTERVIEWS**

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

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### **332.14 CUSTODIAL INTERROGATIONS**

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

### **332.15 BOOKINGS**

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

### **332.16 COMPLAINTS**

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

### **332.17 COMMUNITY OUTREACH**

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

### **332.18 TRAINING**

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.



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The Administrative Services Sergeant shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Administrative Services Sergeant shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

#### 332.18.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Administrative Services Sergeant shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

# Communications with Persons with Disabilities

## 333.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

### 333.1.1 DEFINITIONS

Definitions related to this policy include:

**Auxiliary aids** - Tools used to communicate with people who have a disability or impairment. They include but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

**Disability or impairment** - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability ([42 USC § 12102](#)).

**Qualified interpreter** - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters and intermediary interpreters. Qualified interpreters should be certified pursuant to [RCW 2.42.110](#).

## 333.2 POLICY

It is the policy of the Bellingham Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

## 333.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to an ADA Coordinator ([28 CFR 35.107](#)). The ADA Coordinator shall be appointed by, and directly responsible, to the Uniform Patrol Deputy Chief or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

- (a) Working with the City ADA coordinator regarding the Bellingham Police Department's efforts to ensure equal access to services, programs and activities.
- (b) Developing reports, new procedures, or recommending modifications to this policy.

## *Communications with Persons with Disabilities*

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- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.
- (d) Ensuring that a list of qualified interpreter services is maintained and available to each supervisor and Deputy Director. The list should include information regarding the following:
  - 1. Contact information
  - 2. Availability
- (e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.
- (f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.
- (g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

### **333.4 FACTORS TO CONSIDER**

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

- (a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.
- (b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
- (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

### **333.5 INITIAL AND IMMEDIATE CONSIDERATIONS**

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

## *Communications with Persons with Disabilities*

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Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances ([28 CFR 35.160](#)).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Bellingham Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

### **333.6 TYPES OF ASSISTANCE AVAILABLE**

Bellingham Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

## *Communications with Persons with Disabilities*

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### **333.7 AUDIO RECORDINGS AND ENLARGED PRINT**

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

### **333.8 QUALIFIED INTERPRETERS**

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time but in no event longer than one hour if requested.
- (b) Experienced in providing interpretation services related to law enforcement matters.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter ([28 CFR 35.160](#)).

### **333.9 TTY AND RELAY SERVICES**

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service ([28 CFR 35.162](#)).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

## *Communications with Persons with Disabilities*

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### **333.10 COMMUNITY VOLUNTEERS**

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

### **333.11 FAMILY AND FRIENDS**

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when ([28 CFR 35.160](#)):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

### **333.12 REPORTING**

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

### **333.13 FIELD ENFORCEMENT**

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

## *Communications with Persons with Disabilities*

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The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

### **333.13.1 FIELD RESOURCES**

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.
- (b) Exchange of written notes or communications.
- (c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.
- (d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.
- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

### **333.14 CUSTODIAL INTERROGATIONS**

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

## *Communications with Persons with Disabilities*

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### **333.15 ARRESTS AND BOOKINGS**

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

### **333.16 COMPLAINTS**

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

### **333.17 COMMUNITY OUTREACH**

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

### **333.18 TRAINING**

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

- (a) Awareness and understanding of this policy and related procedures, related forms and available resources.
- (b) Procedures for accessing qualified interpreters and other available resources.
- (c) Working with in-person and telephone interpreters and related equipment.



## *Communications with Persons with Disabilities*

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The Administrative Services Sergeant shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Administrative Services Sergeant shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

### 333.18.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:

- (a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.
- (b) ASL syntax and accepted abbreviations.
- (c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.
- (d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all Dispatch members who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech. Refresher training should occur every six months.

# Chaplains

## 334.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Bellingham Police Department chaplains to provide counseling or emotional support to members of the Department, their families and members of the public ([RCW 41.22.030](#); [RCW 41.22.040](#)).

## 334.2 POLICY

The Bellingham Police Department shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

## 334.3 ELIGIBILITY

Requirements for participation as a chaplain for the Department may include, but are not limited to:

- (a) Being approachable and temperate in manner, respectful, prudent, and possessing the skills to mentor and counsel
- (b) Having a good reputation in the community.
- (c) Successful completion of an appropriate-level background investigation.
- (d) Possession of a valid driver license.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

## 334.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Bellingham Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

All applicants shall be required to meet and pass the same pre-employment procedures as department personnel before appointment.

### 334.4.1 RECRUITMENT

Chaplains should be recruited consistent with department policy on equal opportunity and nondiscriminatory employment. A primary qualification for participation in the application process should be demonstrating the desire to serve. Chaplain candidates are encouraged to participate in ride-alongs with department members before and during the selection process.

### 334.4.2 SELECTION AND APPOINTMENT

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

- (a) Submit the appropriate letter of interest.
- (b) Include a recommendation from employers or volunteer programs.

## *Chaplains*

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- (c) Interview with the Chief of Police or his/her designee, and a member of the Peer Support Team.
- (d) Successfully complete an appropriate-level background investigation.
- (e) Complete an appropriate probationary period as designated by the Chief of Police.

Chaplains are volunteers and serve at the discretion of the Chief of Police. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

### **334.5 IDENTIFICATION AND UNIFORMS**

As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms and necessary safety equipment will be provided for each chaplain. Identification symbols worn by chaplains shall be different and distinct from those worn by officers through the inclusion of "chaplain" on the uniform and not reflect any religious affiliation.

Chaplains will be issued Bellingham Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Bellingham Police Department identification cards, with the exception that "chaplain" will be indicated on the cards. Chaplains shall be required to return any issued uniforms or department property at the termination of service.

Chaplains shall conform to appearance standards of this department.

### **334.6 CHAPLAIN COORDINATOR**

The chaplain coordinator will be a selected member of the Peer Support Team. The chaplain coordinator will report directly to the Deputy Chief of Services.

The chaplain coordinator shall serve as the liaison between the chaplains and the Chief of Police. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Department, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Chief of Police or the authorized designee, chaplains shall report to the chaplain coordinator and/or shift supervisor.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

- (a) Recruiting and selecting qualified chaplains.
- (b) Provide department members with chaplain schedule and call-out availability
- (c) Monitor and evaluate the contribution of the Chaplain as needed
- (d) Coordinate chaplain ride-along and participation in department events when appropriate
- (e) Maintaining liaison with other agency chaplains.

## *Chaplains*

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An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

### **334.7 DUTIES AND RESPONSIBILITIES**

The primary assignment of chaplains will be to support officers in uniformed patrol and investigations. Chaplains may assist in other areas of the Department, and with members of the community, as needed.

Chaplain duties will be assigned or directed by the chaplain coordinator or the authorized designee.

The purpose of the department chaplain is not to persuade or recruit members of the Department or public into a particular religious affiliation. The chaplain will evaluate whether a person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Bellingham Police Department.

#### **334.7.1 COMPLIANCE**

Chaplains are volunteer members of this department, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy and other applicable policies.

#### **334.7.2 OPERATIONAL GUIDELINES**

- (a) The chaplain's on-call availability will be posted and accessible to all department members.
- (b) Minimum hours and availability will be determined by the chaplain and chaplain coordinator on a case-by-case basis.
- (c) The chaplain will be asked to document their attendance on ride-alongs, responses to critical incidents, and/or special events. This documentation can be in memorandum form and submitted to the chaplain coordinator.
- (d) Chaplains shall be permitted to ride with officers during any shift and observe Bellingham Police Department operations, provided the shift supervisor has been notified and has approved.
- (e) Chaplains shall not be evaluators of members of the Department.
- (f) In responding to incidents, a chaplain shall never function as an officer.
- (g) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.
- (h) Chaplains shall serve only within the jurisdiction of the Bellingham Police Department unless otherwise authorized or determined necessary by the Chief of Police or the authorized designee.
- (i) Each chaplain shall have access to current department member rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/

## Chaplains

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her duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the data.

### 334.7.3 ASSISTING DEPARTMENT MEMBERS

The responsibilities of a chaplain related to department members include, but are not limited to:

- (a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.
- (b) Visiting sick or injured members in the hospital or at home.
- (c) Attending and participating, when requested, in funerals of active or retired members.
- (d) Providing counseling and support for members and their families.
- (e) Being alert to the needs of members and their families.

### 334.7.4 ASSISTING THE DEPARTMENT

The responsibilities of a chaplain related to this department include, but are not limited to:

- (a) Assisting members in the diffusion of a conflict or incident, when requested.
- (b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the shift supervisor in accomplishing the mission of the Department.
- (c) Responding to major disasters, such as natural disasters, bombings and similar critical incidents.
- (d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department members.
- (e) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.
- (f) Participating in in-service training classes.
- (g) Willingness to train others to enhance the effectiveness of the Department.

### 334.8 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Department may work or volunteer for the Bellingham Police Department in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Bellingham Police Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

## *Chaplains*

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### **334.9 TRAINING**

Chaplains will be required to undergo training that may include the following subject matters:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations
- The law enforcement family
- Substance abuse
- Suicide
- Officer injury or death
- Sensitivity and diversity

Records of attendance at a chaplaincy training program or equivalent curriculums should be provided to the Deputy Chief of Services. Chaplains should provide records of ongoing training in these subject matters for the duration of their service to the Department

## Child and Dependent Adult Safety

### 335.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse Policy and the Vulnerable Adult Abuse Policy.

### 335.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Bellingham Police Department will endeavor to create a strong cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

### 335.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

## *Child and Dependent Adult Safety*

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### 335.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered, children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
- (b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
  - 1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
- (c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (d) Notify the Department of Social and Health Services, if appropriate.
- (e) Notify the supervisor of the disposition of children and dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

Officers shall promptly notify Child Protective Services (CPS) whenever a child under 16 years of age is present in a vehicle and his/her parent, guardian or legal custodian is arrested for a drug or alcohol driving offense in accordance with the department Child Abuse Policy ([RCW 46.61.507](#)).

### 335.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law.

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.



## *Child and Dependent Adult Safety*

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### 335.3.3 REPORTING

- (a) For all arrests where children are present or living in the household, the reporting member will document the following information:
  - 1. Name
  - 2. Sex
  - 3. Age
  - 4. How, where and with whom or which agency the child was placed
- (b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:
  - 1. Name
  - 2. Sex
  - 3. Age
  - 4. Whether he/she reasonably appears able to care for him/herself
  - 5. Disposition or placement information if he/she is unable to care for him/herself

### 335.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

### **335.4 DEPENDENT WELFARE SERVICES**

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked law enforcement vehicle or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

### **335.5 TRAINING**

The Administrative Services Sergeant is responsible to ensure that all members of this department who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.

## Service Animals

### 336.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Bellingham Police Department recognizes this need and is committed to making reasonable modifications to its policies, practices, and procedures in accordance with [Title II of the Americans with Disabilities Act of 1990 \(ADA\)](#) to permit the use of service animals that are individually trained to assist a person with a disability.

### 336.2 SERVICE ANIMALS

The ADA defines a service animal as any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the owner's disability ([28 CFR 35.104](#)).

#### 336.2.1 USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.

Examples of how service animals may be used to provide assistance include:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors, or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

### 336.3 EMPLOYEE RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Bellingham Police Department affords to all members of the public.

## *Service Animals*

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If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations, an officer may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with a disability.

If it is apparent or if the officer is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the officer should ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner into all areas that other customers or members of the public are allowed.

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice.

# Volunteer Program

## 337.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn officers and civilian personnel. Volunteers can be an important part of any organization and have proven to be a valuable asset to law enforcement agencies. Volunteers help to increase departmental responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

### 337.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

## 337.2 VOLUNTEER MANAGEMENT

### 337.2.1 VOLUNTEER COORDINATOR

Coordination of the volunteers shall be shared.. The Special Victims Unit Sergeant will coordinate the DV/SAS Volunteers and Interns.

The Volunteer Coordinator, or his/her designee, shall be responsible for the following:

- (a) Recruiting, selecting and training qualified volunteers for various positions.
- (b) Facilitating the implementation of new volunteer activities and assignments.
- (c) Maintaining records for each volunteer.
- (d) Tracking and evaluating the contribution of volunteers.
- (e) Development and maintenance of training materials and outlining expectations, policies, and responsibilities for departmental volunteers.
- (f) Maintaining a record of volunteer schedules and work hours.
- (g) Completion and dissemination as appropriate of all necessary paperwork and information.
- (h) Planning periodic recognition events.
- (i) Administering discipline when warranted.
- (j) The respective supervisors will be responsible for maintaining liaison with the community volunteer organizations that have a direct or indirect connection to the volunteers in their program(s).

## *Volunteer Program*

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### 337.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Department in serving the public.

Proposals (ideas) for new volunteers and/or volunteer programs that are not associated with our existing volunteer programs will be made from a unit Sergeant to their unit Lieutenant. This will be in the form of a proposal that includes a full position and or program description and requested timeframe. To proceed approval will be needed from the Lieutenant and the divisional Deputy Chief. If approved, the requesting supervisor shall be responsible for the coordination requirements outlined in policy.

### 337.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Program coordinator or designee should conduct a face-to-face interview with an applicant under consideration.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

- (a) Traffic and criminal background check. Fingerprints shall be obtained from all applicants and applicants shall be processed for criminal history. The fingerprint requirement shall not apply to Explorers.
- (b) Employment.
- (c) References.
- (d) Credit check.

A polygraph exam may be required of each applicant depending on the type of assignment.

### 337.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the Department shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the program coordinator. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should have completed all required enrollment paperwork. All volunteers shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

### 337.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment.

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## *Volunteer Program*

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Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor.

Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are sworn officers or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department.

### **337.2.6 FITNESS FOR DUTY**

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

- (a) Driver's license
- (b) Medical condition
- (c) Arrests
- (d) Criminal investigations

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

### **337.2.7 DRESS CODE**

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to department-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn officers. The uniform or identifiable parts of the uniform shall not be worn while off-duty except volunteers may choose to wear the uniform while in transit to or from official department assignments or functions provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while he/she is off duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

## **337.3 SUPERVISION OF VOLUNTEERS**

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

## *Volunteer Program*

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A volunteer may be assigned as and act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

- (a) Take the time to introduce volunteers to employees on all levels.
- (b) Ensure volunteers have work space and necessary office supplies.
- (c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

### **337.4 CONFIDENTIALITY**

With appropriate security clearance, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or departmental policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by departmental policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

### **337.5 PROPERTY AND EQUIPMENT**

Volunteers will be issued an identification card that must be worn at all times while on-duty.

Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

#### **337.5.1 VEHICLE USE**

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

- (a) A driving safety briefing and department approved driver safety course.
- (b) Verification that the volunteer possesses a valid Washington Driver's License.

## *Volunteer Program*

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The Volunteer Coordinator should insure that all volunteers receive safety briefing updates and license verification at least once a year.

When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Department vehicles.

Volunteers should not operate a marked patrol car unless it is required by an extreme emergency situation. Volunteers may not drive a patrol car in a "Code 3" manner.

### **337.5.2 RADIO AND MDT USAGE**

Volunteers shall successfully complete radio procedures training prior to using the police radio.

Other volunteers who are authorized to use a Mobile Data Terminal (MDT) shall, prior to using the MDT, successfully complete ACCESS training and then maintain their ongoing recertification. Failure to complete their required recertification in the designated time frame will result in the volunteer not being authorized to use the MDT until the required recertification is acquired.

### **337.6 DISCIPLINARY PROCEDURES/TERMINATION**

A volunteer may be removed from the volunteer program at the discretion of the Chief of Police or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a hearing which shall be limited to a single appearance before the Chief of Police or authorized designee.

Volunteers may resign from volunteer service with the Department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

#### **337.6.1 EXIT INTERVIEWS**

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

### **337.7 EVALUATION**

The Volunteer Coordinator will conduct yearly evaluations with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.



## Off-Duty Law Enforcement Actions

### 338.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place an officer as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for officers of the Bellingham Police Department with respect to taking law enforcement action while off-duty.

### 338.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Officers are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

### 338.3 FIREARMS

Officers of this department may carry firearms while off-duty in accordance with federal regulations and department policy. All firearms and ammunition must meet guidelines as described in the department Firearms and Qualification Policy. When carrying firearms while off-duty officers shall also carry their department-issued badge and identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the officer's senses or judgment.

### 338.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

- (a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.
- (c) The lack of equipment, such as handcuffs, OC or baton.

## *Off-Duty Law Enforcement Actions*

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- (d) The lack of cover.
- (e) The potential for increased risk to bystanders if the off-duty officer were to intervene.
- (f) Unfamiliarity with the surroundings.
- (g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

### **338.4.1 INTERVENTION PROCEDURE**

If involvement is reasonably necessary, the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty officer is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as an Bellingham Police Department officer until acknowledged. Official identification should also be displayed.

### **338.4.2 INCIDENTS OF PERSONAL INTEREST**

Officers should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances officers should call the responsible agency to handle the matter.

### **338.4.3 CIVILIAN RESPONSIBILITIES**

Civilian personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

### **338.4.4 OTHER CONSIDERATIONS**

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

## **338.5 REPORTING**

Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the on-duty supervisor as soon as practicable. The supervisor shall determine whether a report should be filed by the employee.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

## Department Use of Social Media

### 339.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

#### 339.1.1 DEFINITIONS

Definitions related to this policy include:

**Social media** - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services.

### 339.2 POLICY

The Bellingham Police Department may use social media as a method of effectively informing the public about department services, issues, investigations and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

### 339.3 AUTHORIZED USERS

Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member's chain of command.

### 339.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission and conforms to all department policies regarding the release of information may be posted.

## *Department Use of Social Media*

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Examples of appropriate content include:

- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Investigative requests for information.
- (d) Requests that ask the community to engage in projects that are relevant to the department mission.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.
- (f) Traffic information.
- (g) Press releases.
- (h) Recruitment of personnel.

### **339.4.1 INCIDENT-SPECIFIC USE**

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

### **339.5 PROHIBITED CONTENT**

Content that is prohibited from posting includes, but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Bellingham Police Department or its members.
- (e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

### **339.5.1 PUBLIC POSTING PROHIBITED**

Department social media sites shall be designed and maintained to prevent posting of inappropriate content by the public.

## *Department Use of Social Media*

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The Department may provide a method for members of the public to contact department members directly.

### **339.6 MONITORING CONTENT**

The Chief of Police will appoint a staff officer to review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues. This assignment may be handled by the Public Information Officer.

### **339.7 RETENTION OF RECORDS**

Social media records are retained by Information Technology Services of the City of Bellingham. This is in accordance with records retention schedules.

### **339.8 TRAINING**

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

## Personal Flotation Devices

### 340.1 PURPOSE

Employees assigned to work duties, which place them above, alongside, or on the water, are exposed to a danger of drowning. In accordance with chapter [49.17 RCW](#), the Washington Industrial Safety and Health Act (WISHA), Division of Occupational Safety & Health (DOSH) adopted rules requiring employers to protect employees from drowning.

There are two types of Personal Flotation Device (PFD) rules that require the employer to protect employees from drowning hazards. First, the core PFD rule, [WAC 296-800-16070](#) reads in part, "Provide and make sure your employees wear PFDs when they work in areas where the danger of drowning exists, such as on the water, over the water, alongside the water...." The second type of PFD rules are industry specific rules that address specific drowning hazards for those industries.

### 340.2 POLICY

Officers engaged in routine patrol activities on docks, boats, floats, piers, vessel slips, or alongside a waterway (ie, lake, river, creek, or ocean) shall wear the Department issued PFD located and stored in patrol vehicles.

Officers engaged in an emergency response to an observed or suspected crime in progress where a timely enforcement response is needed are not required to wear a PFD.

### 340.3 PFD TRAINING AND EQUIPMENT

Appropriate PFD training shall be facilitated by Proactive Services and Field Training Officers (for new-hires).

Officers assigned to patrol shall inspect the PFDs at the beginning of their shift to ensure that they are in good working condition utilizing the readiness checklist supplied by the manufacturer or department.

Officers identifying a PFD as being unserviceable will immediately remove it from service and submit it to training for exchange or repair. The officer will notify their direct supervisor and Administrative Services Sergeant of the equipment deficiency.

# Accessing City of Bellingham Camera System

## 341.1 PURPOSE AND SCOPE

The Bellingham Police Department has access to a camera system that is maintained by Public Works. The cameras are strategically placed throughout the City of Bellingham.

The camera system has a variety of purposes to include monitoring traffic flows throughout the City, detection and deterrence of crime, safeguarding against potential threats to Homeland Security, managing emergency response situations to natural and man-made disasters, providing courtroom and other infrastructure security, and to assist other City officials in the enhancement of services provided to the community.

Cameras can be an effective crime prevention tool and can assist with scene reconstruction and evidence gathering. Camera systems are also a key resource to assist in securing vulnerable sites by providing real time monitoring and early detection of unusual or criminal activity allowing for a more efficient and timely response by law enforcement and emergency response personnel.

## 341.2 POLICY

This policy provides guidelines for members of the Bellingham Police Department regarding the operation of the cameras, the purpose of their use and the storage of captured images.

For law enforcement purposes, the cameras only record images and do not record sound. Video recordings may be used for a variety of purposes with a focus on the investigation of crime. In addition, the camera system helps to provide the following law enforcement-related benefits:

- (a) Assist in identifying, apprehending and prosecuting offenders.
- (b) Assist in gathering evidence for criminal and civil court actions.
- (c) Assist emergency services personnel in response to medical or public emergencies.
- (d) Assist in monitoring pedestrian and vehicle traffic activity.
- (e) Assist in providing effective public services.

## 341.3 PROCEDURE

The following procedures have been established for the effective operation of the public safety camera system by the Bellingham Police Department for law enforcement and/or public safety purposes.

### 341.3.1 MONITORING

Video images from the cameras may be viewed through monitors installed in the Bellingham Police Department Squad Room, desktop computers and mobile data terminals.

When activity warranting further investigation is reported or detected at any camera location an Officer may selectively view the appropriate camera and relay any available information to other

## *Accessing City of Bellingham Camera System*

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units. Camera Operators are authorized to adjust the cameras in such a manner as to most effectively view a particular area for any legitimate public safety purpose.

### **341.3.2 TRAINING**

Personnel who wish to utilize the system must be appropriately trained prior to using the system.

### **341.3.3 PROHIBITED ACTIVITY**

Video monitoring will be conducted in a professional, ethical and legal manner for legitimate police purposes only. The camera system will not be used to invade the privacy of individuals, to look into private areas or areas where a reasonable expectation of privacy exists. All reasonable efforts will be taken to protect these rights. Video monitoring shall not be used to harass, intimidate or discriminate against any individual or group.

Camera systems will not focus on hand bills, flyers, etc., being distributed or carried pursuant to First Amendment Activities.

Any unauthorized use of the camera system will result in disciplinary action.

### **341.4 MEDIA STORAGE**

Video recordings of incidents shall be indexed, stored, and maintained for 30 days after which time they will be erased or recorded over.

Video recording that contain evidence of criminal activity or capture an occurrence that may subject the City to civil liability shall be maintained until final case disposition.

### **341.5 CAMERA USE BY DISPATCH**

Camera access in dispatch is a tool for dispatchers to use as needed. It is not an expectation that dispatch will utilize cameras on a regular basis as staffing and workload may make it difficult to manage. Camera access will only be used for work related activities.

#### **341.5.1 PROCEDURES FOR CASUAL CAMERA USE (I.E. VIEWING THE DOWNTOWN CAMERAS IN THE AREA OF A REPORTED FIGHT IN PROGRESS)**

- When utilizing the cameras, dispatch will update responding officers with any relevant information observed via the cameras (i.e. suspect direction of travel, weapons, number of people involved, etc.)
- Dispatch will not cancel a call or disregard information provided by a caller based on what they see or don't see on a camera.
- Dispatch will not "fish" for calls by actively using the cameras in an attempt to find activity.

#### **341.5.2 PROCEDURES FOR REQUESTS FROM OFFICERS TO UTILIZE CAMERAS**

- When an officer responding to a call asks the dispatcher to check the cameras in the area, the dispatcher will prioritize the task with other dispatch activities. This will not normally be considered a high priority task. If there is an urgent need for the dispatcher to check the cameras, the officer should make that clear in the request.



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## *Accessing City of Bellingham Camera System*

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- When utilizing the camera, dispatch will update responding officers with any relevant information observed via cameras (i.e. suspect direction of travel, weapons, number of people involved, etc.)
- Dispatch will not cancel a call or disregard information provided by a caller based on what they see or don't see on a camera.

### 341.5.3 MANIPULATING THE CAMERAS

- Dispatch and patrol supervisors will have the ability to pan, tilt, and zoom the cameras.
- Patrol supervisors and dispatchers will communicate regarding camera usage to ensure that dispatchers are not interfering with a patrol supervisor's use of the camera.

# Extreme Risk Protection Orders

## 342.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning and serving extreme risk protection orders and accounting for the firearms obtained pursuant to those orders ([RCW 7.94.010 et seq.](#)).

### 342.1.1 DEFINITIONS

Definitions related to this policy include:

**Extreme risk protection order** – An order prohibiting a named person from controlling, owning, purchasing, possessing, accessing, receiving, or otherwise having custody of any firearms.

**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.

## 342.2 POLICY

It is the policy of the Bellingham Police Department to petition for and serve extreme risk protection orders in compliance with state law and to properly account for firearms obtained by the Bellingham Police Department pursuant to such orders.

## 342.3 EXTREME RISK PROTECTION ORDERS

An officer who reasonably believes a person, including a person under the age of 18, is a present danger to him/herself or another person by controlling, owning, purchasing, possessing, accessing, receiving, or otherwise having custody of a firearm may request permission from his/her supervisor to petition the court for an extreme risk protection order (RCW 7.94.030).

The petitioning officer will call the agency's Legal Advisor (or their representative if away) for assistance with the completion of the paperwork required by Whatcom County Superior Court.

Officers petitioning the court shall use any standard petition and order forms created by the administrative office of the court (RCW 7.94.030; RCW 7.94.150).

The petition shall (RCW 7.94.030):

- (a) Allege that the person poses a significant danger of causing personal injury to him/herself or others by controlling, owning, purchasing, possessing, accessing, receiving, or otherwise having custody of a firearm and be accompanied by an affidavit, made under oath, that provides the specific statements, actions, or facts that give rise to a reasonable fear of future dangerous acts by the person.
- (b) Identify the number, types, and locations of any firearms that the officer believes to be owned, possessed, accessed, controlled, or in the custody of the person.
- (c) Identify any other known existing protection orders governing the person.
- (d) Identify, if reasonably identifiable, any pending lawsuits, complaints, petitions, or other action between the person and the Bellingham Police Department.

## *Extreme Risk Protection Orders*

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- (e) Include an attestation that the officer provided notice of the intent to seek the order to a family or household member of the person and to any third party who the officer reasonably believes may be at risk of violence, or an attestation to the steps that will be taken to provide this notice.

An officer may also seek an ex parte extreme risk protection order, 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/herself or others in the near future by having in his/her custody or control, purchasing, possessing, or receiving a firearm. If necessary, the ex parte may be petitioned using an on-call, after-hours judge using the same procedures for after-hours search warrants (RCW 7.94.030; RCW 7.94.050).

### **342.3.1 NOTICE OF PETITION**

When a member of the Bellingham Police Department petitions for an extreme risk protection order, he/she shall make a good faith effort to provide notice to a family or household member of the person and to any third party who the member reasonably believes may be at risk of violence. The notice shall state the intention to seek an extreme risk protection order or that the order has already been sought and include referrals to appropriate resources, including behavioral health, domestic violence, and counseling (RCW 7.94.030).

### **342.4 SERVICE**

Service of notice of hearing and petitions, ex parte extreme risk protection orders, and extreme risk protection orders should take precedence over the service of other documents, unless the other documents are of a similar emergency nature (RCW 7.94.040; RCW 7.94.060).

Officers serving a notice of hearing and petition for an extreme risk protection order should make reasonable efforts to personally serve the person no less than five court days prior to the hearing. If an ex parte extreme risk protection order was issued, then the order, notice of hearing, and the petition are served together (RCW 7.94.040; RCW 7.94.050).

Officers assigned to serve an extreme risk protection order should make reasonable efforts to personally attempt to serve the order within 24 hours of receipt of order whenever practicable but not more than 10 days after the Bellingham Police Department received the order. If the order is issued against a minor under the age of 18, officers should also make reasonable efforts to serve a copy of the order on the parent or guardian of the minor at the address where the minor resides, or the Department of Children, Youth, and Families in the case where the minor is the subject of a dependency or court approved out-of-home placement (RCW 7.94.060).

When timely personal service is not completed, the officer should notify the court and take reasonable steps to notify the petitioner (RCW 7.94.040; RCW 7.94.060).

The officer serving any extreme risk protection order, including an ex parte order, shall (RCW 7.94.090):

- (a) Request that any firearms and any concealed pistol license be immediately surrendered and issue a receipt for the surrendered items.

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## *Extreme Risk Protection Orders*

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1. The officer should ensure the original receipt is forwarded to the Records Manager.
- (b) Take into custody any firearms discovered in plain view or pursuant to consent or other lawful search.
- (c) As soon as practicable, but by the end of his/her shift, submit the proof of service to the Records Manager.

All firearms collected shall be handled and booked in accordance with the Property and Evidence Policy.

### **342.5 SEARCH WARRANTS**

If a person who has been served with an extreme risk protection order refuses to surrender any firearm, the officer should consider whether to seek a search warrant. If a search warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with the Warrant Service Policy and [RCW 7.94.090](#)

### **342.6 RECORDS MANAGER RESPONSIBILITIES**

The Records Manager is responsible for ensuring that:

- (a) Orders received by the court are entered into the national instant criminal background check system or any other federal or state computer-based system used by the Bellingham Police Department that identifies prohibited purchasers of firearms, and into any other computer-based criminal intelligence information systems used by the Bellingham Police Department that lists outstanding warrants ([RCW 7.94.110](#)).
- (b) The original receipt of surrendered firearms is filed with the court within 72 hours of service of an extreme risk protection order. A copy of the receipt shall also be properly maintained by the Bellingham Police Department ([RCW 7.94.090](#)).
- (c) Any proofs of service for notices or orders are filed with the court.
- (d) Expired or terminated orders entered into computer based-systems by the Bellingham Police Department are removed ([RCW 7.94.110](#)).

### **342.7 COURT-ORDERED FIREARMS SURRENDERS**

Authorized members should accept firearms and a concealed pistol license from any person who is the subject of an extreme risk protection order. The member receiving any firearm shall:

- (a) Record the person's name, address and telephone number.
- (b) Record the serial number of the firearm.
- (c) Prepare an incident report and property report.
- (d) Provide a property receipt to the person who surrendered the firearms ([RCW 7.94.90](#)).
  - (a) The original receipt is to be forward to the Records Manager.
- (e) Package and submit the firearms in accordance with the Property and Evidence Policy.

## *Extreme Risk Protection Orders*

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### **342.8 RELEASE OF FIREARMS**

Firearms that were taken into custody or surrendered pursuant to an extreme risk protection order should be returned to the restrained person upon the expiration of the order, in accordance with the Property and Evidence Policy ([RCW 7.94.100](#)).

### **342.9 TERMINATION AND RENEWAL OF EXTREME RISK PROTECTION ORDER**

The Records Bureau will be notified of a request to terminate an Extreme Risk Protection Order, as well as the upcoming expiration of an Extreme Risk Protection Order. The Records Bureau will report notification to the Special Victims Unit Sergeant (or their representative if away).

The Special Victims Unit Sergeant will review the Extreme Risk Protection Order and work with the agency's Legal Advisor to determine if they will seek to have the order renewed, or allow it to be terminated within the time prescribed by law ([RCW 7.94.080](#)).

### **342.10 STANDARD FOR ARREST**

When an officer has confirmed that a valid extreme risk protection order exists and has probable cause to believe the person has knowledge of the order and violated that order, the officer shall make an arrest and take the person into custody (RCW 10.31.100).

## **Chapter 4 - Patrol Operations**

## Patrol Function

### 400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol unit of the Department.

#### 400.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of Bellingham, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergencies 24 hours per day seven days per week.

Officers will also take a leading role in facilitating community problem solving efforts in assigned COP areas.

Patrol will generally provide the following services within the limits of available resources:

- (a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order, and the discovery of hazardous situations or conditions.
- (b) Crime prevention activities such as residential inspections, business inspections, community presentations, etc.
- (c) Calls for service, both routine and emergency in nature.
- (d) Investigation of both criminal and non-criminal acts.
- (e) The apprehension of criminal offenders.
- (f) Community Oriented Policing and Problem Solving activities such as citizen assists and individual citizen contacts of a positive nature.
- (g) The sharing of information between the Patrol and other division within the Department, as well as other outside governmental agencies.
- (h) The application of resources to specific problems or situations within the community, which may be improved or resolved by Community Oriented Policing and problem solving strategies.
- (i) Traffic direction and control.
- (j) Attend scheduled neighborhood meetings within their assigned COP areas.

#### 400.1.2 TERRORISM

It is the goal of the Bellingham Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Officers should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report or Field Interview (FI). The supervisor should ensure that all terrorism related reports and FIs are forwarded to the Criminal Intelligence Unit in a timely fashion.

## *Patrol Function*

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### **400.2 CROWDS, EVENTS AND GATHERINGS**

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws, when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

#### **400.2.1 SIGNATURE GATHERERS**

At times we receive calls from signature gatherers and store owners alike asking the police to intervene on both sides of the dispute, i.e. to either force the store to allow the signature gatherers to gather signatures or to force the signature gatherers to leave the store fronts. In other words, the City is caught in the middle. Many of these signature gatherers are professional outfits that will call 911 as soon as a store owner asks them to leave. Alternatively, many store owners will call the police to tell the signature gatherers to leave. This puts the police in the middle.

As there is no bright legal rule here and the courts decide these matters on a case by case basis, the police department should not get involved absent one side having a **Whatcom County Court Order** or if some criminal activity is occurring, e.g. assault, disorderly conduct, malicious mischief, etc. We should remain neutral. This is a civil matter for the courts to decide based upon each individual fact situation, which can be very different depending upon the store. A police officer in the field simply does not have the time or facts to balance the competing constitutional rights and conduct an analysis like a court would do. If we do get involved and incorrectly take action, the City and the officer are potentially subject to civil rights suits. Therefore, if BPD receives a call from signature gatherers or store owners, we advise that BPD tell them this is a civil matter for the parties to resolve.

If BPD receives a call from initiative signature gatherers or store owners, we should remain neutral. We advise that BPD tell them this is a civil matter for the parties to resolve. If they get a **Whatcom County Court Order** directing the police to enforce it, then BPD can respond and enforce accordingly. Of course, the police should respond if criminal conduct is occurring, e.g. assault, disorderly conduct, etc.



## Bias-Based Policing

### 401.1 PURPOSE AND SCOPE

This policy provides guidance to Bellingham Police Department members that affirms the Bellingham Police Department's commitment to policing that is fair and objective. Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the Bellingham Police Department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships) (RCW 43.101.410).

#### 401.1.1 DEFINITIONS

Definitions related to this policy include:

**Bias-based policing** - An inappropriate reliance on characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement.

### 401.2 POLICY

The Bellingham Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly and without discrimination toward any individual or group.

Race, ethnicity or nationality, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement service or the enforcement of the law.

### 401.3 RACIAL- OR BIAS-BASED PROFILING PROHIBITED

Racial- or bias-based profiling is strictly prohibited. However, nothing in this policy is intended to prohibit an officer from considering factors such as race or ethnicity in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).

#### 401.3.1 OTHER PROHIBITIONS

The Bellingham Police Department also condemns the illegal use of an individual or group's attire, appearance, or mode of transportation, including the fact that an individual rides a motorcycle or wears motorcycle-related paraphernalia, as a factor in deciding to stop and question, take enforcement action, arrest, or search a person or vehicle with or without a legal basis under the United States Constitution or Washington State Constitution (RCW 43.101.419).

Additionally, members shall not collect information from a person based on religious belief, practice, or affiliation unless permitted under state law. Members shall not (RCW 42.60.020; RCW 42.60.030):

## *Bias-Based Policing*

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- (a) Provide or disclose to federal government authorities personally identifiable information about a person's religious belief, practice, or affiliation unless the member is being questioned as a witness to a crime.
- (b) Assist federal government authorities in compiling personal information about a person's religious belief, practice, or affiliation.
- (c) Investigate or enforce any requirement that a person register with the federal government or a federal agency based on religion.

### **401.4 MEMBER RESPONSIBILITY**

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any known instances of racial- or bias-based profiling to a supervisor.

#### **401.4.1 REASON FOR DETENTION**

Officers detaining a person shall be prepared to articulate sufficient reasonable suspicion to justify the detention, independent of the individual's membership in a protected class.

To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview card), the involved officer should include those facts giving rise to the officer's reasonable suspicion or probable cause for the detention, as applicable.

Nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

#### **401.4.2 REPORTING TRAFFIC STOPS**

Each time an officer makes a traffic stop, the officer shall report any demographic information required by the Department ([RCW 43.101.410](#)).

### **401.5 SUPERVISOR RESPONSIBILITY**

Supervisors shall monitor those individuals under their command for any behavior that may conflict with the purpose of this policy and shall handle any alleged or observed violation of this policy in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
- (b) Supervisors should periodically review MDT data and any other available resource used to document contact between officers and the public to ensure compliance with this policy.
  - 1. Supervisors should document these periodic reviews.
  - 2. Documentation that captures a potential instance of racial- or bias-based profiling should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

## *Bias-Based Policing*

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- (d) Supervisors should ensure that no retaliatory action is taken against any member of this department who discloses information concerning racial- or bias-based profiling.

### **401.6 STATE REPORTING**

Subject to any fiscal constraints, the Deputy Chief of Operations should review available data related to traffic stops, including demographic data, existing procedures, practices and training, as well as complaints. The data should be analyzed for any patterns or other possible indicators of racial- or bias-based profiling and included in an annual report for the Washington Association of Sheriffs and Police Chiefs ([RCW 43.101.410\(3\)](#)).

### **401.7 TRAINING**

Each member of this department will be required to complete an approved refresher training course every five years, or sooner if deemed necessary, in order to keep current with changing community trends ([RCW 43.101.410](#)).

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## Briefing Training

### **402.1 PURPOSE AND SCOPE**

Briefing training is generally conducted at the beginning of the officer's assigned shift. Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct the briefing; however officers may conduct a briefing for training purposes with supervisor approval.

Briefing should accomplish, at a minimum, the following basic tasks:

- (a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations.
- (b) Notifying officers of area assignments.
- (c) Notifying officers of new Departmental Directives or changes in Departmental Directives.
- (d) Reviewing recent incidents for training purposes.
- (e) Providing training on a variety of subjects.

### **402.2 PREPARATION OF MATERIALS**

The supervisor conducting Briefing is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate officer in his/her absence or for training purposes.

# Crime and Disaster Scene Integrity

## 403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling major crime or disaster scenes.

## 403.2 POLICY

It is the policy of the Bellingham Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

## 403.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the scene until he or she is properly relieved by a supervisor or other designated person.

## 403.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Broadcast emergency information, including requests for additional assistance and resources.
- (b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
- (c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
- (d) Provide first aid to injured parties if it can be done safely.
- (e) Evacuate the location safely as required or appropriate.
- (f) Secure the inner perimeter.
- (g) Protect items of apparent evidentiary value.
- (h) Secure an outer perimeter.
- (i) Identify potential witnesses.
- (j) Start a chronological log noting critical times and personnel allowed access.

## *Crime and Disaster Scene Integrity*

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### **403.5 SEARCHES**

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

#### **403.5.1 CONSENT**

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

### **403.6 SUPERVISOR RESPONSIBILITIES**

The Evidence and Identification supervisor is responsible for ensuring procedures are established that are consistent with the Washington State Patrol Crime Laboratory Division Crime Scene Procedures Manual including, but not limited to:

- (a) Ensuring reasonable access to qualified personnel, equipment and supplies for processing crime scenes.
- (b) Establishing procedures for collecting, processing and preserving physical evidence in the field.
- (c) Establishing procedures for photographing, video-recording and other imaging used to collect and preserve evidence.
- (d) Establishing procedures for processing, developing, lifting and labeling fingerprints.
- (e) Establishing procedures for the safe collection, storage, transportation and submission of biological and other evidence for DNA testing and evaluation.

### **403.7 EXECUTION OF HEALTH ORDERS**

Sworn members of this department shall enforce all lawful orders of the local health officer, issued for the purpose of preventing the spread of any contagious, infectious or communicable disease ([RCW 70.05.070](#); [WAC 246-100-040\(2\)](#)).

## Activating Special Teams

### 404.1 PURPOSE AND SCOPE

To provide a structured and standardized process for requesting specialized teams to mitigate certain events that exceed the capabilities of on-duty, line-level staff.

### 404.2 SWAT / CRISIS NEGOTIATORS

With increasing frequency our department is called upon to respond to the type of situation which has come to be known as an Unusual Occurrence. While other procedures deal with unusual occurrences as they relate to man-made disasters, the Special Weapons and Tactics (SWAT) Team should be activated, but is not limited to, the following situations:

- Snipers
- Barricaded suspects that require resources beyond what is available or have ongoing tactical factors such as time that would stress current resources
- Hostage situations
- Search Warrants/Arrests Warrants where armed resistance is likely and/or a department Threat Assessment form is completed and SWAT utilization is the recommended result
- Situations where the existing or probable hazards indicate the need for "emergency action plans," and when the event requires resources beyond what is available

#### 404.2.1 SWAT / CRISIS NEGOTIATORS ACTIVATION

##### **SWAT**

In non-emergent situations, when a shift supervisor feels that a SWAT team response is warranted, the supervisor will contact the SWAT sergeant or Special Operations Lieutenant and provide a detailed briefing of the situation and a completed threat assessment form. The call-out of the team will be determined in consultation with SWAT command and the Deputy Chief of Operations; both command staff members shall respond to the incident.

The Chief of Police shall be notified immediately.

If emergent circumstances exist, the Shift Supervisor may contact the SWAT sergeant or Special Operations Lieutenant directly for SWAT activation. The Duty Staff Officer (DSO), Deputy Chief and Chief of Police shall be notified immediately.

##### **CRISIS NEGOTIATORS**

When a shift supervisor feels that a Crisis Negotiator Team response is warranted, the supervisor will contact the lead CNT member or the assistant lead CNT member and provide a detailed briefing of the situation. After the information has been given, the lead CNT member or the assistant lead CNT member will deploy necessary personnel and equipment to assist the requesting unit(s).

## *Activating Special Teams*

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The Duty Staff Officer and Special Operations Lieutenant will be notified of the CNT deployment as soon as practicable.

### **404.2.2 SWAT EQUIPMENT ON PATROL**

Situations occur where SWAT equipment can be utilized in an enhanced patrol response to certain situations. For this reason, SWAT team members are encouraged to carry their equipment on patrol. This does not include sniper rifles or gas delivery systems.

Situations where equipment use is authorized, outside of SWAT Team call-out, includes but is not limited to:

- Active Shooter.
- Situations where the existing or probable hazard(s) make it prudent for extra protection to be used.
- Dynamic nature of the call requires immediate use of SWAT equipment.

### **404.3 TRAFFIC ACCIDENT INVESTIGATION / SPECIALIZED EQUIPMENT**

Traffic Officers have specialized training in advanced accident investigation and advanced technical training to utilize specialized equipment (i.e. FARO, "total station") for documenting crime scenes.

Call-outs for Traffic Officers should be, but are not limited to, the following situations:

- Fatality automobile accidents.
- Automobile accidents likely to result in a fatality.
- Serious automobile accidents involving a police vehicle.
- Homicide investigations.
- Serious assaults likely to result in a homicide.

#### **404.3.1 TRAFFIC ACCIDENT INVESTIGATION / SPECIALIZED EQUIPMENT ACTIVATION**

When Traffic Officer resources are required outside their assigned shifts, the Shift Supervisor will contact the DSO. The DSO will contact the Traffic Sergeant or Traffic Officer in Charge who will make the necessary call-outs.

### **404.4 INVESTIGATIONS / EVIDENCE AND ID**

Serious or complicated events can require additional resources outside of on-duty, line-level staff. Additional resources from Investigations and Evidence/ID should be used, but not limited to, the following situations:

- Homicides.
- Assaults likely to result in homicide.
- Suspicious Death Investigations (Evidence and ID).
- Kidnapping.



## *Activating Special Teams*

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- Serious sexual assaults.

### 404.4.1 INVESTIGATIONS / EVIDENCE AND ID ACTIVATIONS

When Investigations resources are required outside their assigned shifts, the Shift Supervisor will contact the DSO. The DSO will contact the Investigations Lieutenant, or Deputy Chief who oversees Investigations in his/her absence, and the Investigations Lieutenant will make the necessary call-outs.

When additional Evidence and ID resources are required, the Shift Supervisor will contact the DSO. The DSO will contact the Evidence and ID Supervisor who will respond and/or make any additional call-outs.

### **404.5 HAZARDOUS DEVICES UNIT**

When a hazardous device or suspected hazardous device has been found, or if a mutual aid request has been made, the Hazardous Devices Unit (HDU) shall be activated.

#### 404.5.1 HAZARDOUS DEVICES UNIT ACTIVATION

Activation of the Hazardous Devices Unit shall be made through the Special Operations Lieutenant, or his/her Deputy Chief if absent. The Special Operations Lieutenant will determine whether or not HDU will be activated and will make the necessary call-outs.

The Chief of Police shall be notified of the call-out.

### **404.6 CIVIL DISTURBANCE UNIT**

Whenever a group or crowd's actions create actual or possible conditions where on-duty police resources are unable to prevent or quell riots, other disorder, and/or actions necessitating "mass arrest," the Civil Disturbance Unit will be activated.

#### 404.6.1 CIVIL DISTURBANCE UNIT ACTIVATION

All activations of CDU shall be made through the Special Operations Lieutenant, or his/her Deputy Chief if absent. The Special Operations Lieutenant will determine whether or not CDU will be activated.

The Special Operations Lieutenant will make necessary call-outs and advise his/her Deputy Chief of the activation, and both will respond with the unit.

The Chief of Police shall be notified of the call-out.

# SWAT

## 405.1 PURPOSE AND SCOPE

The primary purpose of Special Weapons and Tactics (SWAT) is to provide a systematic approach to saving lives in accordance with the priorities of life and the specific standards set forth herein, in concert with the totality of circumstances presented.

While life safety is a priority of SWAT, the specific circumstances will dictate the types of force necessary to adequately protect the public and the officers involved. Resolution of some incidents may require the specific application of various types of force, up to and including, deadly force.

The scope of this policy includes concepts and principles that relate to the organization, training, operational tactics, personnel management and equipment of the Bellingham Police Department SWAT team. The policy will provide guidance based upon the terminology and collective viewpoint of the [National Tactical Officers' Association](#) (NTOA) organization and the [Washington State Tactical Officers' Association](#) (WSTOA).

### 405.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY AND PROCEDURES

The policy manual sections pertaining to SWAT are divided into operational and administrative policy and procedures. Since situations that necessitate the need for such a police response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the operational policy outlined in this manual section serves as a guideline to department personnel allowing for appropriate on scene decision making as required. The administrative procedures, however, are more restrictive and few exceptions should be taken.

### 405.1.2 SWAT TEAM DEFINED

A SWAT team is a designated law enforcement team, whose members are recruited, selected, trained, equipped and assigned to resolve critical incidents involving a threat to public safety which would otherwise exceed the capabilities of traditional law enforcement first responders and/or investigative units.

SWAT is an accepted title for a team with specialized training, expertise and equipment as defined above and further defined within this policy.

The primary characteristic of SWAT that distinguishes it from other units is the focus of effort. SWAT teams are focused on tactical solutions, as opposed to other functions, such as investigation.

The purpose of SWAT is to increase the likelihood of safely resolving critical incidents. Nothing in this policy is intended to preclude the Bellingham Police Department from utilizing specially trained units in areas such as narcotics investigations, felony apprehension and other tasks. However, the SWAT team should be viewed as the designated entity to be activated for SWAT-specific incidents such as hostage situations, barricade incidents, snipers, terrorist acts and other high-risk situations requiring specialized capability or where public and officer safety issues warrant the use of such a team.

## SWAT

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### **405.2 POLICY**

It shall be the policy of this department to maintain a SWAT team and to provide the equipment, staffing, and training necessary to maintain a SWAT team. The SWAT team should develop sufficient resources to perform three basic operational functions:

- (a) Command and Control.
- (b) Containment.
- (c) Entry/Apprehension/Rescue.

It is understood it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

#### **405.2.1 POLICY REVIEW**

SWAT policies should be reviewed annually and any changes shall include a risk assessment based on the following criteria:

- Case law review: Implications of national and jurisdictional rulings and precedents on current training, operations and policy.
- Training updates: Ensuring agency policy and operations correspond with latest training received. Compliance with applicable law as well as an ongoing assessment of risk management processes.
- Operational practices: Ensuring actual operational tactics are reflective of policy and a risk assessment of team assignments and tactical incident responses are consistent with the priority of life model.

### **405.3 TEAM ORGANIZATION**

The SWAT policy topics listed below are not all inclusive, but do provide the minimum basis for the sound management of any tactical team. Team commanders are strongly encouraged to explore any and all topics that may need to be established through a specific policy.

#### **405.3.1 TEAM SUPERVISORS**

The commander of the SWAT team shall be the Special Operations Lieutenant.

The SWAT team will be supervised by a sergeant who is selected by the Chief of Police upon specific recommendation by the staff and the SWAT commander.

The SWAT team sergeant's duties include but are not limited to:

- Assist with overall supervision and oversight for SWAT callouts and tactics.
- Assist with the planning and directing of training.
- Assist with the planning and budgeting of equipment expenditures.

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- Assist with the Police Department component of the TEMS program, including liaisoning with the Bellingham Fire Department.

### 405.3.2 TEAM ELEMENTS

Due to the operations listed herein, the SWAT team should have the following elements available when appropriate:

- Tactical Command: typically consists of the SWAT commander; SWAT sergeant; agency command staff member and tactical dispatcher(s) or equivalent scribe(s).
- Containment Team: typically consists of a two-person (or more) element capable of utilizing either lethal or less lethal force per area of responsibility. This may also include the use of K9 teams and/or patrol units.
- Entry Team (either emergency or deliberate): members required will be based upon the mission type, complexity of target environment and ability to adhere to the priorities of life.
- Sniper Team: typically consists of a two-person element per area of responsibility.
- Tactical Emergency Medical Support (TEMS): an entity that assists with mission preplanning, providing preventative care, and rendering medical treatment during SWAT operations and training.
- Crisis Negotiator Team: typically consists of a three-person element per area of responsibility.
- Vehicle Support: typically consists of a two-person element per specialized vehicle (BearCat rescue vehicle, Tactical Operations Center).
- Hazardous Devices Unit (HDU) support: bomb technicians to provide direct and general support in high-risk incidents involving explosive hazards.
- Tactical K9 Support: K9 handlers that assist with perimeter control and high-risk search operations.

### 405.3.3 INCIDENT COMMAND VS. TACTICAL COMMAND

The Incident Command System (ICS) is currently recognized as the command management methodology for the SWAT team.

The Incident Commander is tasked with managing the incident scene with regards to issues that are not part of the immediate tactical problem (i.e. closing streets to traffic, obtaining food / water, contacting the press and the like).

The SWAT commander is tasked with managing the immediate tactical problem. Due to their managing the immediate tactical problem, their position of authority supersedes rank so that they may ultimately make the decisions necessary to support the immediate tactical problem.

### 405.3.4 SWAT TEAM AUGMENTATION

The SWAT team has access to an additional supporting element in the form of two officers of the Western Washington University Police Department that are assigned to the SWAT team.

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A Memorandum of Understanding (MOU) has been developed in consultation with the Western Washington University Police Department.

### 405.3.5 CANINE TEAMS IN SWAT INCIDENTS

During a SWAT team activation, a Canine team can be utilized as a specific SWAT resource in the tactical environment and will fall under the command of SWAT.

Only Canine teams that have demonstrated proficiencies with specialized SWAT training and have received previous approval from a Canine trainer are eligible to be utilized as a specific SWAT resource in a tactical environment.

"Specialized SWAT training" includes attendance and acceptable participation in scheduled SWAT trainings (generally monthly), demonstrating any proficiencies required by the agency and/or SWAT, as well as successful completion of any SWAT-related curriculums deemed required by the SWAT team.

### 405.3.6 TEMS IN SWAT INCIDENTS

During a SWAT team activation, members of the Tactical Emergency Medical Support (TEMS) team can be utilized as a specific SWAT resource in the tactical environment and will fall under the command of SWAT.

Only TEMS members that have demonstrated proficiencies with specialized SWAT training and have received previous approval from SWAT command are eligible to be utilized as a specific SWAT resource in a tactical environment.

"Specialized SWAT training" includes attendance and acceptable participation in scheduled SWAT trainings, demonstrating any proficiencies required by the agency and/or SWAT, as well as successful completion of any SWAT-related curriculums deemed required by the SWAT team.

TEMS members are granted limited authority under a limited commission from the Chief of Police to act as a peace officer during SWAT operations and SWAT trainings. While acting during SWAT operations and under the limited commission, TEMS members shall act consistent with all applicable policies, rules, regulations, and laws, including department use of force policies, department firearm policies, department SWAT policies, and state law regarding the use of force.

TEMS members are authorized to carry firearms during activations and trainings if the TEMS member has successfully completed all department firearm, use of force, and SWAT trainings. Use of the firearm by TEMS members and firearm trainings for TEMS members will be in accordance with department policies, trainings, and state law.

While acting during SWAT operations and under their limited commission, the TEMS member shall act only while under the supervision of a full-time commissioned Bellingham Police Department officer.

## 405.4 OPERATION GUIDELINES FOR SWAT

The following procedures serve as guidelines for the operational deployment of the SWAT team. Generally, the SWAT team and the Crisis Negotiation Team (CNT) will be activated together.

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It is recognized, however, that a tactical team may be used in a situation not requiring the presence of the CNT, such as warrant service operations. Situations may also occur where the CNT is activated without SWAT. This shall be at the discretion of the SWAT commander.

With increasing frequency our department is called upon to respond to the type of situation which has come to be known as an "Unusual Occurrence." While other procedures deal with unusual occurrences as they relate to man-made disasters, the SWAT team should be activated, but is not limited to, the following situations:

- Sniper incidents
- Barricaded suspects that require resources beyond what is available or have ongoing tactical factors such as time that would stress current resources
- Hostage situations
- Search warrants/Arrest warrants where armed resistance is likely and/or a department Threat Assessment form is completed and SWAT utilization is the recommended result
- Situations where the existing or probable hazards indicate the need for "immediate action plans" and when the event requires resources beyond what is available

### 405.4.1 NON-EMERGENT CIRCUMSTANCES

When a shift or unit supervisor feels that a SWAT team response is warranted for a planned operation, the shift or unit supervisor will contact the SWAT sergeant or SWAT commander, provide a detailed briefing of the situation and provide a copy of a completed threat assessment form.

After the information has been given, the SWAT commander will contact the Deputy Chief of Operations or their representative. In the SWAT commander's absence, the SWAT sergeant will contact the Deputy Chief of Operations or their representative.

The call out of the team will be determined by the SWAT commander or SWAT sergeant in consultation with the Deputy Chief of Operations or their representative. The Chief of Police shall be notified immediately.

### 405.4.2 EMERGENCY CIRCUMSTANCES

If emergent circumstances exist, the shift or unit supervisor may contact the SWAT commander or SWAT sergeant directly for SWAT activation. The Duty Staff Officer, Deputy Chief of Operations or their representative and the Chief of Police shall be notified immediately.

### 405.4.3 ON-SCENE DETERMINATION

When a shift or unit supervisor feels that a SWAT team response is warranted, the shift or unit supervisor will contact the Duty Staff Officer (DSO) or their representative and provide a detailed briefing of the situation. After the information has been given, the DSO or their representative will contact the SWAT commander or SWAT sergeant.

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The SWAT commander will contact the Deputy Chief of Operations or their representative. In the SWAT commander's absence, the SWAT sergeant will contact the Deputy Chief of Operations or their representative.

The call out of the team will be determined by the SWAT commander or SWAT sergeant in consultation with the Deputy Chief of Operations or their representative. The Chief of Police shall be notified immediately.

### 405.4.4 FIELD UNIT RESPONSIBILITIES

Until the arrival of the SWAT team, it is recommended that law enforcement personnel at the scene should focus on engaging in the following activities as time permits:

Establish a Tactical Command, which *may include*:

- Identify safe routes of travel for specialized vehicles (ambulances, armored rescue vehicles, etc)
- Identify a staging area
- Identify an appropriate incident command post location (consider stand-off distances, required security and other hazards)
- Gather essential tactical elements of information
- Provide a complete and accurate description of suspect(s) and hostage(s) as soon as they are available
- Develop a threat assessment
- Conduct reconnaissance
- Obtain floor plan
- Initiate building labeling/diagramming
- Conduct breach point analysis
- Identify tactical approach routes
- Identify potential sniper hides
- Utilize electronic intelligence
- Make appropriate notifications
- Develop a medical threat assessment
- Initiate emergency rescues of "Citizen Down" and "Officers Down"
- Conduct evacuations of innocents and police that may actively or predictably be in danger of being killed or seriously injured
- Initiate a medical threat assessment and establish a liaison with local EMS services.  
An initial medical threat assessment should include an estimated number of casualties, identify locations for casualty collection points and medical staging

## SWAT

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areas, and consider the operational and environmental conditions that may affect operator performance and mission success

- In the absence of acts of active violence, first responding police officers should be able to perform basic medical care and coordinate with responding EMS units. In an effort to reduce the number of potentially preventable deaths, first responding units should triage casualties for the presence of immediate life threatening injuries, apply tourniquets and pressure dressings, initiate basic airway maneuvers, and extract casualties to a collection point where they can be handed off to EMS for further care
- Preserve a crime scene as needed

Establish an effective Perimeter, which may include:

- Coordinating containment/Isolation Security Teams
- Deploying patrol rifle teams
- Deploying canine handlers
- Confirming traffic/pedestrian control
- Deploying aviation support unit
- The deployment and staging of EMS, fire suppression, HazMat and decon units

Once a perimeter is set, law enforcement personnel at the scene should establish an “Immediate Action Team” in the event that the situation suddenly changes requiring officers on scene to take immediate action.

Primary responsibilities of the “Immediate Action Team” are to prevent escape and to take the suspect into custody if surrender occurs. When responding to a dynamic or rapidly escalating incident such as an active shooter situation or one that exigent circumstances may require immediate intervention to save lives, the “Immediate Action Team,” or a single officer if necessary, will track and move to neutralize the threat before the suspect kills or seriously injures innocents.

This team should continuously assess and identify its limitations and assist in scene transition to SWAT when appropriate.

Timely request of specialized units such as SWAT and CNT are critical and will greatly increase safety and contribute to a successful resolution. When possible, commence with negotiations once perimeter and “Immediate Action Teams” are established. This may result in a safe surrender, assist with gathering intelligence and slow the suspect actions, allowing time for SWAT resources to arrive.

Any action taken during a high-risk incident before SWAT is able to respond, should be objectively reasonable and necessary. Such decisions should be based on the totality of the circumstances and the priority of life decision-making process. There may be a need for a single officer intervention to a violent event in order to stop an active ongoing threat. The above listed considerations are not mandates, nor all inclusive, and any decision to implement or not implement them should be based upon the training, equipment and capabilities of the officers on scene.



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### 405.4.5 OPERATIONAL PLANNING

The SWAT team will develop an operational plan in a consistent format for preplanning purposes. The planning processes shall include target scouting; development of detailed written operations orders, detailed operations order briefings, operation rehearsals if time allows and pre-mission inspections. Final approval for all operational planning documents should rest on the SWAT commander or their representative.

All SWAT team members will be trained and should demonstrate proficiency in operational planning concepts.

Operational planning concepts will include procedures for responding to ongoing or evolving incidents, including the development of plans relating to rapid responses to emergent situations.

### 405.4.6 OUTSIDE AGENCY REQUESTS

Deployment of the SWAT team and/or CNT in response to requests by other agencies must be authorized by the Deputy Chief of Operations or their representative.

The SWAT team, including relevant specialized units and supporting resources, should develop protocols, agreements, Mutual Aid Agreements, or working relationships to support multi-jurisdictional or regional responses.

The SWAT team, including relevant specialized units and supporting resources shall operate under the policies, procedures and command of the Bellingham Police Department when working in a multi-agency situation.

### 405.4.7 LONG-TERM OR EXTENDED OPERATIONS

It is acknowledged that long-term or extended operations will tax or unnecessarily strain operators and/or equipment and render them to a less-than-optimal condition for the task at hand.

Where situations such as time in operations, personnel availability or other factors limit the capabilities of the SWAT team, other resources should be coordinated in a manner which is consistent with reliable tactics, techniques and procedures.

Coordination should comply with the laws of the State of Washington and departmental policies, which may require mutual aid or intergovernmental agreements.

The Whatcom County Sheriff's Office Special Weapons and Tactics Team (WCSO SWAT) is currently the primary assisting law enforcement agency for SWAT operations.

The current protocol and procedure dictates that during long-term or extended tactical operations the SWAT commander shall notify an assisting law enforcement agency for relief and rotation no later than the ninth hour of continual operations. Upon activation of the assisting law enforcement agency, when the assisting agency's resources arrive on scene they will begin to relieve and rotate out Bellingham Police Department resources.

Tactical Command shall be given to the assisting law enforcement agency but Incident Command shall remain with the Bellingham Police Department and the representatives remaining on scene for this purpose.

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SWAT team members shall not be recalled to the tactical operation until a continuous ten hour break from operations occurs. If this occurs, the assisting law enforcement agency shall be notified that Tactical Command will transfer back to the Bellingham Police Department upon arrival of the SWAT team.

### 405.4.8 MULTI-JURISDICTIONAL SWAT OPERATIONS

The SWAT team has developed appropriate agreements, protocols and procedures for support relationships between and among neighboring teams for the handling of extraordinary incidents which exceed the capabilities and resources of the primary jurisdictional team.

A Memorandum of Understanding (MOU) has been developed in consultation with the Whatcom County Sheriff's Office.

### 405.4.9 INCIDENT DOCUMENTATION AND DEBRIEFING

All SWAT personnel involved in any tactical operation shall properly document their involvement in an incident report pursuant to other policies in this policy manual. Tactical and incident information can be used for incident debriefing prior to their inclusion in an incident report.

Incident debriefings may occur immediately after the tactical operation or on a later date that is more advantageous for attendance.

The SWAT commander should be capable of producing a written annual report which shall include a summary of all activations / deployments.

## 405.5 OPERATION OF SUPPORT VEHICLES

Only those employees authorized to use the SWAT BearCat rescue vehicle and SWAT Tactical Operations Center (TOC) may do so. There will be a limited number of personnel selected to be the primary driver of these special use vehicles. All SWAT team members will become familiar with the vehicles so that they can operate them if necessary.

It is recommended that two people be used as spotters anytime the SWAT BearCat rescue vehicle is being backed.

The SWAT BearCat rescue vehicle shall be driven a minimum of once per month to keep the battery charged and to ensure it is in operational condition.

All operations of special use vehicles are required to be in a manner consistent with applicable laws, policies and consistent with training received.

## 405.6 SWAT TEAM ADMINISTRATIVE PROCEDURES

### 405.6.1 PERSONNEL MANAGEMENT-SELECTION

Interested sworn personnel who are off probation shall submit an interest email to the SWAT commander upon announcement that an opening(s) exist on the team. Those qualifying applicants will then be invited to participate in the testing process which includes a peer evaluation

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by current SWAT team members, the successful passing of the SWAT physical fitness test, the successful passing of the SWAT firearms qualification, and an interview process.

The peer evaluation consists of current SWAT team members providing a written, signed statement on each candidate's field tactical skills, teamwork, ability to work under stress, communication skills, judgment, and any special skills that could benefit the team. Statements shall include any concerns or negative issues that have occurred, if warranted. Peer evaluations will be reviewed by team leads, the SWAT sergeant and/or the SWAT commander.

The physical fitness test is designed to determine the physical capabilities of the applicant as it relates to performance of SWAT-related duties. The standard is described under 405.6.4.

The firearms qualification is designed to determine the firearms capabilities of the applicant as it relates to performance of SWAT-related duties. The standard is described under 405.6.5. Applicants will wear their duty-issued patrol equipment during this qualification.

The interview process panel consists of personnel selected by the SWAT commander. Applicants will be evaluated by the following criteria:

- (a) Recognized competence and ability as evidenced by performance.
- (b) Demonstrated good judgment and understanding of the critical role of a SWAT member.
- (c) Special skills, training, or appropriate education as it pertains to this assignment.
- (d) Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions, and training obligations.

A list of successful applicants and recommendations shall be submitted to the Deputy Chief of Operations, by the SWAT commander, for final selection.

Prior to final selection onto the SWAT team, affected personnel will sign and date an "Agreement & Release" form, agreeing to adhere to responsibilities expected of SWAT members. Failure to agree to the stipulations in this document will prohibit the officer from being accepted onto the SWAT team.

Selection for TEMS personnel shall follow this process with the addition that the interview process panel will include a member of the Bellingham Fire Department.

### 405.6.2 PERSONNEL MANAGEMENT-RETENTION

Retention issues for SWAT shall arise if personnel fail to maintain proficiency in one or more of three areas: physical fitness; firearms proficiency and tactical proficiency.

If a SWAT officer fails to complete either the physical fitness, firearms or tactical tests per the required standards, the member will be expected to meet all of the required standards on the next offered test dates. If any required standard is not met during the next tests, the officer will be placed on probation and will be required to pass all of the following tests on the next offered test dates. Command Staff are to be made aware if an operator fails two consecutive tests.

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If at the third testing period the officer fails to meet any of the required standards, he/she will be subject to dismissal from SWAT. The member will not be eligible to re-test at a future date.

The members of SWAT leadership will have the final decision on any scoring or timing discrepancies.

This standard does not apply to illness or injury cases, which will be dealt with on an individual basis.

Negotiators, Bearcat Operators, Canine and Command Staff are exempt from all test standards and requirements. Standards and requirements for these positions will be governed within their own unit. TEMS members are only required to successfully complete the physical fitness test and firearms test per the required standards.

### 405.6.3 PERSONNEL MANAGEMENT-ABSENTEEISM

Team members may find that on occasion it will become necessary to be absent from training.

Certainly every effort should be made to schedule time off around the SWAT training schedule to minimize conflicts. It is recognized that court cases, outside training classes and administrative demands may interfere.

SWAT hold approximately eleven trainings per year. It is expected that SWAT members miss no more than four of these trainings combined per year. Failure to meet this expectation may result in the dismissal from SWAT.

The members of the Command Staff will have the final decision on whether or not a dismissal due to absenteeism occurs.

It will be the policy of SWAT, that when an absence occurs, the absent member will complete the appropriate documentation and forward the same to the SWAT sergeant.

If the absence occurs on a date of training certification, the absent member will have 60 days to complete the certification. If the member fails to meet the specified time line, the member will become inactive until the certification is obtained. However, it is at the discretion of the SWAT Command Staff to use the inactive member if needed for an activation.

It is the responsibility of the absent member to contact the SWAT sergeant and coordinate any make-up session.

Any team member that is unavailable for SWAT activities will notify his/her team lead and the SWAT sergeant as well as properly mark his/her status on the "In/Out Board."

### 405.6.4 PHYSICAL FITNESS STANDARDS

The purpose of the SWAT physical fitness test is to accurately measure and encourage tactical-related fitness through a select series of exercises.

Four events were chosen for their ability to evaluate the three metabolic pathways that provide officers with the energy required to execute any physical task. In addition to taking these energy systems into consideration, the physical fitness test also focuses on universal motor recruitment

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patterns (squat, lift, push and pull) as opposed to isolated movements that focus on one or two body parts. In order to achieve these goals events are utilized that employ whole body, multi-planar movements that simulate real world tasks.

The physical fitness test standard minimums are:

- Weighted Pull-Ups - Three (3) dead hang pull-ups while wearing a 25 lbs weighted vest
- Sand Bag Pick Up – Forty-five (45) ground to overhead sand bag pick-ups in two minutes (2:00)
- Sprint - Sprint forty (40) yards in eight (8.0) seconds or less while wearing a 25 lbs weighted vest. Operator must start in the prone position.
- Obstacle Course - Complete the Obstacle Course in three minutes and thirty seconds (3:30.00) or less.

Physical fitness testing will take place every six months, generally in March and October. If an operator fails a particular evolution of the physical fitness test than he/she may immediately retest on the same day if time allows.

### 405.6.5 FIREARMS STANDARDS

The purpose of the SWAT firearms standard is for personnel to accept that in order to be a member of the SWAT team he/she must also be responsible for a higher level of firearms proficiency. Given the propensity of lethal encounters in tactical operations, team members must be held to a higher standard than those posed by state mandates or departmental firearms courses to insure the capability of each team member.

The firearms minimum standards are that operators must score a minimum of 80% or better on each evolution of the firearms qualification to pass.

Firearms qualification will take place every six months, generally in March and October.

### 405.6.6 TACTICAL STANDARDS

The purpose of the SWAT tactical evaluation is to assess team members' tactical acumen and skills using commonly utilized actions and processes within the tactical world.

The tactical standard is that operators cannot score more than three (3) "below standards" on any date wherein they are subjected to evaluation.

Tactical evaluations of a SWAT member will occur twice per calendar year in an unannounced manner, although SWAT members have access to the tactical evaluation scoring rubric so they know what they are being evaluated on.

## 405.7 SWAT TRAINING

### 405.7.1 TRAINING NEEDS ASSESSMENT

The SWAT sergeant shall conduct an annual SWAT training needs assessment to ensure that training is conducted within team capabilities and department policy.

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### 405.7.2 INITIAL TRAINING

SWAT team operators and SWAT supervisors should attend and successfully complete a CJTC-, WSTOA- or NTOA-approved Basic SWAT Course or its equivalent, within their first year of selection. To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content (topics) meet or exceed department requirements or standardized training recommendations.

When a team member is assigned to a specialty task such as sniper, breacher or team leader they should attend and successfully complete a CJTC-, WSTOA- or NTOA- approved basic course or its equivalent for said specialty within their first year of selection to the specialty task. To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content (topics) meet or exceed department requirements or standardized training recommendations.

### 405.7.3 SWAT ONGOING TRAINING

Ongoing training shall be coordinated by the SWAT sergeant. The SWAT sergeant shall conduct monthly training exercises that include a review and critique of personnel and their performance in the exercise in addition to specialized training.

Training shall consist of the following: a physical fitness component; firearms-related training; classroom instruction of a tactical topic; scenario-based training that simulates the tactical operational environment wherein tactical concepts and principles can be applied by team members.

Ongoing training that is necessary for a specialty task such as sniper, breacher or the like shall be conducted by those specialists and may be completed in place of ongoing training coordinated by the SWAT sergeant. This includes but is not limited to ongoing training for specialist certification.

The SWAT team must be mission capable in ALL of the following areas: hostage rescue; barricaded gunman; sniper operations; high-risk warrant service and high risk apprehension; terrorism response; special assignments and other incidents which exceed the capability and / or capacity of first responders and / or investigative units.

Due to their expected operations, the SWAT team should train their personnel on the following competencies:

- Mission analysis and threat assessment
- Determination of criminal offense
- Determination of mental illness
- Consideration of local requirements for search warrant prior to entry
- Intelligence gathering techniques
- Reconnaissance techniques
- Technology support (robotics, electronic surveillance)

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- Tactical planning (timing and transition of crisis, deliberate and contingency phases)
- Adherence to priority of life matrix
- Communication skills to include basic negotiation techniques
- Breach point analysis (mechanical, ballistic, explosive)
- Briefing techniques
- Tactical communication techniques
- Containment and surveillance
- Sniper support roles
- Use of BearCat rescue vehicle and other specialized vehicles
- Officer/victim rescue procedures
- Failed breach tactics
- Diversionary device tactics
- Fire suppression equipment and tactics
- Lesslethal applications
- Window porting
- Compromise procedures
- Communication procedures and announcement procedures
- Integration of negotiators
- Post-incident documentation
  - Floor plans, photographs
- Unusual incidents (damage, use of force, injuries)
- Arrest and control procedures
- Warrant service options
  - Contain and call out
  - Deliberate search techniques
- Environments and tactics
  - Open air - sniper initiated, stronghold
  - Stronghold - dynamic and covert
  - Vehicle / Vessel / Aircraft
  - HDU/entry integration
  - Dynamic / Deliberate / Transitional

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- Tactical tracking (to include coordination with K9)
  - Land navigation
- K9 support
- Explosive device recognition and mitigation
- Entry tactics
- Transitional tactics
- Aggressive animal mitigation
- Special event security

SWAT sniper personnel should be trained on the following additional competencies:

- Mission analysis and threat assessment
- Firearm nomenclature and capabilities
- Shooting through mediums (i.e. vehicles, glass, Lexan, wood)
- Concealment and camouflage techniques
- Data books and record keeping
- Surveillance and communication
- Ballistics (internal, external and terminal)
- Operational sniper tactics specific to jurisdiction
- Hide construction and management
- Individual movement skills
- Observation skills - positive target identification
- Position shooting - standard and unorthodox
- Stress shooting
- Discretionary shooting
- Low light shooting
- Weapon maintenance
- Post shot communication protocols
- Post incident documentation

In preparation to conduct terrorism response operations, the SWAT team should train their personnel on the following competencies:

- Tactical operations integrating SWAT and HDU
  - Mission analysis and threat assessment



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- Improvised Explosive Device (IED) component and HME (Homemade Explosive) identification and chemical precursor recognition
- Destructive capabilities and scene consequences of tactically deployed IEDs.
- IED Threat Stream planning and intervention / response tactics to include Vehicle-Borne Improvised Explosive Devices (VBIED).
- Overview of HDU deployment, render safe procedures (RSP) and operational capabilities.
- Suicide bomber planning and response tactics.
- Threat assessment and vulnerability planning

### 405.7.4 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.

### 405.7.5 SCENARIO-BASED TRAINING

SWAT teams should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

### 405.7.6 TRAINING DOCUMENTATION

Team training shall be documented by the SWAT sergeant or their representative and training records shall be given to and maintained by the agency Training Officer. Such documentation shall be maintained in each member's individual training file.

A separate agency SWAT training file shall be maintained with documentation and records of all team training.

## 405.8 UNIFORMS, EQUIPMENT AND FIREARMS

SWAT team members from this agency should be adequately equipped to meet the specific mission(s) identified by the agency.

### 405.8.1 UNIFORMS

SWAT teams from this agency should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

### 405.8.2 EQUIPMENT

SWAT team members are expected to properly care for department property assigned or entrusted to them. SWAT team members may also suffer occasional loss or damage to personal or department property while performing their duties. Certain procedures are required depending on the loss and ownership of the item.

SWAT team members shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. A SWAT team

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member's intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to the cost of repair or replacement.

SWAT team members shall promptly report to the SWAT sergeant any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use.

The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable department property as soon as available and following notice to the SWAT sergeant.

Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.

In the event that any department property becomes damaged or unserviceable, no SWAT team member shall attempt to repair the property without prior approval of the SWAT sergeant.

### 405.8.3 FIREARMS

Weapons and equipment used by SWAT, the specialized units, and the supporting resources shall be agency-issued or approved, including any modifications, additions, or attachments.

### 405.8.4 EQUIPMENT: PERSONAL PROPERTY LOSS

Claims for reimbursement for damage or loss of personal property must be made in written form and must be submitted to the SWAT sergeant. The SWAT sergeant may require a separate written report of the loss or damage.

The SWAT sergeant shall direct the request to the SWAT commander, which shall include the results of his/her investigation and whether the SWAT team member followed proper procedures.

Upon review and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Deputy Chief of Operations who will then forward the claim to the Finance Department.

The department will not replace personally owned items that are not reasonably required as a part of work.

## 405.9 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES

The Crisis Negotiation Team (CNT) has been established to provide skilled verbal communicators who may be utilized to attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves, or have suicidal tendencies.

### 405.9.1 INITIAL TRAINING

Those officers selected as members of the Crisis Negotiation Team should complete a CJTC-, WSTOA- or NTOA-approved Basic Negotiations Course or its equivalent, within their first year of selection. To avoid unnecessary or redundant training, previous training completed by members

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may be considered equivalent when the hours and content (topics) meet or exceed department requirements or standardized training recommendations.

### 405.9.2 ONGOING TRAINING

A minimum of one training day per calendar quarter will be required to provide the opportunity for role-playing and situational training necessary to maintain proper skills. This will be coordinated by the lead Crisis Negotiator.

Team training shall be documented by the lead Crisis Negotiator or their representative and training records shall be given to and maintained by the agency Training Officer. Such documentation shall be maintained in each member's individual training file.

## Special Use Vehicles

### 406.1 PURPOSE AND SCOPE

Special use vehicles can be utilized to provide additional safety to officers, enhance operations, and to provide logistical support for situations, events and missions that police department personnel perform. This policy is intended to provide guidance for the operator selection, deployment, use and operating procedures of special use vehicles.

### 406.2 DESIGNATED SPECIAL USE VEHICLES

The following are designated special use vehicles of the Bellingham Police Department:

- Armored Rescue Vehicle (Lenco-Bearcat).
- Tactical Operations Center (TOC).
- Mobile Precinct.

### 406.3 SPECIAL USE VEHICLE OPERATORS

Only personnel who have received specific training in the designated special use vehicles should operate such vehicles.

#### 406.3.1 SELECTION OF SPECIAL USE VEHICLE OPERATORS

The selection process for special use vehicle operators will be determined by command staff. The final list of applicants and recommendations for selection will be submitted to the Chief of Police for final assignment. The following Commanders will be responsible for these designated special vehicles:

- Armored Rescue Vehicle - Special Operations Lieutenant.
- Tactical Operations Center (TOC) - Special Operations Lieutenant.
- Mobile Precinct - Neighborhood Outreach Lieutenant.

#### 406.3.2 TRAINING FOR SPECIAL USE VEHICLE OPERATORS

All special use vehicle drivers will successfully complete the training required for each vehicle prior to its operation.

All SWAT team members shall be trained in how to operate the Armored Rescue Vehicle.

All Hostage Negotiators shall be trained on how to operate the Mobile Precinct.

### 406.4 MAINTENANCE OF SPECIAL USE VEHICLES

The assigned Commander will designate one of the special vehicle operators as the Primary driver who will be responsible for the maintenance responsibilities of that vehicle.

To ensure mission readiness, all Special Use Vehicles shall be driven and inspected at least once per month.

## *Special Use Vehicles*

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### **406.5 OPERATIONS GUIDELINES FOR SPECIAL USE VEHICLES**

All operations of special use vehicles are required to be in a manner consistent with applicable laws, policies and consistent with training received.

#### **406.5.1 ON-SCENE DETERMINATION**

When the use of a special vehicle is warranted, the Shift Supervisor will contact the Shift Commander, or DSO, and provide a detailed briefing. The Shift Commander, or DSO, may authorize the use of a special vehicle. The shift Commander or DSO will then notify their Deputy Chief.

#### **406.5.2 EMERGENCY CIRCUMSTANCES**

If emergent circumstances exist, the Shift Supervisor may initiate the use of a special vehicle. The shift supervisor will notify the shift commander or DSO at the soonest possible time after the use was initiated.

#### **406.5.3 APPROPRIATE SITUATIONS AND STAFFING FOR THE OPERATION OF SPECIAL USE VEHICLES**

##### **(a) Armored Rescue Vehicle:**

- The Armored Rescue Vehicle may be deployed for operational/tactical events:
  - Requiring rescue, protection of individuals;
  - Providing additional cover;
  - Security and protection where suspects have armed/threatened to arm themselves with a firearm;
  - There is information to believe that firearms are present;
  - The suspect(s) has/have placed themselves in a location which has/could pose a danger to others.
  - SWAT team operations when determined necessary by the specific unusual occurrence/event.
- During tactical operations, the Armored Rescue Vehicle will be staffed by a driver and an assistant driver. Spotters will be used anytime the SWAT rescue vehicle is being backed.
- Requests involving the Armored Rescue Vehicle, for community policing events as opposed to *incidents*, shall be at the discretion of the SWAT Commander and Chief of Police.

##### **(b) TOC**

- Situations and events in which the TOC would assist/enhance the abilities of officers who are on scene at the event. These can include both tactical and non-tactical events.
- The TOC requires one operator.

##### **(c) Mobile precinct**

## *Special Use Vehicles*

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- Situations where the Hostage negotiation team require it.
- Command post for events/incidents as needed/required.
- The Mobile precinct requires one operator.

### **406.6 OUTSIDE AGENCY REQUESTS FOR SPECIAL USE VEHICLES**

Outside agency requests must be authorized by the Shift Commander or DSO.

Operators will follow the Bellingham Police Department policies and procedures when assisting other agencies with special use vehicles.

During tactical operations, the senior "on-scene" operator of the special use vehicle will have the final decision making authority with regard to the specific tactical mission requests made by the requesting agency. The senior special use vehicle operator will ensure that the requested tactical mission conforms within the prescribed use and training of the specific special use vehicle.

## Ride-Along Policy

### 407.1 PURPOSE AND SCOPE

This policy establishes the eligibility requirements, approval process, hours of operation and other guidelines for participation in a ride-along.

The general purpose of the ride-along is to provide an opportunity for citizens from outside the agency to observe police officers at work and gain insight and familiarity with the department, thus fostering an environment of mutual trust and respect.

#### 407.1.1 ELIGIBILITY

The Department will attempt to comply with requests for a ride-along from members of the community whenever practicable. Given limited personnel resources, the Department must prioritize which ride-along requests it can grant. Preference will be given to those affiliated with police programs in some capacity such as candidates for hire, individuals enrolled in law enforcement academic courses or individuals associated with the operations of the Bellingham Police Department such as elected officials or citizen advisory committee members. Citizen and officer safety is the foremost consideration in approving a ride-along and the Bellingham Police Department reserves the right to decline any ride-along request at any time for any reason.

The following factors may be considered in declining a ride-along request but are not limited to:

- Being under 15 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor
- The inability to respond to verbal instructions in a compressed timeframe and have the mobility necessary to exit the patrol vehicle as necessary by the circumstances. These requirements are due to the unpredictable and potentially dangerous environments that officers are exposed to, which include but are not limited to: rapidly evolving criminal events in a dynamic environment that require immediate communication between officer and rider; and/or attacks towards a marked patrol vehicle and/or police officer that require immediate communication and potential physical action from officer and rider.

#### 407.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions. Exceptions may be granted by the Chief of Police, Deputy Chief, Patrol Lieutenant, or Shift Supervisor.

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### **407.2 PARTICIPATING IN A RIDE-ALONG**

To request a ride-along, citizens shall read completely and sign the Ride-Along policy, Application and Liability Waiver. Completed applications should be submitted to the Bellingham Police Department at least two weeks prior to the requested ride-along date.

If the ride-along is denied, a representative of the Department will contact the applicant and advise him/her of the denial.

If the ride-along request is approved the Patrol Lieutenant will schedule a date based upon availability and advise the applicant of the final approval. A copy will be forwarded to the respective Shift Supervisor as soon as possible for his/her scheduling considerations.

Upon completion of the ride-along, the ride-along form shall be turned in to the Patrol Lieutenant.

#### **407.2.1 PROGRAM REQUIREMENTS**

Once approved, ride-along participants will be allowed to ride no more than once every six months. Exceptions can be made at the discretion of the Chief of Police or the Patrol Lieutenant.

An effort will be made to ensure that no more than one participant in a ride-along occurs during any given time period. No more than one ride-along participant will be allowed in the officer's vehicle at a given time.

Ride-along requirements for police explorers are covered in Policy Manual § 1025, "Police Explorers."

To assist with officer and rider safety, ride-along participants must be able to respond to verbal instructions from the officer and possess the mobility necessary to enter and exit a vehicle as rapidly as circumstances dictate.

#### **407.2.2 SUITABLE ATTIRE**

Every ride-along participant is required to be suitably dressed. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. The Shift Supervisor may refuse a ride-along to any participant not properly dressed.

#### **407.2.3 PEACE OFFICER RIDE-ALONGS**

Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the explicit consent of the Shift Supervisor. In the event that such a ride-along is permitted, the off-duty employee shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

### **407.3 OFFICER'S RESPONSIBILITY**

The officer shall advise the dispatcher that a ride-along participant is present in the vehicle before going into service. Officers shall consider the safety of the ride-along participant at all times. Officers should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will



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be advised of the situation and as soon as practical have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

### **407.4 CONTROL OF RIDE-ALONG**

The assigned employee shall maintain control over the ride-along participant at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

- (a) The ride-along participant will follow the directions of the officer.
- (b) The ride-along participant will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment.
- (c) The ride-along participant may terminate the ride-along at any time and the officer may return the observer to their home or to the station if the ride-along participant interferes with the performance of the officer's duties.
- (d) Ride-along participants may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.
- (e) Officers will not allow any ride-along participants to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen.
- (f) Under no circumstance shall a ride-along participant be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person.

# Hazardous Material Response

## 408.1 PURPOSE AND SCOPE

Exposure to hazardous materials present potential harm to department members and the public. This policy outlines the responsibilities of members who respond to these events and the factors that should be considered while on-scene, including the reporting of exposures and supervisor responsibilities. This policy also details officer and supervisor responsibilities for reporting exposures.

### 408.1.1 DEFINITIONS AND PROPERTIES

A hazardous material is any substance which by its nature, has the capability of inflicting harm during exposure. It is characterized by being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby poses a threat to life and health when improperly managed.

Hazardous materials may be in any state such as solid, liquid or gas. Gases may or may not be visible. Hazardous materials can enter the body in any of the common ways: inhalation, ingestion, injection, or absorption.

## 408.2 POLICY

It is the policy of the Bellingham Police Department to respond to hazardous material emergencies with due regard for the safety of the public and those members responding to such incidents.

## 408.3 HAZARDOUS MATERIAL RESPONSE CONSIDERATIONS

Department members may encounter the release of hazardous materials in any number of ways, such as a traffic collision, chemical spill, or fire. Keep in mind that a hazardous materials incident may not be dispatched as such and therefore one should pay attention, think, and rely upon their senses and training when responding to any incident.

It is the Bellingham Fire Department and, more specifically, the Specialized Emergency Response Program (SERP) team that is trained and equipped to properly respond to and mitigate most HAZMAT incidents. However, department members can take the following steps to assist in the overall HAZMAT response:

- (a) Arrive so that you are uphill, upwind and a safe distance from the scene in order to make the initial assessment
- (b) Don personal protective equipment (PPE) as necessary
- (c) Notify Dispatch and your supervisor
- (d) Provide a description of the released material, weather conditions, wind direction, and suggest a safe approach route for the next responding unit(s)
- (e) Provide the number of injured when appropriate
- (f) Attempt to identify the hazardous material from a safe distance by using optical aids (binoculars or spotting scope) to read any placards or labels

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## *Hazardous Material Response*

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- (g) Identification can also be determined by a driver's manifest or shipping documents, or from information obtained from involved, knowledgeable persons
- (h) Provide first aid to injured parties if it can be done safely and without contamination
- (i) Identify a safe place for ambulatory victims to await decontamination and first aid
- (j) Make reasonable efforts to secure the scene and prevent access from any unauthorized person(s)

Supervisors: activate automated community notification system, as necessary.

### **408.4 CLANDESTINE LABS**

It is the policy of the Bellingham Police Department to set forth guidelines for employees in situations where those employees are dealing with clandestine laboratories and/or hazardous materials associated with clandestine laboratories.

The employees of the Bellingham Police Department will minimize their exposure to clandestine laboratories and/or hazardous materials at all times.

The site, location and/or structure is a crime scene and a hazardous materials site. No member will enter such a site without prior approval of a staff officer.

#### **408.4.1 CLANDESTINE LAB RESPONSE CONSIDERATIONS**

Most members of the Hazardous Devices Unit (HDU) have training in clandestine labs and should be called.

The Bellingham Fire Department is to be called for emergency situations such as a fire or injury.

All Bellingham Fire Department members are HAZMAT Ops trained and will assist with the initial HAZMAT investigation and research.

The Specialized Emergency Response Program (SERP) team may assist at the request of the Bellingham Fire Department. The SERP team will not dismantle the clandestine lab or become involved in evidence handling.

The Washington State Patrol Clandestine Lab Response team should be called to mitigate and dismantle the clandestine lab, plus gather evidence.

After all evidence is gathered, the site is to be turned over to the Department of Ecology.

### **408.5 REPORTING EXPOSURE**

Department members who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the member using the City of Bellingham Employee Exposure Report. That document shall be forwarded via chain of command to the shift supervisor as soon as practicable. Should the affected member be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the report.

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Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report as applicable.

### 408.5.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that a member has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to mitigate the exposure or continued exposure.

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# Handling Suspicious Packages and Letters

## 409.1 PURPOSE AND SCOPE

The Bellingham Police Department receives requests to assist in the handling of mail that has been deemed suspicious by citizens and businesses.

As first responders our primary responsibility is to be a calming influence for the caller and others, and to determine if a **Credible Exposure** exists.

## 409.2 PROCEDURES IN HANDLING SUSPICIOUS PACKAGES AND LETTERS

Upon arrival, do not enter the building or residence. It is recommended that you conduct all preliminary business outside, even if you determine that a **Credible Exposure** does not exist. You have the option of contacting the reporting party by telephone.

**Do not ask dispatch to do extensive questioning of the reporting party**, they have established protocols for these events. You may confirm with dispatch that the package or envelope has been opened or remains sealed.

An example of a **Credible Exposure** could be considered under the following circumstances; an opened letter/package that contains a powdery substance and/or liquid coupled with 'yes' responses to many of the questions listed below.

The following list of questions should be asked and used as a guide to determine if a **Credible Exposure** exists;

Does the package/envelope have:

- Excessive postage
- Handwritten or poorly typed addresses
- Incorrect titles
- Title, but no name
- Misspellings of common words
- Oily stains, discolorations or odor
- No return address
- Excessive weight
- Lopsided or uneven envelope
- Excessive security material such as masking tape, string, etc.
- Are there unusual distractions
- Is it ticking
- Marked with restrictive endorsements such as 'Personal' or 'Confidential'

## *Handling Suspicious Packages and Letters*

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- Shows a city or state in the postmark that does not match the return address

If you receive responses to these questions that are satisfactory and you believe that a **Credible Exposure** does not exist, you should advise the reporting party that the recommended procedure is to throw the item away.

In the event the package or envelope is open, you must determine with as much specificity as is possible, without exposing yourself, what circumstances caused the caller to believe they have been exposed to a biological agent (a powdery substance, liquid, and/or the content of written material).

At the point that you have reason to believe exposure has occurred, notify your supervisor and advise Dispatch that you want the Fire Department Incident Analysis Team (IAT) to respond. Once the IAT is notified, our primary objective is to secure the crime scene and gather names of people leaving the building or remaining inside.

Other notifications that may happen are, the Health Department, FBI, and Department of Emergency Management, etc.

Whether a package or envelope has been opened or not, the people who believe they have been exposed are extremely traumatized. The Whatcom County Health Department has counseling and treatment available and is the only appropriate agency for referral for us to make. (Do not refer people to the hospital or a private physician.)

No set of guidelines can cover all possible scenarios. Use caution, use your best judgment, and make every attempt to calm the situation and the people involved.

# Hostage and Barricade Incidents

## 410.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

### 410.1.1 DEFINITIONS

Definitions related to this policy include:

**Barricade situation** - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

**Hostage situation** - An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

## 410.2 POLICY

It is the policy of the Bellingham Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

## 410.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

### 410.3.1 EMERGENCY COMMUNICATIONS

A supervisor may order the telephone company to cut, reroute or divert telephone lines in order to prevent a suspect from communicating with anyone other than designated personnel in a barricade or hostage situation ([RCW 70.85.100](#)).

## *Hostage and Barricade Incidents*

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### **410.4 FIRST RESPONDER CONSIDERATIONS**

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to persons involved, to bystanders, to officers, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

#### **410.4.1 BARRICADE SITUATION**

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (d) Provide responding emergency personnel with a safe arrival route to the location.
- (e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.
- (g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.
- (h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer.
- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.



## *Hostage and Barricade Incidents*

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- (k) Establish a command post.

### 410.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Active Shooter and Violent Incident Response (AS/VIR Policy)).
- (d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.
- (e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (f) Provide responding emergency personnel with a safe arrival route to the location.
- (g) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (h) Coordinate pursuit or surveillance vehicles and control of travel routes.
- (i) Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.
- (j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- (k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer.
- (m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

### 410.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command

## *Hostage and Barricade Incidents*

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and assume the role of Incident Commander until properly relieved. This includes requesting a SWAT response if appropriate and apprising the SWAT Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

- (a) Ensure injured persons are evacuated and treated by medical personnel.
- (b) Ensure the completion of necessary first responder responsibilities or assignments.
- (c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.
- (d) Establish a command post location as resources and circumstances permit.
- (e) Designate assistants who can help with intelligence information and documentation of the incident.
- (f) If it is practicable to do so, arrange for video documentation of the operation.
- (g) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).
- (h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or Dispatch.
- (i) Identify a media staging area outside the outer perimeter and have the department Public Information Officer or a designated temporary media representative provide media access in accordance with the News Media Relations Policy.
- (j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
- (k) Debrief personnel and review documentation as appropriate.

### **410.6 SWAT RESPONSIBILITIES**

It will be the Incident Commander's decision, with input from the SWAT Commander, whether to deploy SWAT during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the SWAT Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for SWAT. The Incident Commander and the SWAT Commander or the authorized designee shall maintain communications at all times.

### **410.7 REPORTING**

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

# Response to Bomb Calls

## 411.1 PURPOSE AND SCOPE

These guidelines have been prepared to assist officers in their initial response to incidents involving explosives, explosive devices, or explosion/bombing incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety shall always be the primary consideration.

## 411.2 FOUND EXPLOSIVES/SUSPECT DEVICES

When an officer responds to a call of a suspected explosive device, the following guidelines shall be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
- (b) Secure the perimeter for a minimum of three hundred feet allowing for an entrance for support personnel.
- (c) Relay as much initial information as possible to the shift supervisor without touching the device, including:
  - 1. The stated threat.
  - 2. How made.
  - 3. Exact comments.
  - 4. Time.
  - 5. Location.
  - 6. Full description (e.g., size, shape, markings) of the device in question.
- (d) Do not touch or transport the device to any other location.
- (e) Do not transmit on any equipment that produces radio frequency energy within 300 feet. Consideration should be given to the possibility for evacuation if a device is located within a building.
- (f) Secure a perimeter around the suspected device.
- (g) Consideration for support personnel such as paramedics and Fire Department personnel.

## 411.3 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic incidents, a rapid response may help to minimize injury to victims, contamination of the scene by gathering crowds or additional damage by resulting fires or unstable structures. Whether the explosion was the result of an accident or a criminal act, the responding officers should consider the following actions:

## *Response to Bomb Calls*

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- Assess the scope of the incident, including the number of victims and extent of injuries.
- Assist with first aid (Fire Department has primary responsibility).
- Assist with evacuation of victims (Fire Department has primary responsibility).
- Identify and take appropriate action to mitigate scene hazards such as collapsed structures, blood borne pathogens, hazardous materials and secondary explosive devices.
- Request additional resources needed.
- Identify witnesses.
- Preserve evidence.

### 411.3.1 NOTIFICATIONS

When an explosion has occurred, the following people shall be notified as soon as practical if their assistance is needed:

- Fire Department
- Hazardous Devices Unit (HDU)
- Additional field officers
- Shift supervisor
- Detectives
- Crime Scene Investigators
- FBI

### 411.3.2 CROWD CONTROL

Only authorized personnel with a legitimate need shall be permitted access to the scene. Spectators and other unauthorized individuals shall be excluded to a safe distance as is reasonably practicable given the available resources and personnel.

### 411.3.3 SCENE OF INCIDENT

As in any other crime scene, steps should immediately be taken to preserve the scene. The scene could be extended for several hundred feet. Evidence may be imbedded in nearby structures or hanging in trees and bushes, etc.

A search of the area should be conducted for other objects foreign to the area such as a secondary device. If an item is found, it should not be touched. The item should be secured and the officer should wait for the arrival of HDU.

## **411.4 BOMB THREATS RECEIVED AT POLICE FACILITY**

This procedure should be followed should a bomb threat call be received at the police facility.

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## *Response to Bomb Calls*

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### 411.4.1 BOMB THREATS RECEIVED BY TELEPHONE

The following questions should be asked if a bomb threat is received at the Police Department:

- When is the bomb going to explode?
- Where is the bomb?
- What kind of bomb is it?
- What does it look like?
- Why did you place the bomb?
- Who are you? (to avoid possible termination of the call this should be the last question asked)

Attempt to keep the caller on the line as long as possible and obtain expanded answers to these five basic questions.

During this time, document the following:

- Time of the call.
- Exact words of the person as accurately as possible.
- Estimated age and gender of the caller.
- Speech patterns and/or accents.
- Background noises.

If the incoming call is received on a recorded line, steps shall be taken to ensure that the recording is preserved in accordance with current department evidence procedures.

### 411.4.2 RESPONSIBILITIES

As soon as a bomb threat has been received, the shift supervisor will be advised and fully informed of the details. The shift supervisor will then direct and assign officers as required for coordinating a general building search or evacuation as he/she deems appropriate.

Administrative Staff shall be notified as soon as possible. After business hours the DSO shall be notified.

# Emergent Detentions

## 412.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place an individual under an emergent detention ([RCW 71.05.153](#)).

## 412.2 POLICY

It is the policy of the Bellingham Police Department to protect the public and individuals through legal and appropriate use of the emergent detention process.

## 412.3 AUTHORITY

An officer who has reasonable cause to believe that a person is suffering from a mental disorder or a substance abuse disorder and presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, may take the person into emergent detention and immediately transport the person to a triage facility, crisis stabilization unit, evaluation and treatment facility, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or the emergency department of a local hospital ([RCW 71.05.153](#)).

An officer may also take a person into emergent detention and deliver the person to an evaluation and treatment facility upon the written or oral request of a crisis responder designated by the county or other authority who has determined that the person, as the result of a mental disorder or substance abuse disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled ([RCW 71.05.153](#)).

An officer shall take a person who is the subject of a written court order for apprehension issued pursuant to [RCW 71.05.201](#) into initial detention and transport the person to the designated facility or emergency room as determined by the designated crisis responder ([RCW 71.05.201](#)).

### 412.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for an emergent detention, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the individual so desires, the officers should:

- (a) Transport the individual to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to emergent detention.
- (b) If at any point the individual changes his/her mind regarding voluntary evaluation officers should proceed with the emergent detention, if appropriate.
- (c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

## *Emergent Detentions*

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### **412.4 CONSIDERATIONS AND RESPONSIBILITIES**

Any officer handling a call involving an individual who may qualify for an emergent detention should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the cause and nature of the individual's action or stated intentions.
- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.
- (d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

### **412.5 TRANSPORTATION**

When transporting any individual for an emergent detention, the transporting officer should have Dispatch notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Officers may transport individuals in a patrol vehicle and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, supervisor approval is required before transport commences.

### **412.6 TRANSFER TO APPROPRIATE FACILITY**

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking voluntary treatment, the officer should provide the staff member with an affidavit detailing information to support the officer's belief that an emergent detention is necessary and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

### **412.7 DOCUMENTATION**

The officer should complete an affidavit supporting emergency admission, provide it to the facility staff member assigned to the individual and retain a copy of the affidavit for inclusion in the case report.

## *Emergent Detentions*

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The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the emergent detention and request for an evaluation for involuntary treatment.

### **412.8 CRIMINAL OFFENSES**

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken on an emergent detention should resolve the criminal matter by issuing a warning or a citation, as appropriate.

When an individual who may qualify for an emergent detention has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the emergent detention.
- (c) Facilitate the individual's transfer to the jail facility.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for an emergent detention.

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of the Bellingham Police Department to regain custody of the individual, Bellingham Police Department resources (e.g., posting a guard), and other relevant factors in making this decision.

### **412.9 FIREARMS AND OTHER WEAPONS**

Whenever an individual is taken into custody for an emergent detention, the handling officers should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g. safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling officers should further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody.

### **412.10 TRAINING**

This department will endeavor to provide department-approved training on interaction with persons that have mental disorders, emergent detentions and crisis intervention.



## Citation Releases

### 413.1 PURPOSE AND SCOPE

Officers may use citation and notice to appear release procedures in lieu of arrest for misdemeanor and gross misdemeanor offenses with certain exceptions. The state courts have shown the intent to release all persons on misdemeanor and gross misdemeanor citations, if qualified for such release.

### 413.2 RELEASE METHODS

Release by citation for misdemeanor and gross misdemeanor offenses can be accomplished in two separate ways:

- (a) A field release is when the violator is released in the field without being transported to a jail facility.
- (b) A station release is when the violator is transported to the station, cited, and released.
- (c) A jail release is when a violator is released after being transported to the jail and booked.

#### 413.2.1 DISCRETION TO ARREST

While this department recognizes the statutory power of peace officers to make arrests throughout the state, officers are encouraged to use sound discretion in the enforcement of the law. On-duty arrests will not generally be made outside the jurisdiction of this department except in cases of hot and/or fresh pursuit, while following up on crimes committed within the City, or while assisting another agency. On-duty officers who discover criminal activity outside the jurisdiction of the City should, when circumstances permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

Off-duty officers observing criminal activity should generally take enforcement action only when it reasonably appears that imminent risk to life or property exists and the reasonable opportunity does not exist to contact the law enforcement agency with primary jurisdiction. In such situations the involved officer shall clearly identify him/herself as a police officer.

Officers are authorized to use verbal or written warnings to resolve minor traffic and criminal violations when appropriate.

### 413.3 DEPARTMENT PROCEDURE

The following procedure will be followed to comply with state court rules.

#### 413.3.1 FIELD RELEASE

Whenever a person is arrested or could have been arrested pursuant to statute for a violation of law which is punishable as a misdemeanor or gross misdemeanor, the arresting officer or any other authorized peace officer, may release the person in the field and serve upon the person a citation and Notice to Appear in court ([CrRLJ 2.1 \(b\)\(1\)](#)).

## *Citation Releases*

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### 413.3.2 JAIL RELEASE

In certain cases, it may be impractical to release a person arrested for misdemeanor offenses in the field. With a supervisors approval the person arrested may instead be released from the jail after booking.

Any person arrested for a misdemeanor offense may be released on his/her written promise to appear after the booking procedure is completed, unless disqualified for reasons listed in Policy Manual § 413.3.3.

### 413.3.3 DISQUALIFYING CIRCUMSTANCES

In determining whether to release the person or to hold him or her in custody, officers shall consider the following factors ([CrRLJ 2.1 \(b\)\(2\)](#)):

- (a) Whether the person has identified himself or herself satisfactorily.
- (b) Whether detention appears reasonably necessary to prevent imminent bodily harm to himself, herself, or another, or injury to property, or breach of the peace.
- (c) Whether the person has ties to the community reasonably sufficient to assure his/her appearance or whether there is substantial likelihood that he or she will refuse to respond to the citation and notice.
- (d) Whether the person previously has failed to appear in response to a citation and notice issued pursuant to this rule or to other lawful process.

### 413.3.4 INSTRUCTIONS TO CITED PERSON

The citing officer shall, at the time he/she issues the defendant the notice to appear, call attention to the time and place for appearance and take any other steps he/she deems necessary to ensure that the defendant understands his/her written promise to appear.

## 413.4 PROHIBITIONS

The release of a suspected offender on a citation and notice to appear is not permitted when:

- (a) A person has been arrested pursuant to [RCW 10.31.100\(2\)](#) (restraining orders).
- (b) An officer has probable cause to believe that the person arrested has violated [RCW 46.61.502](#) (DUI) or [RCW 46.61.504](#) (physical control of a vehicle while DUI) or equivalent local ordinance and the officer has knowledge that the person has a prior offense as defined in [RCW 46.61.5055](#) (alcohol and drug violators) within the last 10 years, or that the person is charged with or is awaiting arraignment for an offense that would qualify as a prior offense under [RCW 46.61.5055](#) if it were a conviction ([RCW 10.31.100](#); Criminal Rules, [CrRLJ 3.2\(o\)\(3\)](#)).

See the Domestic Violence Policy for release restrictions related to those investigations.

## 413.5 JUVENILE CITATIONS

Completion of criminal citations for juveniles is generally not appropriate with the following exception:

- Misdemeanor traffic violations of the RCW ([RCW 13.04.030\(1\)\(e\)](#))

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## *Citation Releases*

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All other misdemeanor violations for juveniles shall be documented with a case number and the case should be referred to the Investigation Unit for further action including diversion.

# Arrest or Detention of Foreign Nationals

## 414.1 PURPOSE AND SCOPE

Article 36 of the Vienna Convention on Consular Relations, sets forth certain rights of foreign nationals from member countries when arrested, detained or imprisoned by law enforcement officials in this country. This section provides direction to officers when considering a physical arrest or detention of a foreign national. All foreign service personnel shall be treated with respect and courtesy, regardless of the level of established immunity. As noted herein, the United States is a party to several bilateral agreements that obligate our authorities to notify the consulate upon the person's detention, regardless of whether the detained person(s) request that his/her consulate be notified. The list of specific countries that the United States is obligated to notify is listed in the U.S. Department of State [website](#).

### 414.1.1 DEFINITIONS

**Foreign National** - Anyone who is not a citizen of the United States (U.S.). A person with dual-citizenship, U.S. and foreign, is not a foreign national.

**Immunity** - Refers to various protections and privileges extended to the employees of foreign governments who are present in the U.S. as official representatives of their home governments. These privileges are embodied in international law and are intended to ensure the efficient and effective performance of their official "missions" (i.e., embassies, consulates, etc.) in foreign countries. Proper respect for the immunity to which an individual is entitled is necessary to ensure that U.S. diplomatic relations are not jeopardized and to maintain reciprocal treatment of U.S. personnel abroad. Although immunity may preclude U.S. courts from exercising jurisdiction, it is not intended to excuse unlawful activity. It is the policy of the U.S. Department of State's Office of Foreign Missions (OFM) that illegal acts by Foreign Service personnel should always be pursued through proper channels. Additionally, the host country's right to protect its citizens supersedes immunity privileges. Peace officers may intervene to the extent necessary to prevent the endangerment of public safety or the commission of a serious crime, regardless of immunity claims.

## 414.2 ARREST OR DETENTION OF FOREIGN NATIONALS

Officers should take appropriate enforcement action for all violations observed, regardless of claims of diplomatic or consular immunity received from violators. A person shall not, however, be subjected to in-custody arrest when diplomatic or consular immunity is claimed by the individual or suspected by the officer, and the officer has verified or reasonably suspects that the claim of immunity is valid.

## 414.3 LEVELS OF IMMUNITY

The specific degree of immunity afforded to foreign service personnel within the U.S. is directly related to their function and position in this country.

## *Arrest or Detention of Foreign Nationals*

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### 414.3.1 DIPLOMATIC AGENTS

Diplomatic agents (e.g. ambassadors and United Nations representatives) are afforded the highest levels of immunity. They are exempt from arrest or detention and are immune from all criminal (and most civil) prosecution by the host state. The family members of diplomatic agents enjoy these same immunities. Currently there are no diplomatic agents permanently assigned to Washington; but they do occasionally visit the state.

### 414.3.2 CONSULAR OFFICERS

Consular officers are the ranking members of consular posts who perform various formal functions on behalf of their own governments. Typical titles include consul general, consul, and vice consul. These officials are immune from arrest or detention, except pursuant to a felony warrant. They are only immune from criminal and civil prosecution arising from official acts. Official acts immunity must be raised as an affirmative defense in the court jurisdiction, and its validity is determined by the court. Under this defense, the prohibited act itself must have been performed as an official function. It is not sufficient that the consular agent was on-duty or in an official capacity at the time of the violation. The family members of consular officers generally enjoy no immunity, however, any family member who enjoys a higher level of immunity is issued an identification card by Department of State (DOS) enumerating any privileges or immunities on the back of the card. Examples are consular officers and family members from Russia or China.

There are approximately 40 consular officers in Washington, with most located in Seattle and Spokane.

### 414.3.3 HONORARY CONSULS

Honorary consuls are part-time employees of the country they represent and are either permanent residents of the U.S. or U.S. nationals (unlike career consular officers, who are foreign nationals on temporary assignment to the U.S.). Honorary consuls may be arrested and detained; limited immunity for official acts may be available as a subsequent defense. Family members have no immunity.

## **414.4 IDENTIFICATION**

All diplomatic and consular personnel who are entitled to immunity are registered with the Department of State and are issued distinctive identification cards by the Department of State Protocol Office. These cards are the best means of identifying Foreign Service personnel. They include a photograph, identifying information, and, on the reverse side, a brief description of the bearer's immunity status. Unfortunately, these identification cards are not always promptly issued by the Department of State. In addition to the Department of State identification card, Foreign Service personnel should also have a driver license issued by the Department of State Diplomatic Motor Vehicle Office (DMVO), which in most circumstances replaces the operator's license issued by the state.

### 414.4.1 VEHICLE REGISTRATION

Vehicles that are owned by foreign missions or Foreign Service personnel and their dependents are registered with the Department of State OFM and display distinctive red, white, and blue

## *Arrest or Detention of Foreign Nationals*

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license plates. Vehicles assigned to diplomatic or consular officers will generally have license plates labels with the words "Diplomat" or "Consul." Vehicles owned by honorary consuls are not issued OFM license plates; but may have Washington license plates with an "honorary consul" label. Driver's identity or immunity status should not be presumed from the type of license plates displayed on the vehicle. The status of an OFM license plate should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state, if the officer has reason to question the legitimate possession of the license plate.

The State of Washington may also issue honorary consul or official representative of any foreign government who is a citizen or resident of the United States of America, duly licensed and holding an exequatur issued by the department of state of the United States of America special plates of a distinguishing color and numerical series.

### **414.5 ENFORCEMENT PROCEDURES**

The following procedures provide a guideline for handling enforcement of foreign nationals:

#### **414.5.1 CITABLE OFFENSES**

An enforcement document shall be issued at the scene for all violations warranting such action, regardless of the violator's immunity status. The issuance of a citation is not considered an arrest or detention under current Department of State guidelines. Whenever the equivalent of a notice to appear is issued to an immunity claimant, the following additional procedures shall be followed by the arresting officer:

- (a) Identification documents are to be requested of the claimant.
- (b) The title and country represented by the claimant are to be recorded on the back of the officer's copy of the Notice to Appear for later reference. Do not include on the face of the notice to appear.
- (c) All other claimants are subject to the provisions of the policy and procedures outlined in this chapter.
- (d) The violator shall be provided with the appropriate copy of the notice to appear.

#### **414.5.2 IN-CUSTODY ARRESTS**

Diplomatic agents and consular officers are immune from arrest or detention (unless they have no identification and the detention is to verify their diplomatic status). Proper identification of immunity claimants is imperative in potential in-custody situations. Claimants who are not entitled to immunity shall be placed in custody in accordance with the provisions outlined in Policy Manual § 414.

A subject who is placed under arrest and claims diplomatic or consular immunity shall not be physically restrained before verification of the claim (unless restraint is necessary for the protection of the officer or others.)

A supervisor shall be promptly notified and should respond to the scene when possible.

Field verification of the claimant's identity is to be attempted as follows:

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- (a) Identification cards issued by the Department of State, Protocol Office, are the only valid evidence of diplomatic or consular immunity. The following types of identification cards are issued: Diplomatic (blue bordered), Consular (red bordered), and Official (green bordered). The Department of State identification cards are 3-3/4 inch by 1-1/2 inch and contain a photograph of the bearer.
- (b) Initiate telephone verification with the Department of State. Newly arrived members of diplomatic or consular missions may not yet have official Department of State identity documents. Verify immunity by telephone with the Department of State any time an individual claims immunity and cannot present satisfactory identification, the officer has reason to doubt the claim of immunity, or there is a possibility of physical arrest. Law enforcement personnel should use the following numbers in order of preference:

Office of Foreign Missions	Diplomatic Security Service
San Francisco, CA	915 Second Avenue, Room 3410
(415) 744-2910, Ext. 22 or 23	Seattle, WA 98174
(415) 744-2913 FAX	(206) 220-7721 (206) 220-7723 FAX
(0800-1700 PST)	
Office of Foreign Missions	Department of State
Diplomatic Motor Vehicle Office	Diplomatic Security Service
Washington D.C.	Command Center
(202) 895-3521 (Driver License Verification) or	Washington D.C.
(202) 895-3532 (Registration Verification)	(202) 647-7277
(202) 895-3533 FAX	(202) 647-1512
(0815-1700 EST)	(Available 24 hours)
	(202) 647-0122 FAX

Members of diplomatic or consular missions also may have other forms of identification. These include identification cards issued by Office of Emergency Services, local law enforcement agencies, the foreign embassy, or consulate; driver licenses issued by Department of State; and, Department of State license indicia on the vehicle. All these items are only an indication that the bearer may have some form of immunity.

Subjects verified through the above procedures as being officials entitled to immunity (diplomatic agent, consular officers and consular staff and family members from countries with which the U.S. has special agreements) may not be arrested. The procedures below shall be followed. These procedures should also be used in the event immunity cannot be verified, but another form of identification indicates that immunity is probable.

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If the release of the violator will not create an additional hazard, adequate information to properly identify the violator shall be obtained then the official shall be released. A supervisor's approval for the release shall be obtained whenever possible. The necessary release documents and/or a Certificate of Release form should only be issued under the proper conditions.

If the violator appears to have been driving while under the influence, field sobriety tests, including Preliminary Alcohol Screening (PAS) device tests and chemical tests should be offered and obtained whenever possible, however, these tests cannot be compelled. The subject shall not be permitted to drive. A supervisor's approval for release shall be obtained whenever possible and alternative transportation should be arranged.

All facts of the incident shall be documented in accordance with this policy in a Driving Under the Influence (DUI) Arrest-Investigation Report, Arrest-Investigation Report and/or any other relevant Report form. Notwithstanding the field release of the subject, prosecution is still appropriate and should be pursued by the command concerned. The Department of State will take appropriate sanctions against errant foreign service personnel, even where prosecution is not undertaken by the agency.

### **414.6 TRAFFIC COLLISIONS**

Persons involved in traffic collisions who possess a Department of State OFM Diplomatic Driver License, issued by the DMVO, shall have the collision report coded as required. If subsequent prosecution of the claimant is anticipated, the claimant's title, country, and type of identification presented should be recorded for future reference. Issuance of a citation to, or arrest of, an immunity claimant at the accident scene should be handled in accordance with the procedures specified in Policy Manual § 414.

#### **414.6.1 VEHICLES**

Vehicles, which are owned by subjects with full immunity, may not be searched, stored, or impounded without the owner's permission. (Such permission may be assumed if the vehicle has been stolen.) These vehicles may, however, be towed the necessary distance to remove them from obstructing traffic or creating any other hazard.

#### **414.6.2 REPORTS**

A photocopy of each traffic collision report involving an identified diplomat and/or immunity claimant shall be forwarded to the office of the Chief of Police within 48 hours whether or not the claim is verified. The words "Immunity Claim" shall be marked on the photocopy, together with a notation of the claimant's title, country, and type of identification presented (if applicable). In addition to the report, a follow-up cover memorandum should be submitted if the violation was flagrant, if the claimant was uncooperative, or if there were any other unusual aspects of the enforcement contact that should be reported to the Department of State for further action. The shift supervisor apprised of the incident/accident shall also send a copy of all documents and reports submitted by the investigating officer along with any supervisor's notes, materials and/or logs to the Chief of Police's office within 48 hours of the incident. The Chief of Police's office will check to ensure that notification of Department of State and all necessary follow-up occur.



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### **414.7 FOREIGN NATIONALS WHO DO NOT CLAIM IMMUNITY**

These policies and procedures apply to foreign nationals who do not claim diplomatic or consular immunity.

Officers shall arrest foreign nationals only under the following circumstances:

- (a) There is a valid warrant issued for the person's arrest.
- (b) There is probable cause to believe that the foreign national has violated a federal criminal law, a state law, or a local ordinance.
- (c) Officers shall not arrest foreign nationals solely for alleged undocumented entry into the U.S. unless the undocumented entry is committed in the officer's presence.

After a lawful detention or criminal arrest, officers may detain foreign nationals solely for alleged undocumented presence in the U.S. if the U.S. Customs and Border Protection (CBP) is contacted and can respond to take custody within a reasonable time. Officers shall not arrest foreign nationals for undocumented presence. Federal courts have consistently held that undocumented presence is not a crime but a federal civil violation only enforceable by federal officers.

- Officers shall not stop or detain persons solely for determining immigration status.
- International treaty obligations provide for notification of foreign governments when foreign nationals are arrested or otherwise detained in the U.S.
- Whenever an officer arrests and incarcerates a foreign national or detains a foreign national for investigation for over two hours, the officer shall promptly advise the individual that he/she is entitled to have his/her government notified of the arrest or detention. If the individual wants his/her government notified, the officer shall begin the notification process.

#### **414.7.1 ARREST PROCEDURE**

Whenever an officer physically arrests or detains an individual for criminal investigation and the officer reasonably believes the person to be a foreign national, the officer shall inquire to determine the person's citizenship.

This procedure applies to detentions of more than two hours. An inquiry is not required if the individual is detained less than two hours for criminal investigation.

If the individual indicates that he/she is other than a U.S. citizen, the officer shall advise the individual that he/she has a right to have the nearest appropriate embassy or consulate notified of the arrest/detention ([Vienna Convention on Consular Relations, Art. 36, \(1969\)](#)). If the individual requests such notification, the officer shall contact Dispatch as soon as practical and request the appropriate embassy/consulate be notified. Officers shall provide Dispatch with the following information concerning the individual:

- Country of citizenship.
- Full name of individual, including paternal and maternal surname if used.
- Date of birth or age.

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- Current residence.
- Time, date, place, location of incarceration/detention, and the 24-hour telephone number of the place of detention if different from the Department itself.

If the individual claims citizenship of one of the countries for which notification of the consulate/embassy is mandatory, officers shall provide Dispatch with the information above as soon as practicable, regardless of whether the individual desires that the embassy/consulate be notified. This procedure is critical because of treaty obligations with the particular countries. The list of countries and jurisdictions that require notification can be found on the U.S. Department of State [website](#).

### 414.7.2 DOCUMENTATION

Officers shall document, in Longarm, the date and time Dispatch was notified of the foreign national's arrest/detention and his/her claimed nationality.

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# Active Shooter and Violent Incident Response (AS/VIR)

## 415.1 PURPOSE AND SCOPE

An active shooter / violent incident is when an individual or group actively engages in killing or attempting to kill people in a populated area. Recent active shooter / violent incidents have underscored the need for a coordinated response by law enforcement and others to save lives.

This policy will assist in guiding responding officers and supervisors in their deployment to these types of incidents in an attempt to reduce casualties and save lives.

## 415.2 POLICY

The Bellingham Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Bellingham Police Department in protecting themselves or others from death or serious injury.

## 415.3 RESPONSE

The following procedures are covered in depth through training documents such as Hasty Command Procedures, Violent Incident Response Protocols and Active Shooter Response.

When responding to a report of an active shooter / violent incident officers should consider the reasonable courses of action that will eliminate the threat and reduce the risk of injury or death to innocent civilians and first responders.

The initial responding officers should immediately take action to stop the suspect or suspects from killing or attempting to kill people. Officers should provide as much detail as possible to dispatch and other first responders in order to facilitate a coordinated response.

Some considerations that the first responding officers should be aware of are:

- Possibility that this incident is part of a coordinated attack that may be carried out at multiple locations.
- Whether to wait for additional officers before engaging suspect(s)
- Communication issues that may arise with multiple responding agencies
- Availability of tools necessary to neutralize the threat

The secondary responding officers should establish a hasty command in order to provide a contact point for additional responding officers and fire personnel. The officer running hasty command will maintain operational control of responding resources regardless of their rank until relieved

## *Active Shooter and Violent Incident Response (AS/VIR)*

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of command. Hasty command will notify dispatch of their location and additional officers should respond to hasty command in order to be given assignments.

Hasty command will:

- Directs contact teams
- Requests outside agencies to report to his/her location for orders
- Establishes Warm and Hot Zones
- Organize and direct Force Protection Teams
- Facilitates communication with all team leads
- Establishes evacuation corridors/zones

Hasty command should eventually be relieved by Incident Command, but may be utilized to assist with coordinating on scene response of resources.

### **415.4 PLANNING**

The Deputy Chief of Operations should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.
- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.
- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.

### **415.5 CONSIDERATIONS**

When dealing with a crisis situation involving a barricaded suspect with no immediate threat to others, members should consider summoning and waiting for additional resources that may effectively help with the incident.

Other considerations should include:

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## *Active Shooter and Violent Incident Response (AS/VIR)*

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- (a) Developing intelligence regarding the circumstance(s), location(s) and suspect(s)
- (b) Attempt to gain the tactical advantage using this intelligence and available resources to find, fix and neutralize the suspect(s) in order to prevent loss of life
- (c) Attempt, if feasible and based upon the suspect's threat to others, a negotiated surrender of the suspect(s)

### **415.6 TRAINING**

The Administrative Services Sergeant should include the Active Shooter / Violent Incident Response (AS/VIR) in the training plan. This training should address the THREAT model and the protocols set forth in the Violent Incident Response Protocols, Active Shooter Response and Hasty Command documents. Training should be extended to other first responder agencies within Whatcom County to ensure a coordinated effort of resources.

The Bellingham Police Department should continue its AS/VIR Civilian Response Training in order to assist our civilians to respond in an effective manner to this type of incident. The officers providing this training should be providing material that is based upon current best practice.

### **415.7 SCHOOL NOTIFICATION**

The Uniform Patrol Deputy Chief should establish protocols for public and private school notification in the event an incident reasonably appears to require a lockdown or evacuation. Protocols should include notification to all known schools in the vicinity of the incident that may be similarly threatened (RCW 28A.320.125).

### **415.7 SCHOOL NOTIFICATION**

The Uniform Patrol Deputy Chief should establish protocols for public and private school notification in the event an incident reasonably appears to require a lockdown or evacuation. Protocols should include notification to all known schools in the vicinity of the incident that may be similarly threatened (RCW 28A.320.125).

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# Reporting Police Activity Outside of Jurisdiction

## **416.1 PURPOSE AND SCOPE**

This policy provides general guidelines for reporting police activity while on or off-duty and occurring outside the jurisdiction of the Bellingham Police Department.

### **416.1.1 ASSISTANCE TO AGENCIES OUTSIDE THE CITY**

When an officer is on-duty and is requested by an allied agency to participate in law enforcement activity in another jurisdiction, he/she shall obtain prior approval from the immediate supervisor or the shift supervisor.

### **416.1.2 LAW ENFORCEMENT ACTIVITY OUTSIDE THE CITY**

Any on-duty officer, who engages in law enforcement activities of any type outside the immediate jurisdiction of the Bellingham shall notify his/her supervisor or the shift supervisor at the earliest possible opportunity. Any off-duty officer who engages in any law enforcement activities, regardless of jurisdiction shall notify the shift supervisor as soon as practical.

The supervisor shall determine if a case report or other documentation of the officer's activity is required.

The supervisor shall notify the DSO, if appropriate, or the Officer's Lieutenant during normal business hours.

# Immigration Violations

## 417.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Bellingham Police Department regarding enforcement of immigration laws.

## 417.2 POLICY

It is the policy of the Bellingham Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their immigration status. As a result, members of the Bellingham Police Department shall not enforce federal immigration laws, i.e. those laws set forth in Title 8 U.S. Code (USC) or in the U.S. Immigration and Nationality Act (INA), except for those offenses that are criminal and serious in nature due to their classification as federal felonies.

## 417.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of city law enforcement will not result in city enforcement of federal civil immigration laws. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and without regard to civil immigration status, race, religion, creed, national origin, or lack of proficiency in speaking the English language. Members shall treat all individuals in a manner consistent with the United States and Washington Constitutions.

### 417.3.1 DETERMINATION OF IMMIGRANT STATUS

Determination of immigration status is within the jurisdiction and responsibility of the U.S. Customs and Border Protection (CBP) and/or Immigration and Customs Enforcement (ICE). Members shall not request documents relating to a person's civil immigration status or inquire into the immigration status of an individual unless necessary to investigate criminal activity (e.g. harboring, smuggling, terrorism). Members may continue to confirm identity under state law which lists valid forms of identification related to drivers' licenses and permit requirements [RCW 46.20.035](#).

## 417.4 ENFORCEMENT

An officer shall not detain any individual, solely for the purpose of determining immigration status. An Officer shall not take any individual into custody or hold an individual in custody solely for the purpose of determining immigration status or based solely on a civil immigration warrant, or an immigration hold request.

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An Officer may detain an individual or take an individual into custody based on a federal warrant only if the warrant is: (a) based on a violation other than those contained in Title 8 U.S.C. as misdemeanor offenses and (b) issued by a judge or judicial magistrate.

Unless immigration status is relevant to another criminal offense or investigation (other than misdemeanor offenses contained in Title 8 U.S.C., the fact that an individual is suspected of being an undocumented person shall not be the sole basis for contacting, stopping, questioning, interrogating, investigating, detaining or arresting the individual. For example, investigation into violations of harboring or trafficking may be a basis for determining immigration status.

Officers shall not use any city funds or resources solely to enforce civil or administrative federal immigration laws. Nor shall officers use any city funds or resources solely to enforce misdemeanor offenses contained in Title 8 U.S.C. "Enforce" includes stopping, questioning, interrogating, investigating or arresting an individual and also includes assisting with such activities.

The Bellingham Police Department does not participate in U.S. Immigration and Customs Enforcement (ICE) 287 (g) Program. The Department does not have a Warrant Service Officer (WSO) model agreement with ICE.

### 417.4.1 SWEEPS AND FAIR/IMPARTIAL POLICING CONSIDERATIONS

The Bellingham Police Department does not conduct sweeps or other concentrated efforts to detain suspected individuals who are in violation of civil federal immigration laws or misdemeanor offenses contained in Title 8 U.S.C.

When enforcement efforts are increased in a particular area, equal consideration should be given to all suspected violations and not just those affecting a particular race, ethnicity, age, gender, sexual orientation, religion, socioeconomic status or other group.

The disposition of each contact (e.g. warning, citation, arrest), should not be affected by such factors as race, ethnicity, age, gender, sexual orientation, religion or socioeconomic status.

### 417.4.2 IDENTIFICATION

Whenever any individual is reasonably suspected of an infraction or criminal violation (misdemeanor or felony), the investigating officer should take reasonable steps to determine the person's identity through valid identification or other reliable sources.

Arrests, Identifications, and Bookings of persons of questionable immigration status shall be conducted in the same manner as those for any other person and in accordance with Policy 413 (Citation Releases Policy), and without regard to immigration status.

### 417.4.3 CIVIL VS. CRIMINAL FEDERAL OFFENSES

An individual who is unlawfully present in the United States is not subject to criminal penalties solely for being undocumented. Rather, such offenses are punishable by civil penalties enforced by ICE and Customs and Border Protection. Enforcement regarding improper entry into the United



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States, which is subject to criminal penalties under section [8 USC § 1325\(a\)](#) is the responsibility of ICE and Customs and Border Protection.

### 417.4.4 IDENTIFICATION CONFIRMATION

If a circumstance requires verification of someone's identity via Department of Homeland Security service forms, for example to investigate a crime or to confirm identity in connection with drivers' licenses and permit requirements, and the individual cannot provide the forms or provided forms need to be confirmed, then identification may be determined through any of the following sources:

- (a) A law enforcement officer who is authorized by the federal government under [8 USC § 1357](#) to verify or ascertain an individual's immigration status (sometimes referred to as a 287(g) certified officer). The Bellingham Police Department does not have a current 287 (g) agreement with the Department of Homeland Security.
- (b) Immigration and Customs Enforcement (ICE)
- (c) U.S. Customs and Border Protection (CBP)

### 417.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT

The Bellingham Police Department does not operate its own jail but rather uses the Whatcom County jail as its primary correctional facility. The Whatcom County jail determines its notification policies and procedures. Bellingham Police Departments members shall not detain individuals who are otherwise ready to be released solely for the purpose of notification of Customs and Border Protection or ICE. Immigration officials may seek to interview suspected undocumented persons who have been booked into jail on criminal charges.

### 417.6 ICE REQUEST FOR ASSISTANCE

"Requests by ICE, or any other federal agency, for assistance from this department shall be directed to a supervisor and the Bellingham Police Department shall comply with the provisions of State Engrossed Second Substitute Senate Bill 5497 which relate to enforcement, cooperation, assistance regarding federal registration and surveillance programs. shall be in compliance with HB 5497.

Members of the Bellingham Police Department are prohibited from using agency funds, facilities, property, equipment, or personnel to investigate, enforce, cooperate with, or assist in the investigation or enforcement of any federal registration surveillance programs or any other laws, rules, or policies that target Washington residents solely on the basis of race, religion, immigration status, citizenship status, national origin or ethnic origin.

No section of this policy is intended to limit or prohibit any officer from: (1) sending to, or receiving from, federal immigration authorities the citizenship or immigration status of a person or maintaining such information, or exchanging the citizenship or immigration status of an individual

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with any other federal, state, or local government agency, in accordance with 8 U.S.C. Sec 1373; or (2) Complying with any other state or federal law.

Nothing in this policy prohibits the collection, use or disclosure of information that is: (a) required to comply with state or federal law; (b) in response to a lawfully issued court order; (c) necessary to perform departmental duties, functions or other business as permitted by statute or rule, conducted by the agency that is not related to immigration enforcement; (d) required to comply with policies, grants, waivers, or other requirements necessary to maintain funding; or (e) in the form of deidentified or aggregated data, including census data.

If any part of this policy is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the city, the conflicting part of this policy is inoperative solely to the extent of the conflict, and this finding does not affect the operation of the remainder of this policy.

### **417.7 CERTIFICATIONS FOR U OR T NON-IMMIGRANT STATUS (VISA)**

Federal law allows for issuance of U Non-immigrant Status (U Visa), to victims and witnesses of certain qualifying crimes (pursuant to Title 8 USC § 1101 (a)(15)(U) and T Non-immigrant Status (T Visa) for certain qualifying victims of human trafficking (pursuant to Title 8 USC § 1101(a)(15)(T).

Consistent with RCW 7.98 and federal law, upon the request of the victim or their representative, a certifying official with the Bellingham Police Department shall:

- (a) Make a determination on U.S. Citizenship and Immigration Services form I-918 supplement B or relevant successor certification form, whether the victim was a victim of criminal activity and has been helpful, is being helpful, or is likely to be helpful to the detection or investigation or prosecution of that criminal activity; or
- (b) make a determination on U.S. Citizenship and Immigration Services form I-914 supplement B or relevant successor certification form, whether the victim is or has been a victim of trafficking and, unless the victim is under the age of eighteen, whether he or she has complied with any reasonable request from law enforcement in any related investigation or prosecution of the acts of trafficking in which he or she was a victim and
- (c) keep written documentation regarding the number of victims who requested certifications, the number of certification forms that were signed, the number of certification forms that were denied, and the number of certifications that were withdrawn, which must be reported to the Office for Victims of Crime annually; and
- (d) ensure the completion of the certification, if appropriate, occurs within 90 days of the request or 14 days of the request if the victim is in federal immigration removal proceedings or in any case where the victim's children would lose any benefits by virtue of having reached the age of 21 within 90 days of receiving the certification

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request, no later than 14 days before date the victim or child turn 21, whichever is earlier (requests for expedited certification must be raised by the victim; and

U and T petitions for non-immigrant status, supplemental certification forms, and supporting documents shall be reviewed by the Chief of Police for approval or denial of the certification request consistent with state and federal law. If applicable, the Department's affirmative determination shall provide specific details regarding the nature of the crime investigated or prosecuted and a detailed description of the victim's helpfulness or likely helpfulness to the detection or investigation or prosecution of criminal activity.

Additional considerations when reviewing a U or T certification request:

- If a certification is denied, the investigations Lieutenant should notify the requestor of the reason(s) for the denial and provide an opportunity for reconsideration to ensure the agency has all pertinent information.
- A current investigation, the filing of charges, and a prosecution or conviction are not required for a victim to request and obtain the certification from a certifying official.
- Consistent with state law, the Bellingham Police Department may only withdraw the certification if the victim unreasonably refuses to provide information and assistance related to the investigation or prosecution of the associated criminal activity when reasonably requested by the Department.
- The Department shall develop a language access protocol for limited English proficient and deaf or hard of hearing victims of criminal activity.
- The Department shall reissue any certification within 90 days of receiving a request from the victim, the victim's attorney, accredited representative, or domestic violence, sexual assault, or victim's service provider.
- The Department shall not disclose personal identifying information or information regarding the citizenship or immigration status of any victim of criminal activity or trafficking who is requesting a certification unless required to do so by federal law, a court order, or written authorization from the victim, or if a minor victim, from the victim's parent or guardian. This subsection does not apply to the Department's obligation pursuant to *Brady v. Maryland*.

### **417.8 TRAINING**

The Administrative Services Sergeant shall ensure that all appropriate members receive policy review through training bulletins.

## Emergency Utility Service

### 418.1 PURPOSE AND SCOPE

The City Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Police Department. Requests for such service received by this department should be handled in the following manner.

#### 418.1.1 BROKEN WATER LINES

The City's responsibility ends at the water meter; any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. Public Works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the City side of the meter, public works should be called as soon as practical by Dispatch.

#### 418.1.2 ELECTRICAL LINES

City Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. Puget Sound Energy or Public Works should be promptly notified, as appropriate.

#### 418.1.3 RESERVOIRS, PUMPS, WELLS, ETC.

Public Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

#### 418.1.4 EMERGENCY NUMBERS

Emergency notification for City owned utilities is coordinated by Public Works. Telephone, cable, and electrical power company emergency contact numbers are maintained by dispatch.

### 418.2 TRAFFIC SIGNAL MAINTENANCE

The City of Bellingham Public Works' Transportation Division maintains all traffic signals within the City, other than those maintained by the Washington State Department of Transportation (Interstate 5 on- and off-ramps).

#### 418.2.1 OFFICER'S RESPONSIBILITY - TRAFFIC SIGNALS

Upon observing a damaged or malfunctioning signal, the officer will advise the Dispatch of the location and problem with the signal. The dispatcher should make the necessary notification to Public Works.

## Patrol Rifles

### 419.1 PURPOSE AND SCOPE

In order to more effectively and accurately address the increasing level of firepower and body armor utilized by criminal suspects, the Bellingham Police Department will make patrol rifles available to qualified patrol officers as an additional and more immediate tactical resource.

### 419.2 PATROL RIFLE

#### 419.2.1 DEFINITION

A patrol rifle is an authorized weapon which is available to properly trained and qualified officers as a supplemental resource to their duty handgun or duty shotgun. The rifle may be owned and issued by the department, or officers have the option to carry a personally owned patrol rifle that meets the criteria listed in policy 419.3. Officers who choose to carry their own patrol rifle must get prior approval from the Chief of Police prior to carrying their own rifle and have signed the appropriate waiver which can be obtained from the Range Officer.

### 419.3 SPECIFICATIONS

All authorized patrol rifles must meet the following specifications. The Chief of Police or his designee shall approve any variation in type of the patrol rifle. All patrol rifles shall:

- (a) The patrol rifle shall be an approved brand of AR-15 type that can be secured in the weapon rack in the patrol vehicle. Approved brands include: Colt; Bravo Company MFG; Noveske Rifleworks; Daniel Defense; Larue Tactical; Smith and Wesson; as approved by the Chief of Police or his designee
- (b) The rifle must comply with all State and Federal laws.
- (c) Chambered for 5.56mm ammunition
- (d) The rifle must be submitted for inspection and the Rifle Agreement Form signed prior to carrying personally owned rifle
- (e) Semiautomatic only
- (f) Shall be equipped with a patrol rifle sling. This must be suitable for police work and allow the officer to safely and efficiently transition to their pistol while retaining the rifle
- (g) Shall have a white light affixed to the rifle
- (h) Shall be equipped with Iron sights
- (i) Secondary magazines are allowed and if a personally owned rifle the officer is responsible for purchasing duty ammunition
- (j) Ammunition shall be the same as department issue
- (k) All rifles shall be sighted in at 50 yards for both iron and optic sights

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- (l) May be equipped with one of the following manufacturers of optics: a. Aimpoint b. Trijicon c. Eotech
- (m) Prior approval from the Chief of Police or authorized designee is required prior to installation of any other parts.
- (n) Inspection by the Range Officer is required prior to placing any rifle into service.
- (o) Installation of any parts (other than optics, light, iron sights, or sling) must be approved and performed by the Range Officer

### **419.4 RIFLE MAINTENANCE**

- (a) Primary responsibility for maintenance of department owned patrol rifles shall fall on the Range Officer who shall inspect and service each patrol rifle on a yearly basis.
- (b) Each patrol officer carrying a patrol rifle may be required to field strip and clean an assigned patrol rifle as needed.
- (c) Each patrol officer shall be responsible for promptly reporting any damage or malfunction of an assigned patrol rifle.
- (d) Any patrol rifle found to be unserviceable shall be removed from service. The rifle shall be clearly labeled as "out of service" and details regarding the weapon's condition shall be included on the label. Notify Range Officer.
- (e) Each patrol rifle shall be subject to inspection by a supervisor or the Range Officer at any time.
- (f) No modification shall be made to any patrol rifle without prior written authorization from the Range Officer.

### **419.5 TRAINING**

Officers shall not carry or utilize the patrol rifle unless they have successfully completed departmental training. This training shall consist of an initial 6+hour patrol rifle user's course and qualification score with a certified patrol rifle instructor. Officers shall thereafter be required to successfully complete trimesterly training and qualification conducted by a certified patrol rifle instructor.

All commissioned personnel who are not assigned, or carry a rifle, should receive familiarization training for the purposes of securing the rifle if needed.

Any officer who fails to qualify or who fails to successfully complete two or more department sanctioned qualification sessions within a calendar year will no longer be authorized to carry the patrol rifle without successfully retaking the initial patrol officers user's course and qualification.

## *Patrol Rifles*

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### **419.6 DEPLOYMENT OF THE PATROL RIFLE**

Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

- (a) Situations where the member reasonably anticipates an armed encounter.
- (b) When a member is faced with a situation that may require the delivery of accurate and effective fire at long range.
- (c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When a member reasonably believes that there may be a need to deliver fire on a barricaded suspect or a suspect with a hostage.
- (e) When a member reasonably believes that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.
- (g) When needed to euthanize an animal.

### **419.7 DISCHARGE OF THE PATROL RIFLE**

The discharge of the patrol rifle shall be governed by the Department's Use of Force Policy, Policy Manual § 300.

### **419.8 PATROL READY**

Any qualified officer carrying a patrol rifle in the field shall maintain the weapon in a patrol ready condition until deployed. A rifle is considered in a patrol ready condition when:

- The Chamber is empty; and
- The Bolt is forward; and
- The Hammer is forward; and
- A Magazine is inserted in the magazine well.

To maximize safety, Officers shall use a "clearing barrel," or similar device, if they are at a location where one is available.

### **419.9 RIFLE STORAGE**

- (a) When not in use, department issued patrol rifles will be securely stored in the proper equipment room.
- (b) At the end of the assigned officer's shift, department issued patrol rifles will be returned and secured in the proper equipment room.
- (c) Officers who are approved to carry personally owned patrol rifles under policy 306.3.4 are responsible for transporting and storing their patrol rifle in a secure location. The department is not responsible for providing personal patrol rifle storage/security (other than patrol vehicle rifle racks, while on shift).

# Bellingham Police Department

## Bellingham PD WA Policy Manual

### *Patrol Rifles*

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# Aircraft Accidents

## 420.1 PURPOSE AND SCOPE

The purpose of this policy is to provide Bellingham Police Department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

### 420.1.1 DEFINITIONS

Definitions related to this policy include:

**Aircraft** - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

## 420.2 POLICY

It is the policy of the Bellingham Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

## 420.3 ARRIVAL AT SCENE

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

- (a) Protect persons and property.
- (b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
- (c) Preserve ground scars and marks made by the aircraft.
- (d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
- (e) Maintain a record of persons who enter the accident site.
- (f) Consider implementation of an Incident Command System (ICS).

## 420.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

## *Aircraft Accidents*

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### **420.5 NOTIFICATIONS**

When an aircraft accident is reported to this agency, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

- (a) Fire department
- (b) Appropriate airport tower
- (c) Emergency medical services (EMS)

### **420.6 CONTROLLING ACCESS AND SCENE AUTHORITY**

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA.
- (b) Fire department, EMS or other assisting law enforcement agencies.
- (c) Medical Examiner.
- (d) Air Carrier/Operators investigative teams with NTSB approval.
- (e) Appropriate branch of the military, when applicable.
- (f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this agency will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene supervisor should ensure the accident is still appropriately investigated and documented.

### **420.7 DANGEROUS MATERIALS**

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- (a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
- (b) Pressure vessels, compressed gas bottles, accumulators and tires.

## *Aircraft Accidents*

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- (c) Fluids, batteries, flares and igniters.
- (d) Evacuation chutes, ballistic parachute systems and composite materials.

### **420.8 DOCUMENTATION**

All aircraft accidents occurring within the City of Bellingham shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of BPD members deployed to assist; other City resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

#### **420.8.1 WRECKAGE**

When reasonably safe, members should:

- (a) Obtain the aircraft registration number (N number) and note the type of aircraft.
- (b) Attempt to ascertain the number of casualties.
- (c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
  - 1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer ([18 USC § 795](#)).
- (d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
- (e) Acquire copies of any recordings from security cameras that may have captured the incident.

#### **420.8.2 WITNESSES**

Members tasked with contacting witnesses should obtain:

- (a) The location of the witness at the time of his/her observation relative to the accident site.
- (b) A detailed description of what was observed or heard.
- (c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
- (d) The names of all persons reporting the accident, even if not yet interviewed.
- (e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

### **420.9 MEDIA RELATIONS**

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should

# Bellingham Police Department

Bellingham PD WA Policy Manual

## *Aircraft Accidents*

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be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

# Field Training Officer Program

## 421.1 PURPOSE AND SCOPE

The Field Training Officer Program is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the Bellingham Police Department.

It is the policy of this department to assign all new police officers to a structured Field Training Officer Program that is designed to prepare the new officer to perform in a patrol assignment possessing all skills needed to operate in a safe, productive and professional manner.

## 421.2 FIELD TRAINING OFFICER SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

### 421.2.1 SELECTION PROCESS

FTO's will be selected based on the following requirements:

- (a) Desire to be an FTO.
- (b) Minimum of four years of patrol experience, one of which shall be with this department.
- (c) Demonstrated ability as a positive role model, consistent with Bellingham Police Department values.
- (d) Participate and pass an internal oral interview selection process.
- (e) Evaluation by supervisors and current FTO's.
- (f) Applicant's prior yearly evaluation must be overall "fulfills" or "exceeds." No "needs improvement" ratings.
- (g) Holds a valid Peace Officer Certificate with CJTC.

### 421.2.2 TRAINING

An officer selected as a Field Training Officer shall successfully complete a CJTC Certified (40-hour) Field Training Officer's Course prior to being assigned as an FTO.

## 421.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The FTO Sergeant will be selected from the rank of sergeant or above by the Chief of Police or his/her designee and shall possess a CJTC Supervisory Certificate.

The FTO Sergeant shall have the responsibility of, but not be limited to the following:

- (a) Assignment of trainees to FTO's.
- (b) Conducting FTO meetings.
- (c) Maintain and ensure FTO/Trainee performance evaluations are completed.

## *Field Training Officer Program*

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- (d) Monitor individual FTO performance.
- (e) Monitor overall FTO Program.
- (f) Maintain liaison with other agency's FTO Coordinators.
- (g) Develop ongoing training for FTO's.

### **421.4 TRAINEE DEFINED**

Any entry level or lateral police officer newly appointed to the Bellingham Police Department who has successfully completed a CJTC approved Basic Academy.

### **421.5 REQUIRED TRAINING**

Entry level officers shall be required to successfully complete the Field Training Program, consisting of a minimum of 10 weeks.

The training period for lateral officers may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of six weeks.

To the extent practicable, entry level and lateral officers should be assigned to a variety of Field Training Officers, shifts and geographical areas during their Field Training Program.

#### **421.5.1 FIELD TRAINING MANUAL**

Each new officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the Bellingham Police Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules and regulations enacted by the Bellingham Police Department.

### **421.6 EVALUATIONS**

Evaluations are an important component of the training process and shall be completed as outlined below.

#### **421.6.1 FIELD TRAINING OFFICER**

- (a) FTO's shall complete and submit a written evaluation on the performance of their assigned trainee to their immediate supervisor on a daily basis.
- (b) FTO's shall review the Daily Trainee Performance Evaluations with the trainee each day.
- (c) Weekly evaluations will be completed and submitted to:
  - 1. Immediate Supervisor
  - 2. FTO Sergeant
  - 3. Patrol Lieutenant

## *Field Training Officer Program*

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- (d) A detailed end-of-phase performance evaluation on their assigned trainee shall be completed by the FTO at the end of each phase of training.
- (e) FTO's shall be responsible for signing off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of their assigned trainee.

### **421.6.2 IMMEDIATE SUPERVISOR**

The immediate supervisor shall review and approve the Daily and Weekly Trainee Performance Evaluations and forward them to the Field Training Administrator.

### **421.6.3 FIELD TRAINING ADMINISTRATOR**

The FTO Sergeant will review and approve the Daily and Weekly Trainee Performance Evaluations submitted by the FTO through his/her immediate supervisor. The FTO Sergeant will then submit the reviewed evaluations to the Patrol Lieutenant.

### **421.6.4 TRAINEE**

At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation on each of their FTO's and on the Field Training Program.

### **421.7 DOCUMENTATION**

Upon completion of probationary status, the employee's Field Training Guide and FTO Evaluations shall be forwarded to HR for inclusion in the employee's personnel file.

## Obtaining Air Support

### 422.1 PURPOSE AND SCOPE

The use of a law enforcement helicopter can be invaluable in certain situations. This policy specifies potential situations where the use of a helicopter may be requested and the responsibilities for making a request.

### 422.2 REQUEST FOR HELICOPTER ASSISTANCE

If a supervisor or officer in charge of an incident determines that the use of a helicopter would be beneficial, a request to obtain helicopter assistance may be made.

#### 422.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for a helicopter, the shift supervisor, or his/her designee, will call the closest agency having helicopter support available. The shift supervisor or his/her designee will apprise that agency of the specific details of the incident prompting the request.

#### 422.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Police helicopters may be requested under any of the following conditions:

- (a) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard.
- (b) When the use of the helicopters will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community.
- (c) When a helicopter is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard.
- (d) Vehicle pursuits.

While it is recognized that the availability of helicopter support will generally provide valuable assistance to ground personnel, the presence of a helicopter will rarely replace the need for officers on the ground.



## Contacts and Temporary Detentions

### 423.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down frisks, and the taking and retention of photographs of persons detained in the field but not arrested. Due to a variety of situations confronting the officer, the decision to FI or photograph a field detainee shall be left to the discretion of the involved officer based on the totality of the circumstances available to them at the time of the detention. This policy also outlines reporting procedures for "consensual contacts."

### 423.2 DEFINITIONS

**Detention** - Occurs when an officer intentionally, through words, actions or physical force causes an individual to reasonably believe he/she is being required to restrict his/her movement. Detentions also occur when an officer actually restrains a person's freedom of movement.

**Consensual Encounter** - Occurs when an officer contacts an individual but does not create a detention through words, actions or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

**Field Interview (FI)** - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the officer's suspicions.

**Field Photographs** - Field photographs are defined as posed photographs taken of a person during a contact, detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system when persons are not posed for the purpose of photographing are not considered field photographs.

**Frisk or Pat-Down Frisk** - This type of frisk is used by officers in the field to check an individual for weapons. It involves a thorough patting down of outer clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

**Reasonable Suspicion** - Occurs when, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

### 423.3 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

## *Contacts and Temporary Detentions*

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Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Bellingham Police Department to strengthen community involvement, community awareness, and problem identification.

### 423.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

- (a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act.
- (b) Actions suggesting that he/she is engaged in a criminal activity.
- (c) Presence in an area at an inappropriate hour of the day or night.
- (d) Presence in a particular area is suspicious.
- (e) Carrying of suspicious objects or items.
- (f) Excessive clothes for the climate or clothes bulging in a manner that suggests he/she is carrying a dangerous weapon.
- (g) Location in proximate time and place to an alleged crime.
- (h) Physical description or clothing worn that matches a suspect in a recent crime.
- (i) Prior criminal record or involvement in criminal activity as known by the officer.

### 423.3.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may be lost or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigators to utilize available personnel for the following:

- (a) Identify all persons present at the scene and in the immediate area.
  - 1. When feasible, a statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred. Officers should seek consent to record such statements whenever possible.
  - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a statement. Such witnesses, if willing, may be transported by department personnel.
  - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a department vehicle. When the witness is a minor,

## *Contacts and Temporary Detentions*

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consent should be obtained from the parent or guardian, if available, prior to transportation.

### **423.3.3 CONSENSUAL CONTACTS**

For consensual encounters (where there is no "reasonable suspicion" of criminal activity), the Longarm offense code "Contact Subject" should be used for report documentation.

### **423.4 PAT-DOWN FRISKS**

A pat-down frisk of a detained subject may be conducted whenever an officer reasonably believes that the person may possess an object that can be utilized as an offensive weapon or whenever the officer has a reasonable fear for his/her own safety or the safety of others. Circumstances that may establish justification for performing a pat-down frisk include, but are not limited to the following:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
- (b) Where more than one suspect must be handled by a single officer.
- (c) The hour of the day and the location or neighborhood where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry deadly weapons.
- (e) The actions and demeanor of the suspect.
- (f) Visual indications which suggest that the suspect is carrying a firearm or other weapon
- (g)

Whenever possible, pat-down frisks should be performed by officers of the same gender.

### **423.5 FIELD PHOTOGRAPHS**

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.

#### **423.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT**

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent. This consent shall be documented in the Longarm report.

#### **423.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT**

Field photographs may be taken without consent only if they are taken during a detention that is based on reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal

## *Contacts and Temporary Detentions*

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conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

### **423.6 SUPERVISOR RESPONSIBILITY**

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph. Access to field photographs shall be strictly limited to law enforcement purposes.

### **423.7 DISPOSITION OF PHOTOGRAPHS**

All detainee photographs shall be uploaded to Longarm with a case report or Field Interview Report.

#### **423.7.1 PURGING THE FIELD PHOTO FILE**

The Records Manager will be responsible for periodically purging and destroying all such photographs according to routine destruction of case files every five years. The Local Government General Records Retention Schedule (LGGRRS) is the controlling schedule for records retention and management ([Records Management Guidelines and General Records Retention Schedules](#)) ([RCW Chapter 40.14](#)). Access to the F.I. photo file shall be strictly limited to law enforcement purposes

# Criminal Organizations

## 424.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Bellingham Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

### 424.1.1 DEFINITIONS

Definitions related to this policy include:

**Criminal intelligence system** - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

## 424.2 POLICY

The Bellingham Police Department recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

## 424.3 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of [28 CFR 23.20](#) and [RCW 43.43.762](#).

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

- (a) Members using any such system are appropriately selected and trained.
- (b) Use of every criminal intelligence system is appropriately reviewed and audited.
- (c) Any system security issues are reasonably addressed.

### 424.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information into a criminal intelligence system operated by the state patrol and authorized by [RCW 43.43.762](#). Entries into such a database shall be based upon reasonable suspicion of criminal activity or actual criminal activity, and must be supported by documentation, where documentation is available ([RCW 43.43.762\(2\)](#)).

## *Criminal Organizations*

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### **424.4 TEMPORARY INFORMATION FILE**

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved CIS only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of CIS entries.

#### **424.4.1 FILE CONTENTS**

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

- (a) Must only be included upon documented authorization of the responsible department supervisor.
- (b) Should not be originals that would ordinarily be retained by the Records Bureau or Evidence and Identification Unit, but should be copies of, or references to, retained documents, such as copies of reports, field interview (FI) forms, Dispatch records or booking forms.
- (c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.
- (d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

#### **424.4.2 FILE REVIEW AND PURGING**

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged in compliance with the department records retention schedule or entered in an authorized criminal intelligence system, as applicable.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

### **424.5 INFORMATION RECOGNITION**

Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

- (a) Gang indicia associated with a person or residence.
- (b) Information related to a drug-trafficking operation.
- (c) Vandalism indicating an animus for a particular group.
- (d) Information related to an illegal gambling operation.

## *Criminal Organizations*

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Department supervisors who utilize an authorized criminal intelligence system should work with the Administrative Services Sergeant to train members to identify information that may be particularly relevant for inclusion.

### **424.6 RELEASE OF INFORMATION**

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

### **424.7 REVIEW AND PURGING OF GANG PARTICIPANT FILE**

The file shall be reviewed annually by an investigations supervisor. Each individual file having no entry indicating law enforcement contact for the preceding five year period shall be purged from the file and disposed of in accordance with the Department purge criteria in compliance with [28 CFR Part 3](#), the current Records Management Guidelines, and General Records Retention Schedules. The Local Government General Records Retention Schedule (LGRRS) is the controlling schedule for records retention and management ([Records Management Guidelines and General Records Retention Schedules](#)) ([RCW Chapter 40.14](#)).

Exception: In the event there is a legitimate law enforcement reason to retain the information in the file, an explanation for doing so shall be entered in the file by the unit supervisor. Files that are retained beyond the five-year period shall be reviewed every six months to determine if they should be purged.

### **424.8 CRIMINAL STREET GANGS**

The Investigation Unit supervisor should ensure that there are an appropriate number of department members who can:

- (a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with identification of criminal street gangs, criminal street gang members and patterns of criminal gang activity.
- (b) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

## *Criminal Organizations*

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### **424.9 TRAINING**

The Administrative Services Sergeant should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

- (a) The protection of civil liberties.
- (b) Participation in a multi-agency criminal intelligence system.
- (c) Submission of information into a multi-agency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.
- (d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.
- (e) The review and purging of temporary information files.
- (f) All users of the Washington criminal street gang database shall receive training on its use prior to accessing the database ([RCW 43.43.762](#)).

### **424.10 GANG INTELLIGENCE FILES**

Gang intelligence files will be located in the criminal intelligence sub-section of Longarm.



# Body Worn Video Recorder

## 425.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of body-worn video cameras (BWC) by members of the Bellingham Police Department while in the performance of their duties. This policy does not apply to the interception of conversations for lawfully authorized investigative purposes under [RCW 9.73.210](#) and [RCW 9.73.230](#).

## 425.2 DEFINITIONS

Body-worn video cameras (BWC): System that captures audio and video signals that is capable of being worn on an officer's person, and that includes at minimum, a camera, microphone, recorder and monitor.

## 425.3 POLICY

The Bellingham Police Department provides officers with access to body-worn video cameras for use during the performance of their duties. All fully commissioned uniformed officers shall use and wear a body-worn video camera consistent with this policy. Officers are prohibited from using privately-owned body-worn video cameras while on duty. This policy is intended to more effectively fulfill the Department's mission and to ensure these systems are used properly, safely, securely and efficiently.

## 425.4 OFFICER RESPONSIBILITIES

1. Prior to going into the field, each officer who uses a BWC will be properly trained and equipped with a BWC to record audio and video in the field to include familiarization with this policy. At the end of each shift, each officer will follow the established procedures for providing to the Department any recordings or used media and any other related equipment.
2. At the start of his or her shift and before going into the field, the officer should test the BWC in accordance with manufacturer specifications and Department operating procedures and training prior to going into the field with the BWC. If the BWC is malfunctioning or not working the officer shall notify his or her supervisor.
3. The officer shall orally inform any person being recorded that a recording is being made and shall ensure said advisement is recorded. The officer shall orally advise the subject they are being audio and video recorded. Officers shall make an attempt to ensure that non-English speaking persons, those with limited English proficiency, or persons hearing impaired understand that they are being recorded.

An officer may encounter a situation in public that is rapidly evolving, dynamic, and involving a group of persons. In these situations it may not be feasible to advise all parties present that they are being audio and video recorded because of the dynamic environment. In a group, public setting, where the law recognizes minimal expectation of privacy, the officer should advise the

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primary contact and all other parties where feasible. The officer should document in their report reasons for not advising every person present.

4. When interviewing crime victims, officers shall ask the individual: "Do you want your identity to remain confidential for public records purposes?" This question should be recorded.

5. Prior to the end of their shift, officers using BWC shall download the data at designated computers /docking stations as determined by the Department. After download, the officer should ensure the BWC system is available to be recharged.

6. Officers shall document the use of BWC during an incident in their police report. If a citation was issued, a notation shall be placed on the back of the records copy of the citation that the incident was recorded.

7. If the BWC was not activated in a situation where policy mandates its usage, the officer shall articulate reasons why it was not used in his or her incident report.

### **425.5 ACTIVATION OF THE BWC**

This policy is not intended to describe every possible situation in which the BWC may be used, although there are many situations where its use is appropriate.

If adequate time is available, the officer shall activate the BWC in any of the following situations:

- (a) Traffic stops
- (b) Vehicle pursuits
- (c) Custodial arrests
- (d) Vehicle searches that are consent or exigent
- (e) Physical or verbal confrontations or use of force
- (f) DUI investigations including field sobriety tests and processing
- (g) Domestic violence calls involving physical violence
- (h) Dispatched calls involving weapons

The officer should activate the BWC in any of the following situations:

- (a) Self-initiated activity in which the officer believes there may be evidentiary value in activating the BWC;
- (b) Any other circumstance that the officer reasonably believes that a recording of a contact or event would be appropriate.
- (c) Self-initiated FIRs.

Once started, recordings should continue without interruption until the contact ends.

At no time is an officer expected to jeopardize his or her safety or that of the public in order to activate a BWC. Officers suddenly confronted with an unexpected event should react to any

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potential threats and protect themselves and others first before they attempt to activate their BWCs.

The BWC should be activated in required situations as soon as practicable.

### **425.6 TURNING OFF THE BWC DURING AN INCIDENT**

Consistent with this policy, once started, BWC recordings should continue without interruption until the contact ends. However, officers may (a) de-activate the audio on the BWC and continue to video record during an incident or (b) de-activate the video on the BWC and cease recording in the following circumstances:

- (a) Officers have discretion during conversations with crime witnesses and members of the community who wish to report or discuss crime activity in their neighborhood.
- (b) Consistent with section 425.9 of this policy, when exchanging information with other officers or when engaged in an operational or tactical discussion with other officers. If this occurs during a contact to exchange information or discuss operation details with another officer, the officer shall state the reason BWC audio or BWC video is being turned off and the officer should promptly re-activate the BWC audio or BWC video before resuming duties related to the incident.

Anytime an officer turns off the BWC prior to the conclusion of an interaction or contact, the officer shall audibly document the reason for turning the BWC off and in note this in his or her police report.

### **425.7 RECORDING SUSPECT AFTER ARREST**

Consistent with [RCW 9.73.090](#), before an officer records an arrested suspect with a BWC, the officer shall:

- (a) Inform the suspect that they are being recorded.
- (b) State the time the recording begins and ends.
- (c) Record the reading of the Miranda warnings.

### **425.8 SURREPTITIOUS RECORDING**

Washington law prohibits any individual from surreptitiously recording any conversation, except as provided in [RCW 9.73.040](#), [RCW 9.73.090](#), [RCW 9.73.210](#), and [RCW 9.73.230](#).

### **425.9 PROHIBITED USE**

Officers should not activate or use the BWC to record when exchanging information with other officers, during breaks, preparing written documents, and when not in service or actively on patrol. When in any law enforcement facility, to include the Bellingham Police Department, the BWC shall be deactivated or disabled, left in the officer's vehicle, or placed in a charger to attempt to prevent an inadvertent recording of operational or personal conversations. The exception is when the officer is engaged in law enforcement activity and interacting in person with a suspect or member of the public.

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Officers should not activate or use the BWC to record conversations with confidential informants and undercover officers to protect confidentiality and officer safety.

Officers should not activate or use the BWC in places where reasonable expectations of privacy exists (e.g., bathrooms or locker rooms).

No officer or member of the Department may surreptitiously record any conversation of any other member of this Department except with a court order and when authorized by the Chief of Police or authorized designee for the purpose of conducting a criminal investigation.

Officers and members of the Department are prohibited from using a Department BWC for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

All recordings shall be retained by the Department.

### **425.10 RECORDING IN A PRIVATE RESIDENCE AND RESPONDING TO CIRCUMSTANCES WHERE A PERSON IS OR MAY BE UNWILLING TO COMMUNICATE WHILE BEING RECORDED**

It is the opinion of the Washington State Attorney General that recording by police in a private residence is permissible. Absent exigent circumstances or when a contact becomes adversarial, officers shall orally inform any person being recorded that a recording is being made and shall ensure said advisement is recorded.

When recording victim or witness interviews, the officers shall ask the individual: "Do you want your identify, and/or communications, to remain confidential for public records purposes?" This question should be recorded.

If a citizen objects to being recorded, the officer may elect to record the encounter despite the objection. Since conversations with police officers are not considered private under Washington law, there is no requirement that an officer turn off the camera for a citizen who objects to having the interaction recorded.

### **425.11 RECORDING IN A MEDICAL FACILITY**

Any recording in a medical facility shall consist only of those persons pertinent to the investigation.

It is highly recommended that victim interviews be conducted in an area where personal privacy can be protected and, if appropriate, should have a victim advocate present.

### **425.12 RETENTION OF RECORDINGS**

All recorded imagery will be stored and retained by the Department in accordance with the law and destroyed at the conclusion of any retention period required by law. The retention may be extended at the request of an officer or supervisor and should be extended if the recorded contact constitutes evidence in a criminal case or that the recorded contact may be beneficial in a non-criminal matter.

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Any time an officer records a contact that constitutes evidence in a criminal case, the officer shall record the related case number, download the file in accordance with Department procedures to ensure the recording is retained for evidentiary purposes, and document the existence in their Longarm case report.

Any time an officer reasonably believes a recorded contact may be beneficial in a non-criminal matter the member should promptly notify a supervisor of the recording's existence, download the file in accordance with Department procedures ensure the recording is retained, and document the existence in their Longarm case report.

Members should upload the files at the end of their shift and any time the storage capacity is nearing its limit.

### **425.12.1 INADVERTENT RECORDINGS**

An officer may inadvertently/accidentally record themselves, or others, while the BWC is activated. These particular inadvertent/accidental recordings do not meet the statutory definition of a public record (as described in [RCW 40.14.100](#)) because they are not made "in connection with the transaction of public business" and as such may be deleted.

The following procedure has been established for videos that should be deleted because they are inadvertent or accidental:

- (a) 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.
- (b) The on-duty patrol supervisor will review the recording and if he/she agrees that the video should be deleted shall forward the request to the Evidence/ID Supervisor.
- (c) As soon as possible, the Evidence/ID Supervisor shall review the video and shall immediately delete the video if he/she determines it to be accidental or inadvertent.
- (d) The BWC Program Lieutenant will complete step (3) in the absence of the Evidence/ID Supervisor.

### **425.13 REVIEW OF BWC RECORDINGS**

All recording media, recorded images and audio recordings are the property of the Department. Dissemination outside the agency is strictly prohibited, except to the extent permitted by or required by law.

Agency personnel shall not access recorded data for personal use. Agency personnel shall not upload recorded data onto public and social media websites without express permission from the Chief of Police.

BWC recordings will not be routinely or randomly reviewed to monitor officer performance. A supervisor may conduct a review of a specific incident. Reasons for reviewing a specific incident include: (1) capturing specific evidence for use in a criminal prosecution, (2) a civil claim has been

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filed or for a potential civil claim that could be filed against the City involving the incident, (3) a citizen complaint has made against an officer regarding the incident, (4) the incident included use of force, (5) the included a vehicle pursuit, (6) the incident included a vehicle collision, or (7) the incident involved serious injury or death. It shall be deemed a violation of this policy for a supervisor to review recordings for the sole purpose of searching for violations of department policy or law not related to a specific complaint or incident.

Recordings may also be viewed in any of the following situations:

- a. By a recording officer for use when preparing reports and statements;
- b. To assess properly functioning BWC systems;
- c. By a department investigator who is participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation;
- d. By an officer who is captured on or referenced in the video or audio data and reviews and uses such data for any purposes relating to his or her employment;
- e. Recordings may be shown for training purposes. Involved officer(s) shall be notified and If an involved officer objects to showing a recording, his or her objection shall be submitted to the staff to determine if the training value outweighs the officer's objection;
- g. By an employee's legal representative and/ or bargaining unit representative who is involved in representing the employee in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation;
- h. By the City Attorney's Office or other legal representative of the City.

When preparing written reports, officers should only review their recordings as a resource. Members should not use the fact that a recording was made as a reason to write a less detailed report.

In no event shall a recording be used or shown for the purpose of ridiculing or embarrassing an officer or Department employee.

Recordings will be provided to the City and County prosecutor's office when requested as part of discovery for a criminal case.

### **425.14 PUBLIC DISCLOSURE OF BWC RECORDINGS**

Public disclosure of BWC recordings is governed by the [Public Records Act, Chapter 42.56 RCW](#).

Upon receipt of a PRA request for a BWC recording, the staff member will immediately email the request to the Evidence Supervisor and the Public Records Officer. The Evidence Supervisor will take immediate steps to flag the requested recording(s) in evidence.com as a "Public Record" in order to preserve the recording(s). The Public Records Officer, or designee, will send the requestor a five day acknowledgment notice with an estimated time for completion of the request.

The Evidence Supervisor and the Public Records Officer will coordinate the City's response to the request.

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### **425.15 TRAINING**

The Police Chief or designee shall appoint a Systems Administrator to oversee the BWC system and training personnel.

Officers shall not use BWC systems unless they have successfully completed training in the proper use of such equipment. Training provisions will include classroom discussion and appropriate field application. The training will consist of a review of the proper function and use of the BWC devices, recommended times to employ the system, and departmental policy and procedures as they pertain to the system. A written record of the training provided will be completed by the trainer and maintained in the officer's training file.

Additional training will be required at periodic intervals to ensure the continued effective use and operations and performance, and to incorporate changes, updates, or other revisions in policy and equipment.

### **425.16 USE OF BWC RECORDING IN DISCIPLINE**

The existence of a BWC recording that captures an officer making a mistake or not in compliance with a policy or rule shall not be the basis for enhanced discipline. The existence of the recording does not exacerbate or aggravate the conduct.

It is directly acknowledged as we deploy BWCs, officers encounter stressful situations in a fast paced and often unpredictable environment. In this environment, officers will sometimes misspeak, make mistakes, or use foul language. While we make every effort to avoid these errors, the BWC recordings should assist in coaching for improved performance, not to levy more substantial discipline to employees than the same unrecorded conduct would subject them to.

BWC recordings will not be reviewed by the Department solely for the purpose of initiating internal investigations against members of the Department. If a BWC recording is reviewed by the Department as part of an official IA investigation, the Department shall provide the involved-employee(s) a copy of the complaint and/or allegations. At least seventy-two (72) hours prior to interviewing any involved employee(s) about their conduct, which is part of a BWC recording, the applicable BWC recording will be provided to the involved-employee(s) and their legal and/or collective bargaining representative.

In the event that a recording is reviewed in error, for instance; if while searching for a recording of a specific date and time, an unrelated recording of a similar date and time is reviewed, the Department shall not initiate a new personnel complaint based on mere violations of Department Policy, however if there are Violations of Law, the Department may initiate an investigation and open a complaint if necessary.

Recordings shall not be used for the auditing of routine activity not related to criminal investigations or allegations of misconduct. Recordings shall not be reviewed for employee evaluation purposes.

A supervisor may conduct a review of a specific incident on an officer's recorded imagery only when there is an articulable reason justifying such review. Articulable reasons for reviewing an officer's BWC footage include, but are not limited to: (1) capturing specific evidence for use in a

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criminal prosecution, (2) a civil claim has been filed against the City involving the incident, (3) a citizen complaint has been made against an officer regarding the incident, (4) the incident included a use of force, (5) the incident included a vehicle pursuit, (6) the incident included a vehicular collision, or (7) the incident involved a serious injury or death. Notwithstanding the other provisions of this section, Field Training Officers (FTO) may review the BWC footage of probationary trainees in the Field Training Program.

#### **425.17 OFFICER AND GUILD ACCESS TO VIDEO**

An employee's legal representative and/or bargaining unit representative will be provided copies of all recordings relevant to any official investigation, such as a lethal force report, personnel complaint, administrative inquiry or a criminal investigation, relevant to or associated with a Department employee.



# Mobile Data Terminal Use

## 426.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Terminal (MDT) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and Dispatch.

## 426.2 MDT USE

All MDTs are assigned to specific vehicles and should not be moved to non-assigned vehicles without the permission of Department IT personnel.

All MDT users will log onto the system using their individual ID and password at the beginning of each shift. At the end of the shift, each individual will log off the system.

The MDT shall be used for official police communications only. Messages that are of a sexual, racist, or offensive nature, or otherwise demeaning of any member of the Department are strictly forbidden.

Messages may be reviewed by supervisors at anytime without prior notification. Employees generating or transmitting messages not in compliance with this policy are subject to discipline.

All calls dispatched to patrol units should be communicated by voice and MDT unless otherwise authorized by the Shift Supervisor.

Only Department approved software that is properly licensed will be installed on and MDT. Only the Police Department Computer Technical Staff are authorized to install software. Users will not modify any of the computer settings including screen colors, display drivers, system device drivers, or any other settings which affect the operation of the computer.

### 426.2.1 USE WHILE DRIVING

Use of the MDT by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages that are likely to contain information that is required for immediate enforcement, investigative or safety needs.

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

### 426.2.2 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted either verbally over the police radio or through the MDT system.

Officers responding to in-progress calls shall advise changes in status verbally over the radio to assist other officers responding to the same incident.

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Other changes in status may be entered by depressing the appropriate keys on the MDT's.

### **426.3 PRIVACY EXPECTATION**

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

#### **426.3.1 NON-FUNCTIONING MDT**

Problems with any one MDT may affect the entire system network. Users will immediately report any problems of the MDT or the MDT network to their supervisor. The supervisor is responsible to report the problem to the department's computer technician. The computer technician is responsible for any maintenance or repair.

Supervisors will determine the need for any after-hours callout. Supervisors are authorized to call out technical staff after hours when technical problems affect the entire MDT system. Technical Problems affecting only one MDT can normally wait until the next working day.

### **426.4 WASHINGTON STATE ACCESS**

The MDTs and State ACCESS software are for official business only. Use of the ACCESS system for personal reasons is prohibited. Information obtained through State ACCESS is restricted to Criminal Justice user agencies.

Only ACCESS Level One certified users are authorized to make any inquiry into the State of Washington ACCESS system.

### **426.5 LONGARM ON THE MDT**

Officers may use the Longarm application on the MDT to complete report header, associate, and property information as well as short narrative reports (250 words or less).

Narrative longer than 250 words should be completed at a standard computer workstation.

Users who experience any ergonomic problems or adverse physical affects, while writing Longarm reports using the MDT, should immediately refrain from its use and notify their supervisor.

### **426.6 AUTOMATIC VEHICLE LOCATION (AVL)**

As a part of the Versaterm CAD project, vehicles with an MDT are equipped with Automatic Vehicle Location systems (AVL). AVL is a GPS-based locating system which will provide the location of an MDT-equipped vehicle as well as the status of the person assigned to the vehicle. The mapping system utilized with the AVL will also plot the location of the active calls for service throughout the City. This software/hardware system was designed with the purpose of increasing officer safety while providing officers and dispatchers a tool that allows for easy unit and call-for-service orientation. The AVL system may be utilized to recommend the closest available unit(s) to an incident, or to identify the location of units involved in an incident at the request of supervisory personnel. The AVL system may be used to identify unit locations if radio transmissions fail, to advise incoming units of the location of the primary unit or instances where radio transmissions

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are unintelligible. AVL may also be used to follow vehicle pursuits, provide the involved units with location and direction of the pursuit vehicle and provide information to responding units and/or field supervisors.

The information provided by the AVL system is not designed to be used as a disciplinary tool; however, upon receiving a formal complaint or a serious policy violation with a nexus to AVL, the data may be used to support the investigation of a Department member for alleged violations of BPD policy/policies and may also be used to support the exoneration of a Department member for alleged violations of BPD policy/policies. In those instances, the data may be used only with prior approval of the Chief. In any case, AVL data will not be used as the sole source of information in any disciplinary case.

With the exception of take-home vehicles, any employee with an MDT will log on to their MDT at the beginning of their shift. This will include logging into the Versaterm system, which will automatically activate the AVL system.

In order to protect employees' home addresses being revealed, employees with take-home cars can log on and off within 5 miles of their residence or 5 minutes from the start and end of their shift.

Employees are prohibited from intentionally manipulating the system's software or hardware in any way to prevent the proper use of the AVL system. The only exception to the required operation of AVL will be upon the specific authorization by the employee's Lieutenant.

# Bicycle Patrol Unit

## 427.1 PURPOSE AND SCOPE

The Bellingham Police Department has established the Bicycle Patrol Unit for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas and their quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

## 427.2 POLICY

The Bicycle Patrol Unit may be used for regular patrol duty, traffic enforcement, parking control, or special events. The use of the patrol bicycle will emphasize their mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Special Operations Lieutenant or the Shift Supervisor.

## 427.3 SELECTION OF PERSONNEL

Qualified personnel shall submit an email of interest to the Special Operations Lieutenant when a Bicycle Patrol Unit vacancy is announced. The email of interest should describe work performance as it relates to proactive activity, self-initiated activity, and community problem solving.

Qualified personnel include the following:

- Two years of service.
- Two year commitment to the Bicycle Patrol Unit.
- Willingness to ride a bicycle or foot beat in all conditions.
- Willing to work a permanent area (City Center and Parks trails) on the the 10/40s work schedule with a partner.
- Willing to be assigned bicycle details on the Ski to Sea Junior Parade/Grand Parade/ Race and the 4th of July evening event.

Qualified applicants will be ranked by the Shift Supervisors using the following dimensions:

- Teamwork
- Problem solving abilities
- Self-initiated work
- Amount of supervision required
- Dependability

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- Physical conditioning
- Demeanor with the public and fellow Officers/Supervisors
- Working knowledge of contacts/suspects/bulletins/briefings
- Communication Skills

A recommendation will be made to the Chief of Police who will make the final selection.

### **427.3.1 BICYCLE PATROL UNIT SUPERVISOR**

The Bicycle Patrol Unit will be supervised by the 1020 Patrol Supervisor for general issues and will report to the Special Operations Lieutenant.

### **427.4 TRAINING**

Participants in the program must complete an initial department approved bicycle-training course after acceptance into the program. Thereafter bicycle patrol officers should receive in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

- Bicycle patrol strategies.
- Bicycle safety and accident prevention.
- Operational tactics using bicycles.

Bicycle patrol officers will be required to qualify with their duty firearm while wearing bicycle safety equipment including the helmet and riding gloves.

### **427.5 UNIFORMS AND EQUIPMENT**

Bicycle officers shall wear a departmentally approved uniform and safety equipment while operating the police bicycle. Safety equipment includes departmentally approved helmet, riding gloves, protective eyewear and approved footwear.

The bicycle uniform consists of the standard short sleeve uniform shirt or Coolmax® type shirt with department approved badge and patches and bicycle patrol pants or shorts with uniform appearance.

Optional equipment includes jacket in colder weather; turtleneck shirts or sweaters are permitted when worn under the uniform shirt, radio head set and microphone.

Bicycle officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Officers will be responsible for obtaining necessary forms, citation books and other needed equipment to keep available while on bike patrol.

### **427.6 CARE AND USE OF PATROL BICYCLES**

Officers will be assigned a specially marked and equipped patrol bicycle and attached gear bag.

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Bicycles are considered vehicles and are subject to laws, regulations, and privileges applicable to the operation of vehicles operated upon the highway ( [RCW 46.04.670](#)).

Bicycles utilized for uniformed bicycle patrol shall be primarily black or white with a police decal affixed to each side of the crossbar or the bike's saddlebag. Every such bicycle shall be equipped with front lights and rear reflectors or lights, and brakes satisfying the requirements of [RCW 46.61.780](#).

Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bag(s) sufficient to carry all necessary equipment to handle routine patrol calls including report writing, vehicle storage and citations.

Each bicycle shall be equipped with at least one blue lamp and a siren capable of giving an audible signal (RCW 46.37.190; WAC 204-21-130).

Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to insure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

If a needed repair is beyond the ability of the bicycle officer the repair will be performed by an approved technician. Authorization for repair should be obtained from the 1020 Patrol Supervisor or the Special Operations Lieutenant as soon as practical if repairs are needed immediately.

Each bicycle will have scheduled maintenance, as needed, by a department approved repair shop/ technician.

At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

Officers shall not modify the patrol bicycle, remove, modify or add components except with the expressed approval of the bicycle supervisor, or in the event of an emergency.

Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

Bicycles shall be properly secured when not in the officer's immediate presence.

### **427.7 OFFICER RESPONSIBILITY**

Officers must operate the bicycle in compliance with applicable codes under normal operation. Officers may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and/or tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment.

It shall be the policy of this Bellingham Police Department that all other bicycle operation shall be in compliance with the rules of the road except when responding to an emergency call or when in the pursuit of an actual or suspected violator. An emergency response or pursuit shall be conducted only with emergency lights and siren and under the conditions required by RCW 46.61.035 and

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with due regard and caution for the safety of all persons using the highway as required by RCW 46.61.035(4).

# Alarms

## 428.1 PURPOSE AND SCOPE

This policy outlines the manner in which the Bellingham Police Department responds to alarm activations in the City of Bellingham. The policy defines 'Private Guard Responder' and 'Verified Response' as those terms relate to the police department's response to alarm activations. (The policy also sets forth the procedure for police personnel when an alarm is falsely verified.)

**Private Guard Responder** is defined as any private guard company employee, an alarm company guard, an alarm user, a person or entity appointed by an alarm user/customer to be responsible to confirm that an attempted or actual crime has occurred at an alarm site.

**Verified response** means an on-site verification by a responder (Private Guard Responder) to verify the need for police response to an alarm activation. Verification of an attempted crime, crime or emergency may also be accomplished through the use of an impact activated audio and/or video system monitor used in concert with an intrusion detection alarm.

## 428.2 ALARM RESPONSE PROCEDURE

Bellingham police will respond to all "panic" type alarms, all bank robbery or "hold up" type alarms, all bank "intrusion" alarms and ATM alarms 24 hours every day.

Bellingham police will respond to all intrusion alarms at locations that sell firearms, 24 hours every day.

Intrusion alarm responses to private residences, by the Bellingham Police Department, shall be dispatched after a 'private guard responder' has confirmed that an attempted or actual crime has occurred at the alarm site.

Intrusion alarm responses to commercial establishments, during the hours of 6am to 10pm, by the Bellingham Police Department, shall be dispatched after a 'private guard responder' has confirmed that an attempted or actual crime has occurred at the alarm site.

## 428.3 PENALTIES

Refer to Bellingham Municipal Code

[6.62.030 PROHIBITED ACTS AND PENALTIES](#)



# Medical Marijuana

## 429.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for handling and distinguishing between claims of medical marijuana use under Washington's Medical Use of Cannabis Act and criminal controlled substance violations ([RCW 69.51A.0001 et seq.](#)).

### 429.1.1 DEFINITIONS

Definitions related to this policy include ([RCW 69.51A.010](#)):

**Authorization** - Documentation that is signed and dated by a qualifying patient's health care professional, authorizing use of medical marijuana.

**Designated provider** - A person who:

- Is 21 years of age or older and is the parent or guardian of a qualifying patient who is 17 years of age or younger and holds a recognition card.
- Has been designated in writing by a qualifying patient to serve as the designated provider for that patient.
- Has an authorization from the qualifying patient's health care professional.
- Has been entered into the medical marijuana authorization database as being the designated provider to a qualifying patient and has been provided a recognition card.

An individual can act as a designated provider to no more than one patient at a time and is prohibited from consuming marijuana obtained for the use of the qualifying patient and may only provide marijuana to the patient designated to the provider.

**Medical use of marijuana** - The manufacture, production, possession, transportation, delivery, ingestion, application or administration of marijuana for the exclusive benefit of a qualifying patient in the treatment of his/her terminal or debilitating medical condition.

**Qualifying patient** - Any person who meets all of the following criteria:

- Has been diagnosed by his/her health care professional as having a terminal or a debilitating medical condition.
- Is a resident of the state of Washington at the time of such diagnosis.
- Has been advised by his/her health care professional about the risks and benefits of the medical use of marijuana.
- Has been advised by the health care professional that he/she may benefit from the medical use of marijuana.
- Has an authorization from his/her health care professional.
- Is not under supervision for a crime that does not allow for the use of medical marijuana.

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**Recognition Card** - A card issued to qualifying patients and designated providers by a marijuana retailer with a medical marijuana endorsement that has entered them into the medical marijuana authorization database.

### **429.2 POLICY**

It is the policy of the Bellingham Police Department to prioritize resources to avoid making arrests related to marijuana that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

Washington medical marijuana laws are intended to provide defenses to prosecution for those who use, possess, deliver or produce marijuana to mitigate the symptoms of certain debilitating or terminal medical conditions. However, Washington medical marijuana laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of marijuana.

Officers should exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both the individuals protected under Washington law and the resources of the Department.

### **429.3 INVESTIGATION**

Investigations involving the possession, delivery or production of marijuana generally fall into one of several categories:

- (a) No medicinal claim is made.
- (b) A medicinal claim is made by a qualifying patient or designated provider who is in possession of amounts within the limits designated by [RCW 69.51A.040](#).
- (c) A medicinal claim is made by a qualifying patient or designated provider who is in possession of amounts exceeding the limits designated by [RCW 69.51A.040](#) or who presented no authorization when initially contacted.

#### **429.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM**

In any investigation involving the possession, delivery or production of marijuana where there is no claim that the marijuana is for medicinal purposes, the officer should proceed with reasonable enforcement action. A medicinal defense may be raised at any time, so officers should document any statements and observations that may be relevant to whether the marijuana is possessed or produced for medicinal purposes.

#### **429.3.2 MEDICAL CLAIMS BY QUALIFYING PATIENTS OR DESIGNATED PROVIDERS**

A qualifying patient or designated provider who was entered into the medical marijuana authorization database and who possesses a valid recognition card should not be arrested or cited if he/she possesses no more than six plants in his/her residence with up to 8 ounces of useable marijuana from these plants and any of the following ([RCW 69.51A.040](#); [RCW 69.51A.043](#)):

- (a) 48 ounces of marijuana-infused product in solid form

## *Medical Marijuana*

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- (b) 3 ounces of useable marijuana
- (c) 216 ounces of marijuana-infused product in liquid form
- (d) 21 grams of marijuana concentrates

A qualifying patient may be allowed to possess up to 15 plants with up to 16 ounces of useable marijuana in his/her residence for the personal medical use of the patient with appropriate health care professional authorization (Chapter 70, 2015 Laws § 19).

Qualifying patients and designated providers may only purchase marijuana at a retail outlet at the same quantities as non-patients ([RCW 69.50.360](#)) if they do not have the appropriate authorization (Chapter 70, 2015 Laws § 19).

If a person is both a qualifying patient and a designated provider for another, he/she may possess no more than double the amounts described above ([RCW 69.51A.040\(1\)](#)).

Officers may take enforcement action against a designated provider even when the above thresholds are not exceeded if there is evidence that the provider has converted the marijuana for his/her personal use or benefit or has provided for more than one patient within a 15-day period ([RCW 69.51A.040](#)).

Officers may take enforcement action against a qualifying patient even when the above thresholds are not exceeded if there is evidence that the patient possesses or uses the marijuana for his/her personal, non-medical use or benefit ([RCW 69.51A.040](#)).

### 429.3.3 EXCESS AMOUNTS OR NO AUTHORIZATION

A qualifying patient or designated provider may raise an affirmative defense to charges that the amount of marijuana in his/her possession exceeds the amount legally allowed by [RCW 69.51A.040](#) or that he/she presented no authorization when initially contacted by law enforcement ([RCW 69.51A.045](#)).

Officers should conduct a thorough investigation in such cases, but in general, should not arrest a subject for possession, delivery or production of marijuana if an excess amount appears reasonable based upon the above policy considerations. Similarly, if an officer can verify that authorization exists, even though a recognition card was not presented or obtained by a qualified patient or designated provider, an arrest generally should not be made ([RCW 69.51A.043](#)).

All facts should be thoroughly documented and if evidence is not seized, it shall be photographed and detailed in the report.

### 429.3.4 ADDITIONAL CONSIDERATIONS

Prior to making a physical arrest or confiscating cannabis plants, usable cannabis or product, officers should consider the following:

- (a) Whenever the initial investigation reveals an amount greater than specified by law, officers should, in anticipation of an affirmative defense, consider and document:
  - 1. The medical condition itself.

## *Medical Marijuana*

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2. The quality of the marijuana (chemical content).
  3. The method of ingestion (e.g. smoking, eating, nebulizer).
  4. The timing of the possession in relation to a harvest (patient may be storing marijuana).
  5. Whether the marijuana is being cultivated indoors or outdoors, and the climate.
- (b) Before proceeding with enforcement related to collective gardens, cooperatives or commercial producers, officers should consider conferring with appropriate legal counsel and the Washington State Liquor and Cannabis Board for license-related issues.
- (c) Medical use and possession of marijuana authorized under the Washington medical marijuana statute does not support the forfeiture of property as set forth in the Asset Forfeiture Policy ([RCW 69.51A.050](#)).
- (d) Laws and regulations do provide for the cultivation of industrial hemp. The Washington State Department of Agriculture should be contacted should questions arise regarding possible industrial hemp activity (Chapter 11, 2016 Laws).

### **429.4 EXCEPTIONS**

This policy does not apply to the following offenses; officers may take enforcement action if the person ([RCW 69.51A.060](#)):

- (a) Engages in the medical use of marijuana in a way that endangers the health or well-being of any person through the use of a motorized vehicle on a street, road, or highway, including violations of [RCW 46.61.502](#) or [RCW 46.61.504](#), or equivalent local ordinances.
- (b) Uses or displays medical marijuana in a manner or place open to the view of the public.
- (c) Produces fraudulent documentation.

### **429.5 FEDERAL LAW ENFORCEMENT**

Officers may exchange information regarding a marijuana investigation with federal law enforcement authorities when information is requested by federal law enforcement authorities or whenever the officer reasonably believes federal law enforcement authorities would request the information if the authorities were aware of the information.

### **429.6 PROPERTY SUPERVISOR RESPONSIBILITIES**

Consistent with Bellingham Police Department Policy §803.6.7, the Evidence Supervisor will destroy marijuana coming into the custody of the police department. Any marijuana coming into the possession of the department will be destroyed consistent with policy §803.7 unless timely presented with a court order requiring return.

## Foot Pursuits

### 429.1 PURPOSE AND SCOPE

Foot pursuits are inherently dangerous and require common sense, sound tactics and heightened officer safety awareness. This policy sets forth guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot by balancing the objective of apprehending the suspect with the risk of potential injury to the officer, the suspect or the public.

### 429.2 POLICY

Officers are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of department personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department personnel.

### 429.3 DECISION TO PURSUE

Officers may be justified in initiating a foot pursuit of any individual who the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as the sole justification for engaging in an extended foot pursuit without the development of reasonable suspicion of the individual's involvement in criminal activity.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place department members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

- (a) Containment of the area.
- (b) Saturation of the area with law enforcement personnel, including assistance from other agencies.
- (c) A canine search.
- (d) Thermal imaging or other sensing technology.
- (e) Air support.

## *Foot Pursuits*

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- (f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

### **429.4 GENERAL GUIDELINES**

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

- (a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory.
- (b) The officer is acting alone.
- (c) Two or more officers become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The officer is unsure of his/her location and direction of travel.
- (e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.
- (f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.
- (g) The officer loses radio contact with the dispatcher or with assisting or backup officers.
- (h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.
- (i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.
- (j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.
- (k) The officer loses possession of his/her firearm or other essential equipment.
- (l) The officer or a third party is injured during the foot pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer known.
- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department members or the public if the suspect is not immediately apprehended.

## *Foot Pursuits*

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- (o) The officer's ability to safely continue the foot pursuit is impaired by inclement weather, darkness or other environmental conditions.

### **429.5 RESPONSIBILITIES IN FOOT PURSUITS**

#### **429.5.1 INITIATING OFFICER RESPONSIBILITIES**

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit and containment. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

- (a) Location and direction of travel
- (b) Call sign identifier
- (c) Reason for the foot pursuit, such as the crime classification
- (d) Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the dispatcher of his/her location and the status of the foot pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.

#### **429.5.2 ASSISTING OFFICER RESPONSIBILITIES**

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

#### **429.5.3 SUPERVISOR RESPONSIBILITIES**

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need to be physically present to exercise control over the foot

## *Foot Pursuits*

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pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

### **429.5.4 DISPATCH RESPONSIBILITIES**

Upon notification or becoming aware that a foot pursuit is in progress, the dispatcher is responsible for:

- (a) Clearing the radio channel of non-emergency traffic.
- (b) Ensuring that a field supervisor is notified of the foot pursuit.
- (c) Notifying and coordinating with other involved or affected agencies as practicable.
- (d) Assigning an incident number and logging all pursuit activities.

### **429.6 REPORTING REQUIREMENTS**

The initiating officer shall complete appropriate crime/arrest reports documenting, at a minimum:

- (a) Date and time of the foot pursuit.
- (b) Initial reason and circumstances surrounding the foot pursuit.
- (c) Course and approximate distance of the foot pursuit.
- (d) Alleged offenses.
- (e) Whether a suspect was apprehended as well as the means and methods used.
  - 1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.
- (f) Arrestee information, if applicable.
- (g) Any injuries and/or medical treatment.
- (h) Any property or equipment damage.
- (i) A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.



## Bounty Hunters and Bail Bond Representatives

### **430.1 PURPOSE AND SCOPE**

The Bellingham Police Department will respond to requests for assistance from bail bond companies and/or bounty hunters.

### **430.2 PROCEDURE FOR REQUESTED ASSISTANCE**

If warrant information is confirmed, we should arrest the suspect by following our appropriate policies regarding warrant arrests, without assistance from the bail bond company representative and/or bounty hunter. We shall not rely on the bounty hunters stated and/or assumed authority.

If warrant information is not confirmed on the pursued suspect, we shall advise the bounty hunter and/or bail bond company representative that we will not cooperate with their investigation and we will not stand by or assist. We shall also advise them that if they commit any illegal act, they subject themselves to arrest.

## Automated License Plate Readers

### 431.1 PURPOSE AND SCOPE

Automated License Plate Reader (ALPR) technology, also known as License Plate Recognition, provides automated detection of license plates. ALPR is used by the Bellingham Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. ALPRs may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

### 431.2 ADMINISTRATION OF ALPR DATA

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Deputy Chief of Services. The Deputy Chief of Services will assign personnel to administer the day-to-day operation of the ALPR equipment and data.

### 431.3 ALPR OPERATION

Use of an ALPR is restricted to the purposes outlined below. Department personnel shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.

- (a) An ALPR shall only be used for official and legitimate law enforcement business.
- (b) An ALPR may be used in conjunction with any patrol operation or official department investigation. Reasonable suspicion or probable cause is not required before using an ALPR.
- (c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- (d) No member of this department shall operate ALPR equipment, or access ALPR data, without first completing department-approved training.
- (e) The member should verify an ALPR response through the Central Computerized Enforcement Service System (ACCESS) before taking enforcement action that is based solely upon an ALPR alert.
- (f) No ALPR operator may retrieve ACCESS data unless otherwise authorized to do so.

### 431.4 ALPR DATA COLLECTION AND RETENTION

All data and images gathered by ALPR are for the official use of the Bellingham Police Department, and because such data may contain confidential ACCESS information, it is not open to public review. ALPR information gathered and retained by this department may be used and shared with prosecutors or others only as permitted by law.

Collection and retention of the ALPR data is subject to the following guidelines:

## *Automated License Plate Readers*

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- (a) Files will be transferred from field units to department or home servers in accordance with current Bellingham Police Department file storage procedures.

All ALPR data downloaded to the server shall be stored according to the [Washington State Law Enforcement Records Retention Schedule](#) and thereafter should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action, or is subject to a lawful action to produce records. In such circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

### **431.5 ACCOUNTABILITY AND SAFEGUARDS**

All saved data will be closely safeguarded and protected by both procedural and technological means. The Bellingham Police Department will observe the following safeguards regarding access to and use of stored data:

- (a) All non-law enforcement requests for access to stored ALPR data shall be referred to the Records Manager and processed in accordance with applicable law.
- (b) All ALPR data downloaded to the mobile workstation and server shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.
- (c) Persons approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relates to a specific criminal investigation or department-related civil or administrative action.
- (d) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies at any time for legitimate law enforcement purposes.
- (e) ALPR system audits should be conducted on a regular basis.

## Public Recording of Law Enforcement Activity

### 432.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

### 432.2 POLICY

The Bellingham Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

The Police Department also recognizes an individual's right to lawfully record law enforcement facilities from the public right of way or location that is open to the public.

### 432.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
  - 1. Tampering with a witness or suspect.
  - 2. Inciting others to violate the law.
  - 3. Being so close to the activity as to present a clear safety hazard to the officers.
  - 4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the officers, him/herself or others.

### 432.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

## *Public Recording of Law Enforcement Activity*

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Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

### **432.5 SUPERVISOR RESPONSIBILITIES**

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

### **432.6 SEIZING RECORDINGS AS EVIDENCE**

Officers should not seize recording devices or media unless ([42 USC § 2000aa](#)):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
  - 1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
  - 1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.

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2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

# Drug Recognition Expert Call Out

## 433.1 PURPOSE

The purpose of this policy is to establish guidelines to utilize the training and expertise of the department's Drug Recognition Experts.

## 433.2 WHEN TO REQUEST OR CONSULT A DRE

- (a) When a DUI suspect shows indicators of impairment that do not match the reading on a PBT, and that reading is below a .08.
- (b) When investigating a vehicle collision resulting in a serious injury or death where drugs or alcohol are likely a factor.
- (c) Any felony investigation in which suspected drug use is likely a contributing factor, or at the discretion of a shift supervisor.
- (d) BPD's DRE may be consulted by phone at the discretion of the shift supervisor.

## 433.3 DRE CALL OUT PROCEDURE

- (a) If a BPD DRE is on duty, the DRE request will be made to that officer.
- (b) If no BPD DRE is on duty, WSP dispatch will be contacted to determine if another DRE is on duty and available. If an alternative DRE is available, that DRE will be requested.
- (c) If no BPD DRE is on duty, and no alternative on-duty DRE is available, the shift supervisor may request an off-duty BPD DRE.
  - 1. The shift supervisor should take into consideration the normal shift of the DRE, as well as any vacation or time-off concerns.
  - 2. If the DRE responds, the DRE shall be compensated from the time of the notification.
- (d) If no on-duty DRE nor BPD DRE is available, a request for an off-duty DRE will be made through the WSP dispatch attempting to contact allied agencies first then WSP DRE's.

## 433.4 PROCEDURE FOR A DRE REQUEST

- (a) The suspect should be (or soon to be) in custody when a DRE request is made.
- (b) The arresting officer, or cover officer, needs to remain with the DRE during the DRE evaluation (this process takes approximately 45 minutes).
- (c) The DRE will not be responsible for the DUI arrest, just the evaluation portion of the investigation - unless otherwise decided by the DRE or shift supervisor.
- (d) Do not discuss the DRE evaluation with the suspect unless otherwise told by the DRE.

## *Drug Recognition Expert Call Out*

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### **433.5 DRE CALL OUT RESPONSIBILITIES**

- (a) It is the responsibility of the department's DRE to complete or have completed the following paperwork:
  - 1. DRE Evaluation turned into the shift supervisor.
  - 2. DRE call out request A19-1A invoice voucher form within 7 days of call out.
  - 3. Overtime slip.
  - 4. DRE request form showing all pertinent information.
- (b) The completed A19-1A, Overtime slip, and DRE request form will be submitted by BPD accounting for reimbursement not more than 20 days after call out overtime.
  - 1. A copy of this paperwork will be held by BPD for records keeping.



# First Amendment Assemblies

## 434.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

## 434.2 POLICY

The Bellingham Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also protecting life, preserving the peace and preventing the destruction of property.

## 434.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to protect life, preserve the peace and prevent the destruction of property.

Officers should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

## *First Amendment Assemblies*

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### **434.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS**

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

### **434.4 UNPLANNED EVENTS**

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to Dispatch, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

### **434.5 PLANNED EVENT PREPARATION**

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

#### **434.5.1 INFORMATION GATHERING AND ASSESSMENT**

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

## *First Amendment Assemblies*

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- The potential time, duration, scope and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or the race, ethnicity, national origin or religion of the participants or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject.

### 434.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide:

- (a) Command assignments, chain of command structure, roles and responsibilities.
- (b) Staffing and resource allocation.
- (c) Management of criminal investigations.
- (d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).
- (e) Deployment of specialized resources.
- (f) Event communications and interoperability in a multijurisdictional event.
- (g) Liaison with demonstration leaders and external agencies.
- (h) Liaison with City government and legal staff.
- (i) Media relations.
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
- (k) Traffic management plans.
- (l) First aid and emergency medical service provider availability.
- (m) Prisoner transport and detention.
- (n) Review of policies regarding public assemblies and use of force in crowd control.
- (o) Parameters for declaring an unlawful assembly.
- (p) Arrest protocol, including management of mass arrests.
- (q) Protocol for recording information flow and decisions.
- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.
- (s) Protocol for handling complaints during the event.
- (t) Parameters for the use of body-worn cameras and other portable recording devices.

## *First Amendment Assemblies*

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### **434.5.3 MUTUAL AID AND EXTERNAL RESOURCES**

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Mutual Aid and Outside Agency Assistance Policy).

### **434.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS**

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

### **434.7 USE OF FORCE**

Use of force is governed by current department policy and applicable law.

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt an objectively reasonable and necessary response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Force or control devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage.

Force or control devices should be directed toward specific individuals engaged in criminal activity and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to objectively reasonable circumstances, such as a riotous crowd.

## *First Amendment Assemblies*

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Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

### **434.8 ARRESTS**

The Bellingham Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of officers and arrestees.
- (b) Dedicated arrest, booking and report writing teams.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail and courts.

### **434.9 MEDIA RELATIONS**

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to inform the public about the management of the event.

### **434.10 DEMOBILIZATION**

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

### **434.11 POST EVENT**

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

- (a) Operational plan
- (b) Any incident logs

## *First Amendment Assemblies*

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- (c) Any assignment logs
- (d) Vehicle, fuel, equipment and supply records
- (e) Incident, arrest, use of force, injury and property damage reports
- (f) Photographs, audio/video recordings, Dispatch records/tapes
- (g) Media accounts (print and broadcast media)

### **434.11.1 AFTER-ACTION REPORTING**

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

- (a) Date, time and description of the event
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests)
- (c) Problems identified
- (d) Significant events
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

### **434.12 TRAINING**

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Department should, when practicable, train with its external and mutual aid partners.

## Civil Disputes

### 435.1 PURPOSE AND SCOPE

This policy provides members of the Bellingham Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Washington law.

### 435.2 POLICY

The Bellingham Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department may assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

### 435.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

- (a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
- (b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
- (c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.
- (d) Members are reminded that they shall not enter a residence or other non-public location without legal authority.
- (e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

## *Civil Disputes*

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### **435.4 COURT ORDERS**

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

- (a) The person's knowledge of the court order or whether proof of service exists.
- (b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

#### **435.4.1 STANDBY REQUESTS**

Will be done with a Court Order or at Officer's discretion.

### **435.5 VEHICLES AND PERSONAL PROPERTY**

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

### **435.6 REAL PROPERTY**

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

#### **435.6.1 REQUEST TO REMOVE TRESPASSER DECLARATION**

Officers possessing a lawful declaration signed under penalty of perjury and in the form required by law, may take enforcement action to remove a person from a residence when ([Chapter 284 § 1, 2017 Washington laws](#)):

- The person has been allowed a reasonable opportunity to secure and present evidence that the person is lawfully on the premises
- The officer reasonably believe he/she has probable cause to believe the person is committing criminal trespass under [RCW 9A.52.070](#)

An officer should give the trespasser a reasonable opportunity to vacate the premises before taking enforcement action.



# Crisis Intervention Incidents

## 436.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

### 436.1.1 DEFINITIONS

Definitions related to this policy include:

**Person in crisis** - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

## 436.2 POLICY

The Bellingham Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

## 436.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation, lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

## *Crisis Intervention Incidents*

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Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

### **436.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS**

The Chief of Police should designate an appropriate Deputy Chief to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

### **436.5 FIRST RESPONDERS**

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- (d) Attempt to determine if weapons are present or available.
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.

## *Crisis Intervention Incidents*

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### **436.6 DE-ESCALATION**

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

### **436.7 INCIDENT ORIENTATION**

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.
- (b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

### **436.8 SUPERVISOR RESPONSIBILITIES**

Depending on the circumstance, a supervisor may respond to the scene of any interaction with a person in crisis. Responding supervisors should:

## *Crisis Intervention Incidents*

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- (a) Attempt to secure appropriate and sufficient resources.
- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.

### **436.9 INCIDENT REPORTING**

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

#### **436.9.1 DIVERSION**

Individuals who are not being arrested should be processed in accordance with the Emergent Detentions Policy.

#### **436.9.2 SUICIDE THREATS OR ATTEMPTS**

Officers should consider a referral to mental health services when a person has threatened or attempted suicide and the person does not qualify for an emergent detention or voluntarily consent to immediate evaluation at a mental health facility ([RCW 71.05.457](#)).

- (a) Referrals should be made to the person by providing the name and phone number of the mental health agency and any available handouts.
- (b) The officer may notify the mental health agency of the referral by phone or other method, in addition to preparing a written incident report.

Incident reports documenting a referral to a mental health agency should be sufficiently detailed regarding the nature of the incident and the person's behavior, to facilitate the mental health agency's prioritization and nature of their response. The officer should promptly provide a copy of the report to the referred mental health agency ([RCW 71.05.457](#)).

### **436.10 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS**

Civilian members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.

## *Crisis Intervention Incidents*

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- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance. **Personal safety should always be taken into account and civilian personnel may always disengage and retreat to a safe location if necessary.**

### **436.11 EVALUATION**

The Deputy Chief designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

### **436.12 TRAINING**

In coordination with the mental health community and appropriate stakeholders, the Bellingham Police Department will develop and provide comprehensive education and training to all Bellingham Police Department sworn members to enable them to effectively interact with persons in crisis.

Training shall include mandated training in crisis intervention, certified by the Criminal Justice Training Commission, as required by Washington law (RCW 43.101.427; WAC 139-09-020 et seq.).

# Medical Aid and Response

## 437.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons who appear to be in need of medical aid and establishes a law enforcement response to such situations.

## 437.2 POLICY

It is the policy of the Bellingham Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

## 437.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g. first aid and CPR) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact Dispatch and request response by emergency medical services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide Dispatch with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
  - 1. Signs and symptoms as observed by the member.
  - 2. Changes in apparent condition.
  - 3. Number of patients, sex and age, if known.
  - 4. Whether the person is conscious, breathing and alert, or is believed to have consumed drugs or alcohol.
  - 5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

## *Medical Aid and Response*

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### **437.4 TRANSPORTING ILL AND INJURED PERSONS**

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

### **437.5 PERSONS REFUSING EMS CARE**

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with an emergent detention in accordance with the Emergent Detentions Policy.

If the person still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

### **437.6 SICK OR INJURED ARRESTEE**

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

## *Medical Aid and Response*

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### **437.6 SICK OR INJURED ARRESTEE**

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

### **437.7 MEDICAL ATTENTION RELATED TO USE OF FORCE**

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Taser Guidelines policies.

### **437.8 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION**

To reduce the risk of fatal opiate overdoses, Bellingham Police Department personnel will be trained in the use of the Narcan brand of opioid antagonist (naloxone) nasal spray.

Qualified personnel may administer Narcan nasal spray in accordance with Policy 437.3 and protocol specified by the health care practitioner who prescribed the overdose medication for use ([RCW 69.41.095](#)).

#### **437.8.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES**

Personnel who are qualified to administer Narcan nasal spray shall handle, store, and administer the medication consistent with their training. Personnel shall check the Narcan nasal spray prior to use to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment shall be removed from service and given to the Training Officer for later use as training aids.

Any member who administers Narcan nasal spray shall contact Dispatch as soon as possible and request response by emergency medical services (EMS) as detailed in Policy 437.3.



## *Medical Aid and Response*

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### **437.8.2 OPIOID OVERDOSE MEDICATION REPORTING**

Personnel administering Narcan nasal spray shall notify his/her supervisor at the earliest practical opportunity and shall detail its use in a Longarm report. The Administrative Services Sergeant shall also be notified in writing so that the use and outcome can be documented.

### **437.8.3 OPIOID OVERDOSE MEDICATION TRAINING**

The Administrative Services Sergeant is responsible for ensuring that all members who have access to Narcan nasal spray have received initial proficiency training in compliance with protocols established by the designated health care practitioner who prescribed the overdose medication for use ([RCW 69.41.095](#)), to include a review of this policy.

## **437.9 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE**

A semi-automatic external defibrillator or AED should only be used by members who are certified as having completed a course that includes instruction in CPR and the use of an AED ([RCW 70.54.310](#)). The City shall be responsible for selecting the training provider and scheduling members for training. All time spent in such training shall be considered hours worked.

### **437.9.1 AED USER RESPONSIBILITY**

Members who are qualified to use an AED should check the AED in their assigned-department vehicles at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the AED Trainer who is responsible for ensuring appropriate maintenance.

Following the use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED shall contact the Communications Center as soon as possible and request response by EMS ([RCW 70.54.310](#)).

Unless required by law or lawful order, the decision about whether to respond to a cardiac medical emergency or to use an AED at the scene of an emergency shall be left to the member's discretion.

### **437.9.2 AED REPORTING**

The City shall ensure that local emergency medical services are notified about the existence and locations of the AED's. Any member choosing to use an AED will complete an incident report detailing its use. Any data from usage shall be made available, upon request, to EMS or other health care providers ([RCW 70.54.310](#)).

### **437.9.3 AED TRAINING AND MAINTENANCE**

The AED Trainer in charge of the AED program shall receive instruction in the use of the AED and CPR. The AED Trainer will in turn ensure appropriate training is provided to members authorized to use an AED.

The AED Trainer is responsible for ensuring AED devices are appropriately maintained and tested consistent with the manufacturer's operational guidelines and will retain records of all maintenance in accordance with the established records retention schedule ([RCW 70.54.310](#)).

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## *Medical Aid and Response*

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### **437.10 FIRST AID TRAINING**

Subject to available resources, the Administrative Services Sergeant should ensure officers receive periodic first aid training appropriate for their position.

## **Chapter 5 - Traffic Operations**

# Traffic Function and Responsibility

## 500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

## 500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Bellingham Police Department. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are citizen requests, construction zones or special events.

## 500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance. The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

### 500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions may be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

## *Traffic Function and Responsibility*

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### 500.3.2 CITATIONS AND INFRACTION NOTICES

Citations for criminal offenses and infraction notices for non-criminal traffic violations may be issued as appropriate to the circumstances. It is essential that the officer explain the motorist's duty to respond to the citation or infraction notice. Officers should provide the following minimum information:

- (a) An explanation of the charge.
- (b) The legal requirement to respond to the charge as directed on the back of the citation or infraction notice.
- (c) If a citation, that it is a criminal offense and failure to respond can result in the issuance of an arrest warrant by the court.

### 500.3.3 ARRESTS FOR TRAFFIC OFFENSES

Officers may issue a traffic citation for any criminal traffic offense or infraction when such violations are committed in an officer's presence or as allowed pursuant to [RCW 10.31.100](#). With limited exceptions, the detention in such cases may not be for a period of time longer than is reasonably necessary to issue and serve a citation to the violator.

A traffic-related detention may expand to a physical arrest under the following circumstances:

- (a) When the officer has probable cause to believe that a felony has been committed, whether or not it was in the officer's presence
- (b) When the offense is one or more of the traffic violations listed in [RCW 10.31.100](#)
- (c) When a driver has been detained for a traffic offense listed in [RCW 46.63.020](#) and fails to provide adequate identification or when the officer has reasonable grounds to believe that the person to be cited will not respond to a written citation. In such cases, officers should, when practicable, obtain the approval of a supervisor before making an arrest.

## 500.4 SUSPENDED OR REVOKED DRIVERS LICENSES

If an officer contacts a traffic violator who is also driving on a suspended or revoked license, the officer should issue a traffic citation or make an arrest as appropriate.

### 500.4.1 SUSPENDED, REVOKED OR CANCELED COMMERCIAL LICENSE PLATES

If an officer contacts a traffic violator who is operating a commercial truck, truck tractor or tractor with registration that a computer check confirms to be revoked, suspended or canceled, the officer shall confiscate the license plates. The Department may either recycle or destroy the plates ([RCW 46.32.100](#)).

## 500.5 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment ([23 CFR 655.601](#)).

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Although intended primarily for use while performing traffic related assignments, high-visibility vests shall be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests shall be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers shall retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

### **500.5.1 REQUIRED USE**

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests shall be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. High-visibility vests shall be worn during traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers shall retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes officer might benefit from being readily identified as a member of law enforcement.

### **500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS**

High-visibility vests shall be maintained in the trunk of each patrol and investigation unit and in the side box of each police motorcycle. Each vest should be stored inside the re-sealable plastic bag provided to protect and maintain the vest in a serviceable condition. Before going into service each employee shall ensure a serviceable high-visibility vest is properly stored in the vehicle.

Each Officer shall be assigned a reflective vest and shall be responsible for its care, storage, and have it ready for deployment in the field.

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. When a need exists to replace a vest, notify the Range or Training Officer.

## **500.6 HAZARDOUS ROAD CONDITIONS**

The Bellingham Police Department will make all reasonable efforts to address all reported hazardous road conditions in a timely manner as circumstances and resources permit.

Officers should be able to remove minor hazards such as small debris in the roadway. When the hazard is greater than what the officer can handle or a team of officers can safely handle, Public Works will be called for city streets and the state Department of Transportation will be called if on a state highway.

City of Bellingham's Public Works Emergency and After-hours number is 360-778-7700.

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Washington State Department of Transportation Emergency and After-hours number is 360-676-2076.

If the hazard is a serious public safety concern and the placement of flares or barricades will not serve to protect the public, then an officer should stand by until such hazard has been abated.

# Traffic Collision Reporting

## 501.1 PURPOSE AND SCOPE

The Bellingham Police Department prepares traffic collision reports and as a public service makes traffic collision reports available to the community with some exceptions.

## 501.2 TRAFFIC COLLISION REPORTS

All traffic collision reports taken by members of this department shall be forwarded to the Shift Supervisor for approval and data entry into the Records Management System. The Traffic Sergeant will be responsible for monthly and quarterly reports on traffic collision statistics to be forwarded to the Deputy Chief of Operations, or other persons as required.

## 501.3 REPORTING SITUATIONS

### 501.3.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES

Traffic collision investigation reports shall be taken when a City-owned vehicle is involved in a traffic collision upon a roadway or highway wherein any damage or injury results.

When the collision is determined to be reportable under State Law and involved injury or death to any party, the Traffic Unit will be assigned as the investigating unit, and the DSO will be contacted.

Whenever there is damage to a City vehicle, a Vehicle Damage Report shall be completed and forwarded to the appropriate Deputy Chief.

The City Risk Manager will be contacted when any investigation involving City employees or City vehicles is initiated.

Photographs of the collision scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.

### 501.3.2 TRAFFIC COLLISIONS WITH POLICE DEPARTMENT EMPLOYEES

When an employee of this department, either on-duty or off-duty, is involved in a traffic collision within the jurisdiction of the Bellingham Police Department resulting in a serious injury or fatality, the Traffic Sergeant or the Shift Supervisor, may notify the Washington State Patrol for assistance.

The term serious injury is defined as any injury that may result in a fatality.

### 501.3.3 TRAFFIC COLLISIONS ON PRIVATE PROPERTY

Traffic collision reports shall not be taken for traffic collisions occurring on private property, unless there is a death or injury to any person involved, a hit-and-run violation, or enforceable RCW violation. An incident report may be taken at the discretion of any supervisor.

### 501.3.4 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS

Traffic collision reports shall be taken when they occur on a roadway or highway within the jurisdiction of this department under any of the following circumstances:



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- (a) When there is a death or injury to any persons involved in the collision.
- (b) When there is an identifiable violation of the Revised Code of Washington.
- (c) Property damage exceeding the dollar amount currently established by WSP.
- (d) When a report is requested by any involved driver.

In all cases where a traffic collision report is required by policy, the current state authorized form will be used to document the collision ( [RCW 46.52.070](#)), and if it is determined during the course of the collision investigation that a traffic violation has occurred, enforcement action shall be taken.

#### **501.4 NOTIFICATION OF TRAFFIC UNIT SUPERVISION**

In the event of a serious injury or death related traffic collision, the shift supervisor shall notify the Traffic Sergeant to relate the circumstances of the traffic collision and seek assistance from the Traffic Unit. In the absence of a Traffic Sergeant, the shift supervisor or any supervisor may assign an accident investigator or motor officer to investigate the traffic collision.

## Vehicle Towing and Release

### 502.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Bellingham Police Department.

### 502.2 RESPONSIBILITIES

The responsibilities of those employees storing or impounding a vehicle are as follows.

#### 502.2.1 REMOVAL OF VEHICLE DISABLED IN A TRAFFIC COLLISION

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall ask the driver if they have a preference and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in Dispatch.

If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the officer shall request the rotational tow - [RCW 46.55.113](#).

#### 502.2.2 DRIVING A NON-CITY VEHICLE

Non-City vehicles should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant, or to comply with posted signs.

#### 502.2.3 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies.

#### 502.2.4 RECORDS BUREAU RESPONSIBILITIES

Whenever a stolen vehicle is impounded by the Bellingham Police Department, Records Bureau personnel will promptly attempt to notify the legal owner of the recovery (RCW 7.69.030(7)).

### 502.3 TOWING SERVICES

The City of Bellingham maintains a rotational tow list. Tow companies, off this list, will be used in the following situations:

- (a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.
- (b) When a vehicle is being held as evidence in connection with an investigation.

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- (c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal from the streets of vehicles obstructing traffic in violation of state or local regulations.

The Traffic Sergeant maintains the "Bellingham Police Department guidelines for tow truck rotation and calls for service" which specifies the requirements private tow companies must meet in order to qualify for the rotational tow list.

Once a tow truck has been dispatched the vehicle will be considered impounded.

Nothing in this policy shall require the Department to tow a vehicle.

An impound form shall be completed and a copy to be given to the tow company driver - [RCW 46.55.100](#).

### **502.4 STORAGE AT ARREST SCENES**

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this [departmentoffice] to provide reasonable safekeeping for the arrestee's vehicle. The vehicle shall be stored whenever it is mandated by law, needed for the furtherance of an investigation or prosecution of the case, or when the Community Caretaker Doctrine would reasonably suggest it. For example, the vehicle would present a traffic hazard if not removed, or due to a high crime area the vehicle would be in jeopardy of theft or damage if left at the scene.

No impound should occur if other alternatives are available that would ensure the vehicle's protection. Factors that should be considered by officers in determining whether to impound a vehicle pursuant to this policy include:

- (a) Whether someone is available at the scene of the arrest to whom the vehicle could be released.
- (b) Whether the vehicle is impeding the flow of traffic or is a danger to public safety.
- (c) Whether the vehicle can be secured.
- (d) Whether the detention of the arrestee will likely be of such duration as to require protection of the vehicle.
- (e) Whether there is some reasonable connection between the crime/arrest and the vehicle, or the vehicle is related to the commission of another crime (i.e., the vehicle itself has evidentiary value).
- (f) Whether the owner/operator requests that the vehicle be stored.
- (g) Whether the vehicle would be in jeopardy of theft or damage if left at the scene in a high-crime area.

In cases where a vehicle is not stored, the handling employee shall note in the report that the owner was informed that the [DepartmentOffice] will not be responsible for theft or damages to the vehicle.

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### **502.5 VEHICLE INVENTORY**

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. A locked vehicle trunk shall not be opened, even if it may be opened without a key from an accessible area of the passenger compartment. Locked or closed containers located within the passenger compartment should be inventoried as a sealed unit, absent exigent circumstances.

Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the [DepartmentOffice] against fraudulent claims of lost, stolen, or damaged property.

### **502.6 VEHICLE SEARCHES**

A search warrant shall be obtained prior to conducting the search of a vehicle, incident to an arrest, except in very limited circumstances as enumerated below:

- (a) With consent of the operator.
- (b) To make a limited search for weapons when a reasonable suspicion exists that a suspect is dangerous and the suspect may gain immediate control of a weapon.
- (c) If the suspect has not been arrested (and, therefore, is not in handcuffs and still has access to the vehicle) and the officer has reasonable suspicion/concern for his/her safety or that evidence will be destroyed. The suspicion/concern must be based on specific, objective facts and the area searched must be related to the concern.
- (d) When necessary to examine the vehicle identification number or to determine the ownership of the vehicle.
- (e) Under emergency circumstances not otherwise enumerated above.

Warrantless searches of vehicles are subject to numerous other restrictions under specific conditions. Officers should, whenever possible, seek supervisory approval before conducting a warrantless search of a vehicle.

### **502.7 SECURITY OF VEHICLES AND PROPERTY**

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g. cash, jewelry, cell phone, prescriptions) which are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, search personnel shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

### **502.8 DUI/PHYSICAL CONTROL/LICENSE VIOLATION IMPOUNDS**

In the case of a DUI or physical control arrest, the vehicle may be impounded if no reasonable alternatives to impoundment exist.

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Reasonable alternatives must be considered and exhausted prior to impoundment. Officers will document the reasons why the vehicle was impounded or not impounded in the arrest report.

If reasonable alternatives do not exist and the vehicle must be impounded:

- (a) Officers shall make reasonable attempts to locate owners of Commercial and Farm vehicles when an arrest is made of employees driving drunk in these vehicles.
- (b) The arrestee's name shall be included on the impound form as the operator of the vehicle. This will clarify who may or may not retrieve the vehicle within the 12-hour impound hold.
- (c) If the tow company is unable to respond to the scene within 25 minutes of our request, keys can be locked in the vehicle and the vehicle can be left for the tow company to retrieve. The car must be parked in a safe and lawful location.

In the case of a driver's license violation, an officer may cause a vehicle to be impounded, under the following circumstances, unless reasonable alternatives exist:

- (a) Upon determining that a person is operating a motor vehicle without a valid driver's license, or a license that has expired for ninety days or more, or
- (b) Upon determining that a person is operating a motor vehicle with a suspended or revoked driver's license in the first, second, or third degree, or
- (c) Upon determining the driver was driving under a license, permit or registration issued by any other jurisdiction while the right or privilege to operate a motor vehicle in that state has been suspended or revoked.

### 502.8.1 DWLS/R MATRIX FOR DRIVERS WHO ARE REGISTERED OWNERS OF THE VEHICLE

Pursuant to [BMC 11.8](#), [RCW 46.20.342](#), [RCW 46.55.113](#) and [RCW 46.55.120](#) as it relates to the driving record and the DWLS/R convictions in the city of Bellingham and State of Washington:

- (a) **DWLS/R 3rd degree with NO prior convictions for DWLS/R.** Impound only with no hold. Copy of impound form to driver.
- (b) **DWLS/R 3rd degree with a prior conviction of DWLS/R within the last five years.** Impound with a 15 day hold. Copy of impound form to driver with redemption instructions on reverse side. Appropriate box checked.
- (c) **DWLS/R 3rd degree with two or more prior convictions of DWLS/R with the last five years.** Impound with a 30 day hold. Copy of impound form to driver with redemption instructions on reverse side. Appropriate box checked
- (d) **DWLS/R 1st or 2nd degree with NO prior convictions for 1st or 2nd degree.** Impound with a 30 day hold. Copy of impound form to driver with redemption instructions on reverse side. Appropriate box checked
- (e) **DWLS/R 1st or 2nd degree with one (1) prior conviction for 1st or 2nd degree in the past five years.** Impound with a 60 day hold. Copy impound form to driver with redemption instructions on reverse side. Appropriate box checked

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- (f) **DWLS/R 1st or 2nd degree with two (2) or more convictions for 1st or 2nd degree in the past five years.** Impound with a 90 day hold. Copy of impound form to driver with redemption instructions on reverse side. Appropriate box checked.

**No hold will be placed on a vehicle based on an out of state suspension.**

### 502.8.2 DWLS/R MATRIX FOR DRIVERS WHO ARE NOT THE REGISTERED OWNERS OF THE VEHICLE

If the driver is not the registered owner, the vehicle may be impounded if there is no qualified driver on scene or may arrive on scene in a reasonable amount of time. No hold will be placed on the vehicle.

### 502.8.3 EARLY RELEASE PROCEDURE

Any request for an early release of an impounded vehicle shall be forwarded to the Traffic Sergeant. The Traffic Sergeant shall then determine if an early release may be authorized and complete the necessary paperwork.

# Impaired Driving

## 503.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of driving under the influence (DUI).

## 503.2 POLICY

The Bellingham Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Washington's impaired driving laws.

### 503.2.1 TESTING OF AN INJURED BUT CONSCIOUS SUSPECT

Whenever a suspect is being treated at a hospital, clinic, doctor's office, emergency medical vehicle, ambulance, or other similar facility, or is incapable of providing a breath sample due to physical injury, physical incapacity or other physical limitations, a blood test shall be administered by qualified personnel only after consent is given in a misdemeanor DUI investigation. If consent is not granted by the suspect a search warrant must be approved before the blood is drawn. Any felony DUI investigation requires a search warrant.

Based on probable cause, the officer should place the suspect under arrest in the presence of medical personnel, and advise the attending health care provider of the intention to withdraw blood from the suspect. Unless the health care provider objects for medical reasons, the blood sample will be collected in the prescribed manner ([RCW 46.20.308\(2\)](#)).

### 503.2.2 TESTING OF UNCONSCIOUS OR DECEASED SUSPECT

When there are reasonable grounds to believe that an unconscious or deceased driver is under the influence of intoxicating liquor or drugs, the officer must apply for a search warrant for the collection and testing of the subject's blood. The officer may obtain the sample without a warrant only if exigent circumstances exist. Once the warrant is granted, the officer should notify the health care provider of the intention to collect a sample of the subject's blood as evidence. If the health care provider does not object on medical reasons, the blood will be collected in the prescribed manner. ([RCW 46.20.308\(4\)](#)).

### 503.2.3 UNCONSCIOUS PEDESTRIAN AT A HOSPITAL

When there is probable cause to believe that the intoxication level of an unconscious pedestrian involved in a traffic collision would be relevant to a criminal investigation, the investigating officer should consider seeking a search warrant for a blood sample. When a warrant is obtained, the officer shall advise the attending physician of the need to extract a blood sample, and unless the physician objects for medical reasons, the sample will be collected by medical personnel in the prescribed manner.

### 503.2.4 COLLECTING BLOOD EVIDENCE

Only a physician, a registered nurse, a licensed practical nurse, a nursing assistant, a physician assistant, a first responder or an emergency medical technician as defined in [RCW Chapter 18.73](#),

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a health care assistant as defined in [RCW Chapter 18.135](#), any technician trained in withdrawing blood may withdraw a blood sample. Whether such evidence is collected at the Department or the jail, the withdrawal of the blood sample shall be witnessed by the assigned officer ([RCW 46.61.506\(5\)](#)).

### 503.2.5 BLOOD DRAWN PURSUANT TO SEARCH WARRANT OR EXIGENT CIRCUMSTANCES

Blood may be taken by force in specific drunk-driving investigations only after a search warrant has been approved for a felony DUI incident or when the subject refuses to provide blood through consent for a misdemeanor violation. Following the approval of a search warrant, the arresting officer must read the Blood Drawn Pursuant to Search Warrant or Exigent Circumstances directly to the in custody driver before the blood is extracted. If the suspect makes a timely and reasonable request to undergo a different and viable form of testing, such request shall be considered. Blood may only be taken by force when the following circumstances have been met:

- The officer must have reason to believe the suspect is intoxicated/impaired.
- The blood is taken in a medically approved manner.
- Only reasonable force may be used to restrain the arrestee.

A supervisor shall be present when blood is forcibly extracted from a suspect who is physically not cooperating with the blood draw following the approval of a search warrant. The amount of force used to accomplish the collection of this evidence will be controlled by that supervisor who should ensure that only force which reasonably appears necessary to overcome the resistance to the blood being withdrawn will be permitted.

The department-approved phlebotomy technician shall retain and transport all blood samples to the state toxicologist for analysis.

When a suspect cannot submit to a blood test because he/she is a hemophiliac or is using an anticoagulant under the direction of a physician, he/she shall not be required to take a blood test.

Nothing in this policy is intended to prevent the withdrawal of blood based on a valid search warrant.

### 503.2.6 COLLECTING BREATH AS EVIDENCE AND BLOOD DRAWS

The arrested person shall first be transported to a State certified breath test instrument for the collection of breath samples. At the appropriate facility, an officer trained, and certified, in the use of the alcohol breath test instrument will record the blood alcohol level by obtaining samples of the suspect's breath.

Generally, chemical tests to determine alcohol concentration shall be of the breath only ([RCW 40.20.308\(3\)](#)).

Blood tests may be administered ([RCW 46.20.308](#)):

- (a) When the person is incapable of providing a breath sample due to physical injury, physical incapacity or other physical limitation.



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- (b) When the person is being treated in a hospital, clinic, doctor's office, emergency medical vehicle, ambulance or other similar facility.
- (c) When the officer has reasonable grounds to believe that the person is under the influence of a drug.
- (d) When otherwise provided for in this policy.
- (e) Required for any felony DUI investigation.

### **503.3 ARREST AND PROCESSING**

If all elements of the DUI violation have been clearly established, officers shall:

- (a) Affect a physical arrest of the subject.
- (b) Notify the subject of his/her rights and responsibilities (Miranda).
- (c) Handcuff and search the subject.
- (d) Arrange for transportation/safety of any passengers where practical.
- (e) Transport the subject to a Washington State Patrol approved breath test instrument, or in the case of a blood draw, to appropriate facility for the blood draw.
- (f) If the arrestee requests "additional tests by a qualified person of their own choosing," the following should be done:
  - 1. Finish DUI processing.
  - 2. Remove arrestee from the BAC room (if others are waiting).
  - 3. Give arrestee a phonebook and access to a telephone (prior to booking).
  - 4. Allow the arrestee 15 minutes to arrange a private blood draw to take place at the jail.
  - 5. If the arrestee is able to arrange a private draw, then notify the jail staff. Give the jail staff as much information as possible concerning which doctor/nurse/phlebotomist will be coming to the jail to conduct the blood draw. The arrestee can then be booked and you're done.
  - 6. If the arrestee is unable to arrange a private blood draw, then book him/her and you're done.
- (g) Upon conclusion of all testing, book the subject into the Whatcom County Jail.

### **503.4 DUI SWORN REPORT PROCESS**

DUI Sworn Reports and supporting documents are now captured electronically in a document imaging system at DOL. When used correctly, this system insures that all documents necessary for processing administrative suspensions on DUI cases are stored and readily available when a hearing request is received.

#### **503.4.1 DUI SWORN REPORT SUBMITTAL PROCEDURE**

Fax the following, all at once, to DOL after the reports are completed:

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- Sworn report of breath/blood refusal.
- BAC ticket.
- Signed narrative.
- Any supplemental reports.

The arresting officer will fax the information within 72 hours when possible, but reports faxed later than that will still be accepted and processed. The completed "Report of Breath/Blood Test for Alcohol or Refusal to Submit to Breath/Blood Test for Alcohol and Drugs" form is your fax cover sheet, do not use an additional cover sheet. Fax only one complete packet at a time. Do not batch reports on multiple defendants into a single fax transmission. Do not mail the documents to DOL unless you receive a specific request. Use only the following fax number: (360) 570-7026. Do not send reports on blood cases until you receive the toxicology reports. The 72 hour rule does not apply to blood tests. Once you get the test results, put the entire packet together and fax it to DOL.

## Traffic Citations

### 504.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

### 504.2 RESPONSIBILITIES

The Traffic Sergeant shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council.

The Records Bureau shall be responsible for the supply and accounting of all traffic citations issued to employees of this department:

- All unused NOI/CITATION books shall be kept in locked storage.
- Officers will obtain NOI/CITATION books from Records personnel.
- Records personnel shall assign a book(s) to the requesting officer and complete all information on the return receipt.
- Officers assigned a book shall immediately sign and date the return receipt from each book issued.
- More than one book (NOI or CITATION) may be issued at a time.
- In emergency situations, an officer may allow another officer to use a citation from their assigned book.
- Maintenance of each book issued shall be the responsibility of the assigned officer, including any noted discrepancies or voids.
- Records shall maintain an audit tracking database of all NOI/CITATION books issued, including verification of all completed citations within each book.
- All infractions and citations must be accounted for, including voids.
- Records shall enter all infractions/citations issued by department personnel into its records management system.
- Any NOI/CITATION book issued to outside personnel for the purpose of a police case shall be the responsibility of the assigned agency.

### 504.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued. Any request from a recipient to dismiss a citation shall be referred to the Traffic Sergeant. Upon a review of the circumstances involving the issuance of the traffic citation, the Traffic Sergeant may request the Uniform Patrol Deputy Chief to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic

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citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the officer may request the court to dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Uniform Patrol Deputy Chief for review.

### **504.4 VOIDING TRAFFIC CITATIONS**

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. The voided citation shall be turned into the Records Bureau. Once Records receives the voided citation it will be entered into Longarm as voided then filed.

### **504.5 CORRECTION OF TRAFFIC CITATIONS**

When a traffic citation is issued and in need of correction, the officer may make the correction prior to submitting the citation to the Records Bureau. If the citation has been submitted to the Records Bureau and a mistake is discovered, the correction may be made by the Records Bureau. If the citation has already made its way to the respective court, the officer may make the correction by addressing the Court Clerk via email detailing the mistake needing correction.

### **504.6 DISPOSITION OF TRAFFIC CITATIONS**

The applicable court is responsible to file all traffic citations issued by members of this department.

Upon separation from employment with this department, all employees issued traffic citation books shall return any unused citations to the Records Bureau.

### **504.7 JUVENILE CITATIONS**

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. Upon reaching their sixteenth birthday, juveniles may be issued a citation or summons for traffic infractions/criminal traffic. Juveniles under the age of 16 will be referred to Juvenile Probation/Whatcom County Superior Court by means of the officer authoring a Longarm report detailing the incident.

### **504.8 UNIFORM ENFORCEMENT**

#### **Speed Violations**

A written or verbal warning is appropriate for speed violations that are 7mph or less over the posted speed limit. Speed in excess of 8mph but less than 13mph over the posted speed limit may be handled by a written warning or notice of infraction. A notice of infraction should be issued for speed in excess of 13mph over the posted speed limit. Radar infractions should not be reduced more than one bail schedule.

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### **Collisions**

Officers will take enforcement action upon investigating or witnessing traffic violations of a possible or actual collision causing nature.

### **Equipment Violations**

Normally warning tickets, or NOI's will be issued for equipment violations.

### **Public Carrier/Commercial Vehicle**

- Local Transit and School Busses: If a local transit or school bus is stopped for a violation, the officer will obtain the drivers name, inform him/her of the violation, and note the vehicle license number. If a citation is to be issued, inform the driver that you will contact him/her at a later time when the bus schedule will not be interfered with.
- Public Carriers Not Local: Public carriers from outside the area may be detained in order to issue a notice of infraction to the driver.
- Commercial Vehicles: Routine enforcement of commercial vehicle laws is the responsibility of the Bellingham Police Traffic Division.

## Disabled Vehicles

### **505.1 PURPOSE AND SCOPE**

This department has adopted the following policy on assisting motorists in disabled vehicles within this jurisdiction.

### **505.2 OFFICER RESPONSIBILITY**

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer to respond for assistance as soon as practical.

### **505.3 EXTENT OF ASSISTANCE**

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of departmental resources, and the vulnerability of the disabled motorist.

#### **505.3.1 MECHANICAL REPAIRS**

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

# Unauthorized 72 Hour Vehicle Violations

## 506.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and storage of unauthorized vehicles parked in violation of 72 hour time limitations.

## 506.2 MARKING VEHICLES

Vehicles suspected of being subject to removal from a highway after being left unattended for 72 hours shall be marked and documented in Longarm. ([RCW 46.55.010\(14\)](#)).

A notification sticker shall be applied in a visible location and a visible chalk mark should be placed on the left rear tire tread at the fender level unless missing tires or other vehicle conditions prevent marking. Any deviation in markings shall be noted in Longarm. ([RCW 46.55.085\(1\)](#)).

All Abandoned Vehicle Reports shall be submitted to the Records Bureau for computer data entry and tracking.

If the markings have been removed, or the vehicle has been moved but not in compliance with [BMC 11.33.060 \(E\)](#), during a 72-hour investigation period, the vehicle shall be re-marked for another 72-hour period. The original abandoned vehicle report will be updated to document this action.

### 506.2.1 MARKED VEHICLE FILE

The Records Bureau shall be responsible for maintaining a file for all Abandoned Vehicle Reports.

Senior Volunteer members shall be responsible for the follow up investigation of all 72-hour unauthorized vehicle violations noted on the Abandoned Vehicle Reports. If a marked vehicle has current Washington registration plates, Senior Volunteer members shall check the records to learn the identity of the last owner of record. The Senior Volunteer member shall make a reasonable effort to contact the owner by telephone and provide notice that if the vehicle is not removed within twenty-four hours from the time the sticker was attached, the vehicle may be taken into custody and stored at the owner's expense ([RCW 46.55.085\(2\)](#)).

Senior Volunteer members encountering abandoned vehicles where the registered owner(s) have active warrants, are "Officer Safety" flags, or have extensive abandoned vehicle contact history, will refer these cases to the Traffic Sergeant. The Traffic Sergeant will assign these cases to a commissioned officer for investigation.

All primary and follow-up activity will be documented in the abandoned vehicle file in the records bureau.

### 506.2.2 VEHICLE STORAGE

An officer may store any vehicle not removed 72 hours after marking ([RCW 46.55.085\(3\)](#)).

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## *Unauthorized 72 Hour Vehicle Violations*

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The officer authorizing the storage of the vehicle shall complete a uniform impound authorization and inventory form. The completed form shall be submitted to the Records Bureau immediately following the storage of the vehicle ([RCW 46.55.075\(2\)](#)).



# Vehicle Seizure and Forfeiture

## 507.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure and forfeiture of vehicles associated with the arrest of subjects for driving under the influence ([RCW 46.61.502](#)) or physical control of a vehicle while under the influence ([RCW 46.61.504](#)).

## 507.2 SUSPENSION OF WASHINGTON DRIVER LICENSES

[RCW 46.61.5058](#) provides for the forfeiture of any vehicle when the driver of such vehicle has been arrested for driving under the influence or physical control of a vehicle while under the influence, if such person has a prior offense within seven years as defined in [RCW 46.61.5055](#).

### 507.2.1 ADMINISTRATIVE RESPONSIBILITIES

All procedures and administrative responsibilities associated with Policy Manual § 507 and its subsections are handled by Investigations and the Evidence/ID Supervisor.

## 507.3 VEHICLE SEIZURE PROCEDURES

When an officer arrests a subject for driving under the influence ([RCW 46.61.502](#)) or physical control of a vehicle while under the influence ([RCW 46.61.504](#)), the officer may initiate steps to seize the arrestee's vehicle under the following circumstances:

- (a) The arrestee has a prior offense within seven years as defined in [RCW 46.61.5055](#),
- (b) The arrestee must be provided with a department form to notify the arrestee, in writing, that it is unlawful to transfer, sell or encumber in any way the subject's interest in the vehicle in which they were driving or had physical control when the violation occurred, and
- (c) The vehicle is not a rental ([RCW 46.61.5058\(1\)\(b\)](#)).

The vehicle should be impounded as provided under the authority of [RCW 46.55.113\(1\)](#).

### 507.3.1 PHYSICAL SEIZURE OF VEHICLE

Physical seizure of the vehicle shall occur only upon the following circumstances:

- (a) Upon a court order.
- (b) If there is reasonable cause to believe that the vehicle subject to seizure has been the subject of a prior judgment in favor of the state in a forfeiture proceeding, the officer may seize the vehicle immediately.

Any vehicle that is seized pursuant to any of the above subsections should immediately be impounded to the Bellingham Police Department and held pending further court action ([RCW 46.61.5058\(3\)](#)).

## 507.4 VEHICLE FORFEITURE

It is the policy of the Bellingham Police Department to initiate forfeiture proceedings on all vehicles seized pursuant to [RCW 46.61.5058](#).

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## *Vehicle Seizure and Forfeiture*

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Within fifteen days after vehicle seizure, the legal owner of the seized vehicle, the person in charge of the vehicle, and any person having known rights and interests in the vehicle shall be notified of the seizure and intended forfeiture. Such notification shall be accomplished in writing to the last known address of the legal owner by any method authorized by law or court rule ([RCW 46.61.5058\(4\)](#)).

### 507.4.1 FORFEITURE HEARING

Persons notified of seizure have forty-five days to respond. Upon written response, such persons shall have the opportunity to be heard as to the claim or right ([RCW 46.61.5058\(6\)](#)).

- (a) The following procedure shall apply in such cases:
  - 1. Person requesting a forfeiture hearing must submit a written claim, addressed to - Chief of Police, c/o Investigations Lieutenant, Bellingham Police Department, 505 Grand Avenue, Bellingham Washington, 98225.
  - 2. All hearings shall be scheduled and conducted in a timely fashion.
  - 3. The hearing officer(s) shall be designated by the Chief of Police.
  - 4. The decision of the hearing officer shall be considered final.
- (b) The owner of the seized vehicle may, through his/her initiation and legal process, choose to remove the hearing to court of competent jurisdiction.
- (c) The vehicle shall be considered forfeited under the following circumstances:
  - 1. If, forty-five days after the seizure, no person has notified the Bellingham Police Department of a claim of ownership or right to the vehicle.
  - 2. After a hearing officer has determined that the vehicle was lawfully seized and is subject to forfeit.
  - 3. A court of local jurisdiction has determined that the vehicle was lawfully seized and is subject to forfeit.
- (d) In any case where it is determined that the vehicle is not subject to forfeit, it shall be immediately returned to the legal owner.

### 507.5 PROCEDURES FOLLOWING FORFEITURE

Vehicles that have been lawfully seized and through forfeit the ownership is transferred to the Bellingham Police Department may be sold or retained for official use provided that all bona fide security interests to the vehicle are first satisfied ([RCW 46.61.5058\(7\)](#)). The following procedure shall apply after vehicles are legally forfeited to the Bellingham Police Department:

- (a) The Lieutenant of Investigations or his/her designee shall determine the disposition of all vehicles legally forfeited to the Bellingham Police Department. Such disposition shall be determined based on vehicle value, existing security interest, and the needs of the Department.
- (b) The value of the vehicle is the sale price, or if retained, the fair market value of the vehicle at the time of the seizure ([RCW 46.61.5058\(14\)](#)).

## *Vehicle Seizure and Forfeiture*

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- (c) A record of the forfeited vehicle shall be maintained. The record shall indicate the prior owner's information, if known, a description of the vehicle, the disposition of the vehicle, its value at time of seizure and the amount of proceeds realized from disposition of the vehicle ([RCW 46.61.5058\(8\)](#)).
  - 1. Such records shall be maintained for at least seven years ([RCW 46.61.5058\(9\)](#)).
- (d) A copy of the records of all forfeited vehicles shall be filed with the state treasurer each calendar quarter ([RCW 46.61.5058\(10\)](#)).
- (e) By January 31st of each year, ten percent of the net proceeds of vehicles forfeited during the preceding calendar year shall be remitted to the state treasurer ([RCW 46.61.5058\(12\)\(13\)](#)).

## **Chapter 6 - Investigation Operations**

# Investigation and Prosecution

## 600.1 PURPOSE AND SCOPE

When assigned to a case for initial or follow-up investigation, detectives shall proceed with due diligence in evaluating, investigating and preparing the case for appropriate clearance or presentation to a prosecutor for filing of criminal charges.

## 600.2 MODIFICATION OF CHARGES FILED

Employees are not authorized to recommend to the County Prosecutor, City Attorney, or to any other official of the court that charges on a pending case be altered or the case dismissed. In all cases resulting in court prosecution, any request to modify the charges filed or to recommend dismissal of charges in a pending case shall be made to the County Prosecutor's Office or City Attorney's Office only as authorized by the Chief of Police or his/her command level designee.

## 600.3 CONSTITUTIONAL MATTERS

All employees of the Bellingham Police Department shall follow all United States and Washington State Constitutional requirements pertaining to custodial situations; including, but not limited to, search and seizure, access to counsel and interview and interrogation.

## 600.4 CUSTODIAL INTERROGATION REQUIREMENTS

Any custodial interrogation of a person who is suspected of having committed any violent felony offense should be electronically recorded (audio/video or both as available) in its entirety as otherwise allowed by law. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Officers should also consider electronically recording a custodial interrogation, or any investigative interview, for any other offense when the officer reasonably believes it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of an interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigation Unit supervisor. Copies of recorded interrogations or interviews may be made in the same or different format provided they are true, accurate and complete copies and are made only for authorized and legitimate law enforcement purposes.

Officers should continue to prepare written summaries of custodial questioning and investigative interviews and continue to obtain written statements from suspects when applicable.

## 600.5 ARRESTS BY PRIVATE PERSONS

Private persons may make a common law arrest for crimes constituting a breach of the peace or may detain a person under the authority of [RCW 9A.16.020](#) (felonies, retail theft, etc.) Any officer presented with a private person wishing to make an arrest must determine whether there is probable cause to believe that such an arrest would be lawful.

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- (a) Should any officer determine that there is no probable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.
  - 1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The officer must include the basis of such a determination in a related report.
  - 2. Absent probable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.
- (b) Whenever an officer determines that there is probable cause to believe that a private person's arrest is lawful, the officer shall take a written statement from the person who has made the arrest. In addition, the officer may exercise one of the following options:
  - 1. Take the individual into physical custody for booking.
  - 2. Release the individual subsequent to the issuance of a citation for the individual to appear in the appropriate court.

# Asset Forfeiture

## 601.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

## 601.2 POLICY

The Bellingham Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

It is the policy of the Bellingham Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

### 601.2.1 SPECIAL GUIDELINES APPLICABLE TO CONVEYANCES

Special guidelines apply regarding the forfeiture of conveyances (aircraft, vehicles and vessels) in order for it to be seized as a conveyance that has been used to facilitate narcotic activity. All conveyances are subject to seizure and forfeiture, except ([RCW 69.50.505\(1\)\(d\)](#)):

- When the conveyance is used by any person as a common carrier in the transaction of business as a common carrier, unless it appears that the owner or other person in charge of the conveyance is a consenting party or has knowledge of the narcotics violations.
- When violations have been committed or omitted without the owner's actual knowledge or consent.
- When the conveyance is used in the receipt of an amount of marijuana for which possession constitutes a misdemeanor under [RCW 69.50.4014](#).
- When the conveyance is secured by a loan and the lender had no knowledge of, nor consented to, the act or omission.
- When the owner of a conveyance has been arrested for narcotics violations, the conveyance in which the person was arrested is not subject to forfeiture unless it is either seized or a court order has been issued for its seizure within 10 days of the owner's arrest.

## 601.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

### 601.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

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- (a) Real or personal property subject to forfeiture identified in a court order authorizing seizure.
- (b) Property subject to forfeiture without a court order when the property is lawfully seized incident to an arrest, the service of a search warrant or the service of an administrative inspection warrant.
- (c) Property subject to forfeiture can also be seized without a court order when:
  - 1. There is probable cause to believe that the property was used or is intended to be used for illegal gambling ([RCW 9.46.231](#)).
  - 2. There is probable cause to believe that the property was used or is intended to be used for the commercial sexual abuse of a minor ([RCW 9.68A.100](#); [RCW 9.68A.101](#)) or promoting prostitution in the first degree ([RCW 9A.88.070](#)) ([RCW 9A.88.150](#)).
  - 3. There is probable cause to believe that the property was used or is intended to be used in the commission of any felony ([RCW 10.105.010](#)). See also separate statutes regarding seizures for felonies involving commercial metal, "bootlegging," criminal profiteering or money laundering ([RCW 19.290.230](#); [RCW 66.32.020](#); [RCW 9A.82.100](#); [RCW 9A.83.030](#)).
  - 4. There is probable cause to believe that the property was used or is intended to be used in violation of the Uniform Controlled Substances Act ([RCW 69.50.505](#)).
  - 5. There is probable cause to believe that the property was used or is intended to be used for poaching/wildlife crimes ([RCW 77.15.070](#)).

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

Whenever practicable, a court order for seizure prior to making a seizure is the preferred method.

### 601.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds should not be seized.
- (b) Property from an "innocent owner," or a person who had no knowledge of the offense or who did not consent to the property's use.
- (c) No vehicle or other conveyance based on a misdemeanor involving marijuana ([RCW 69.50.505](#)).
- (d) Vehicles/conveyances that would be subject to forfeiture if more than 10 days have elapsed since the owner's arrest and no court order has been issued ([RCW 9.46.231](#); [RCW 9A.88.150](#); [RCW 69.50.505](#)).

### 601.3.3 SEIZED VEHICLES

Vehicles seized subject to forfeiture will be taken to a designated secure storage facility. A seized vehicle should first be impounded. The officer seizing the vehicle shall notify the Special



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Investigations Unit Supervisor of the seizure of the vehicle and circumstances of the seizure as soon as possible.

A tow truck will be used to tow the vehicle to the storage facility.

Personal property located in a seized vehicle shall be removed and booked into Property as either evidence or for safekeeping.

### **601.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS**

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

- (a) Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.
- (b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.
- (c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The officer will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

### **601.5 MAINTAINING SEIZED PROPERTY**

The Evidence and Identification Unit Supervisor is responsible for ensuring compliance with the following:

- (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.
- (b) All property received for forfeiture is checked to determine if the property has been stolen.
- (c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.

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- (d) Property received for forfeiture is not used unless the forfeiture action has been completed.

# Confidential Informants

## 602.1 PURPOSE AND SCOPE

In many instances, a successful investigation cannot be conducted without the use of confidential informants. To protect the integrity of the Bellingham Police Department and the officers using informants, it shall be the policy of this department to take appropriate precautions by developing sound informant policies.

## 602.2 INFORMANT FILE SYSTEM

The Special Investigations Unit Supervisor or his/her designee shall be responsible for maintaining informant files. A separate file shall be maintained on each confidential informant.

### 602.2.1 FILE SYSTEM PROCEDURE

Each file shall be coded with an assigned informant control number. An informant history shall be prepared to correspond to each informant file and include the following information:

- (a) Informant's name and/or aliases.
- (b) Date of birth.
- (c) Physical description: height, weight, hair color, eye color, race, sex, scars, tattoos or other distinguishing features.
- (d) Current home address and telephone numbers.
- (e) Current employer(s), position, address(es) and telephone numbers.
- (f) Vehicles owned and registration information.
- (g) Places frequented.
- (h) Informant's photograph.
- (i) Name of officer initiating use of the informant.
- (j) Signed informant agreement.
- (k) Update on active or inactive status of informant.
- (l) Check the background of the informant using systems including, but not limited, to:
  - 1. Criminal History
  - 2. Longarm
  - 3. AS 400 / Spillman
  - 4. Probation
  - 5. Prosecutor's Office
  - 6. DOL

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### 7. WSIN

The informant files shall be maintained in a secure area within the Special Investigations Unit. These files shall be used to provide a source of background information about the informant, enable review and evaluation of information given by the informant, and minimize incidents that could be used to question the integrity of detectives or the reliability of the confidential informant.

Access to the informant files shall be restricted to the Chief of Police and his/her Special Investigations Unit designees.

#### **602.2 USE OF INFORMANTS**

The officer shall compile sufficient information through a background investigation in order to determine the reliability, credibility and suitability, of the individual, including age, maturity and risk of physical harm. Final approval will be given by the officer's supervisor.

##### **602.2.1 JUVENILE INFORMANTS**

The use of juvenile informants under the age of 18-years is discouraged.

Prosecutor approval is required for all juvenile informant use.

#### **602.4 GUIDELINES FOR HANDLING CONFIDENTIAL INFORMANTS**

All confidential informants are required to sign and abide by the provisions of the departmental Confidential Informant Contract (CIC). The officer using the confidential informant shall discuss each of the provisions of the agreement with the confidential informant.

Details of the agreement are to be approved in writing by the unit supervisor before being finalized with the confidential informant.

##### **602.4.1 RELATIONSHIPS WITH CONFIDENTIAL INFORMANTS**

Members of the Bellingham Police Department should not knowingly maintain a close social relationship with a current confidential informant while off duty, or otherwise become intimately involved with a current confidential informant. Members of the Bellingham Police Department shall neither solicit nor accept gratuities nor engage in any private business transaction with a current confidential informant.

To maintain officer/informant integrity, the following must be adhered to:

- (a) Officers shall not withhold the identity of an informant from their superiors.
- (b) Identities of informants shall otherwise be kept confidential.
- (c) Criminal activity by informants should be discouraged/warned against.
- (d) Informants shall be told they are not acting as police officers, employees or agents of the Bellingham Police Department, and that they shall not represent themselves as such.

## *Confidential Informants*

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- (e) The relationship between officers and informants shall always be ethical and professional.
- (f) Close social contact should be avoided unless necessary to conduct an official investigation, and only with prior approval of the officer's supervisor.
- (g) Officers shall not meet with informants of the opposite sex in a private place unless accompanied by at least one additional officer or with prior approval of the Special Investigations Unit Supervisor. Generally, two officers will be present at all informant meetings. Officers may meet informants of the same sex alone in public places with prior SIU Supervisor approval.
- (h) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.
- (i) When contacting informants of either sex for the purpose of making payments officers shall arrange for the presence of another officer, whenever possible.

### **602.5 NARCOTICS INFORMANT PAYMENT PROCEDURES**

#### **602.5.1 PAYMENT PROCEDURE**

In some rare cases, the magnitude of the investigative assistance rendered by the confidential informant may justify the consideration of payments exceeding \$1000.

The officer's Supervisor will discuss the above factors with the Investigations Lieutenant and arrive at a recommended level of payment that will be subject to the approval of the Chief of Police.

#### **602.5.2 CASH DISBURSEMENT POLICY**

The following establishes a cash disbursement policy for confidential informants where they may be considered.

If the nature of the investigation and CI assistance dictates consideration of payments of significant size, an advisement to the Chief of Police will occur prior to any CI agreement being made.

When both assets and drugs have been seized, the confidential informant shall receive payment based upon overall value and the purchase price of the drugs.

#### **602.5.3 PAYMENT PROCESS**

For all cash payments, two signatures, or initials, are required on the voucher and the SIU cash funds receipt book

To complete the transaction with the confidential informant the case agent shall have the confidential informant sign the confidential informant payment form indicating the amount received, the date, and that the confidential informant is receiving funds in payment for information voluntarily rendered in the case. The Bellingham Police Department case number shall be recorded on the confidential informant payment form. The form will be kept in the confidential informant's file.

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### 602.5.4 FILE PURGING

All CI files should be purged after the case has been fully adjudicated and a disposition has been received, and/or no cases are pending.

# Eyewitness Identification

## 603.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques.

### 603.1.1 DEFINITIONS

Definitions related to the policy include:

**Eyewitness identification process** -Any field identification, live lineup or photographic identification.

**Field identification** -A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

**Live lineup** -A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

**Photographic lineup** - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

## 603.2 POLICY

The Bellingham Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

## 603.3 INTERPRETIVE SERVICES

Officers should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating officer should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

## 603.4 EYEWITNESS IDENTIFICATION FORM

The Investigation Unit supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process and any related forms or reports should provide:

- (a) The date, time and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.

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- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all of the individuals present during the identification procedure.
- (e) An admonishment that the suspect may or may not be among those presented and that the witness is not obligated to make an identification.
- (f) An admonishment to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- (g) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.

### **603.5 EYEWITNESS IDENTIFICATION**

Officers are cautioned not to, in any way influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Officers should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified, or failed to identify, the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

#### **603.5.1 PHOTOGRAPHIC AND LIVE LINEUP CONSIDERATIONS**

The member presenting the lineup must take the utmost care not to communicate the identity of the suspect in any way.

Other persons or photos used in any lineup should bear similar characteristics to the suspect to avoid causing him/her to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The employee presenting the lineup to a witness should do so sequentially and not simultaneously (i.e., show the witness one person at a time), unless using a photo montage. The witness should view all persons in the lineup.

The order of the suspect or the photos and the fillers should be randomized before being presented to each witness.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating officer should contact the appropriate prosecuting attorney before proceeding. After



## *Eyewitness Identification*

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arrest, or when criminal proceedings have begun, a court order will need to be obtained through the prosecutor's office.

### 603.5.2 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful where circumstances make it impracticable to conduct a photo or live lineup identifications.

When initiating a field identification, the officer should observe the following guidelines:

- (a) Obtain a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a field identification process by considering:
  - 1. The length of time the witness observed the suspect.
  - 2. The distance between the witness and the suspect.
  - 3. Whether the witness could view the suspect's face.
  - 4. The quality of the lighting when the suspect was observed by the witness.
  - 5. Whether there were distracting noises or activity during the observation.
  - 6. Any other circumstances affecting the witness's opportunity to observe the suspect.
  - 7. The length of time that has elapsed since the witness observed the suspect.
  - 8. The totality of the circumstances, including all observations and statements made by the witness.
- (c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
- (d) When feasible, officers should bring the witness to the location of the suspect, rather than bring the suspect to the witness.
- (e) A person should not be shown to the same witness more than once.
- (f) In cases involving multiple suspects, witnesses should only be permitted to view the suspects one at a time.
- (g) A person in a field identification should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
- (h) If a witness positively identifies an individual as the perpetrator, officers should not conduct any further field identifications with other witnesses for that suspect. In such instances officers should document the contact information for any additional witnesses for follow up, if necessary.

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### **603.6 DOCUMENTATION**

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report. Witness comments of how certain he/she is of the identification or non-identification should be quoted in the report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

## Brady Material Disclosure

### 604.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

#### 604.1.1 DEFINITIONS

Definitions related to this policy include:

**Brady information** - Information known or possessed by the Bellingham Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

### 604.2 POLICY

The Bellingham Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information known that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Bellingham Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially known exculpatory information, as provided in this policy.

### 604.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., confidential informant or protected personnel files); the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor or City Attorney's Office. A copy of the memo should be retained in the Department case file.

## *Brady Material Disclosure*

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### **604.4 DISCLOSURE OF PERSONNEL INFORMATION**

If a member of this department is a material witness in a criminal case, and there is reason to believe the officer's file may contain *Brady* material, or at the request of the prosecutor, a person or persons designated by the Chief of Police shall examine the personnel file and/or internal affairs file of the officer to determine whether they contain *Brady* information. If potential *Brady* information is located, the department shall consult with the City Attorney's office to discuss the located information, *Brady* requirements, employee privacy and public disclosure laws. The department shall not make a decision to disclose without consulting the City Attorney's office.

The obligation to provide *Brady* information is ongoing. If any new *Brady* information is identified, the prosecuting attorney should be notified.

### **604.5 INVESTIGATING BRADY ISSUES**

If the Bellingham Police Department receives information from any source that a member may have issues of credibility, dishonesty, or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy (RCW 10.93.150).

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# Unmanned Aircraft System (UAS) Operations

## 605.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an Unmanned Aircraft System (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

### 605.1.1 DEFINITIONS

Definitions related to this policy include:

**Unmanned Aircraft System (UAS)** - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

**Unmanned Aircraft Vehicle (UAV)**- The aircraft and all attached payloads.

**Pilot-in-Command (PIC)**- Responsible for the operation and safety of flying the UAV and has final authority for all operational decisions for the flight.

**Visual observer (VO)**- Responsible for assisting the PIC and maintaining situational awareness of the operational area and airspace.

## 605.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an Unmanned Aircraft System (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

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**Unmanned Aircraft Vehicle (UAV)**- The aircraft and all attached payloads.

**Pilot-in-Command (PIC)**- Responsible for the operation and safety of flying the UAV and has final authority for all operational decisions for the flight.

**Visual observer (VO)**- Responsible for assisting the PIC and maintaining situational awareness of the operational area and airspace.

## 605.2 POLICY

Unmanned Aircraft Systems may be utilized to enhance the mission of protecting lives and property when other means and resources are not available or are less effective.

## *Unmanned Aircraft System (UAS) Operations*

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Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations. All use will respect the Constitutional Rights of citizens and state requirements at all times.

### **605.3 PRIVACY**

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

### **605.4 PROGRAM OVERSIGHT**

The Chief of Police will appoint a Program Coordinator who will be responsible for the management of the UAS program with the following responsibilities.

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.
- Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.
- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require written authorization of the Chief of Police or the authorized designee, depending on the type of mission.
- Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing an operational protocol governing the deployment and operation of a UAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.

## *Unmanned Aircraft System (UAS) Operations*

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- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.

### 605.4.1 PROGRAM COORDINATOR

The Chief of Police will appoint a Program Coordinator who will be responsible for the management of the UAS program with the following responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.
- Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.

### 605.4.2 CHIEF PILOT

The Program Coordinator will appoint a Chief Pilot who will be responsible for the management of the UAS program. The Chief Pilot will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Developing the flight training program that all prospective UAS pilots must successfully complete to be considered authorized UAS operators.
- Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.
- Ensuring all authorized UAS pilots meet flight currency requirements to remain flight qualified.
- Developing an operational protocol governing the deployment and operation of a UAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures, requests from outside agencies, and secure communication with air traffic control facilities.
- Developing a UAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing a protocol for fully documenting all missions.

## *Unmanned Aircraft System (UAS) Operations*

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- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure authenticity and maintenance of a secure evidentiary chain of custody.
- Recommending program enhancements, particularly regarding safety and information security.

### **605.5 USE OF UAS**

Only authorized operators who have completed the required training shall be permitted to operate the UAS. Authorized operators must be familiar with emergency contingency procedures including UAS failure, flight termination, diversion and lost link procedures.

Prior to any use, authorized pilots shall inspect the UAV to ensure it is airworthy. Prior to any use, the Pilot in Command (PIC) shall perform a pre-flight check following the approved checklist. If the Pilot in Command detects any issue that affects the airworthiness of the UAV, they will immediately tag the UAV as unairworthy, complete a maintenance request and forward it to the Chief Pilot.

The Pilot in Command will follow all applicable 14 CFR Part 107 regulations at all times, unless a waiver has been issued by the FAA to operate outside of these regulations.

The Pilot in Command shall notify What-Com of the location that the UAV is going to be deployed from. If time allows, the Pilot in Command should file a Notice to Airmen (NOTAM) with information regarding the flight. A second officer may be at the location of the PIC to offer any assistance, as well as ensuring scene safety during deployment. The second officer is not required to be an authorized pilot, but it is recommended that the second officer be trained as a Visual Observer (VO).

The Pilot in Command must be able to establish visual line-of-sight on the UAV at all times and will not operate directly over any persons or moving vehicles not involved in the mission, incident, or event. The Pilot in Command must yield right-of-way to other manned or unmanned aircraft and no pilot will operate the UAV in a careless or reckless manner. In the event a manned aviation unit arrives on scene, the Pilot in Command shall immediately notify the incoming aircraft of the UAV position and altitude. A safe working altitude shall be communicated. If direct communication cannot be established the Pilot in Command shall safely land and recover the UAV.

The UAV will not operate at an altitude higher than 400 feet above ground level (AGL), or 400 feet above a structure within a radius of 400 feet relative to the UAV's position, unless approved by an FAA waiver.

Use of vision enhancement technology (e.g. thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest, when in compliance with a search warrant or court order, or in exigent circumstances involving potential danger to the community. In all other instances, legal counsel should be consulted.



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UAS operations may be conducted during hours of darkness after the end of civil twilight with an appropriate FAA waiver, required lighting equipment, and flown by a department night qualified pilot as determined by the chief pilot.

In the event of a UAV crash or accident, the Pilot in Command shall complete a UAV accident report and forward it to the Chief Pilot and Program Coordinator. The necessary agency/City of Bellingham paperwork shall also be completed.

The Pilot in Command shall complete the post-flight inspection and flight logs after each flight.

### **605.5.1 AUTHORIZED USE**

The UAS shall be used:

1. To conduct search and rescue operations.
2. To locate fleeing suspects or escaped prisoners that pose a danger to the community.
3. To aid or assist in other life safety operations.
4. For agency-approved training missions.
5. To conduct traffic, land survey, and/or mapping functions for the agency or other City of Bellingham entities (e.g. Public Works).
6. To collect evidence with a signed search warrant.

### **605.5.2 PROHIBITED USE**

The UAS shall not be used:

1. To conduct random surveillance activities.
2. 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.
3. To harass, intimidate or discriminate against any individual or group.
4. To conduct personal business of any type.
5. When other manned aircraft are operating in the immediate area.
6. In contradiction to the manufacturers specifications or instructions.
7. In any manner that would violate the Constitutional Rights on any citizen, or in violation of state statute regarding law enforcement use of UAS.
8. In situations where there may be an increased risk of injury to others in the operational area.

The UAS shall not be weaponized.

### **605.6 RETENTION OF UAS DATA**

Data collected by the UAS shall be retained as provided in the established records retention schedule.

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The Pilot in Command shall complete all department flight documentation including pertinent information about the aircraft, flight conditions, type of mission, mission parameters and results. Monthly reports containing the above information or indication of no flights occurring shall be submitted to the Program Coordinator.

## Warrant Service

### 606.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

### 606.2 POLICY

It is the policy of the Bellingham Police Department to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

### 606.3 OPERATIONAL LEAD

The operational lead shall review all threat assessment forms with the involved supervisor to determine the threat level of the warrant service

The operational lead will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

### 606.4 SEARCH WARRANTS

Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the SWAT threat assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

### 606.5 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the SWAT threat assessment form and submit it to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the operations director. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence

## Warrant Service

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to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

### **606.6 WARRANT PREPARATION**

When applicable, An officer who prepares a warrant should ensure the documentation in support of the warrant contains:

- (a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime execution.
- (b) A clear explanation of the affiant's training, experience and relevant education.
- (c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.
- (d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.
- (e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.
- (f) A specific description of the location to be searched, including photographs of the location, if reasonably available.
- (g) A sufficient description of the items to be seized.
- (h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the Brady Material Disclosure Policy).

### **606.7 HIGH-RISK WARRANT SERVICE**

The operations director or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following as applicable:

- (a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.
- (b) The warrant service is video-recorded when practicable and reasonable to do so. The warrant service may be audio-recorded when announcing to everyone present that the conversation is going to be recorded and said announcement is recorded except if allowed by the warrant ([RCW 9.73.030](#)).

## Warrant Service

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- (c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.
- (d) Reasonable efforts are made during the search to maintain or restore the condition of the location.
- (e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.
- (f) Reasonable care provisions are made for children and dependent adults.
- (g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.
- (h) A copy of the search warrant is left at the location.
- (i) The condition of the property is documented with video recording or photographs after the search.

### **606.8 DETENTIONS DURING WARRANT SERVICE**

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only objectively reasonable and necessary force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary.

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

### **606.9 ACTIONS AFTER WARRANT SERVICE**

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

### **606.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS**

The operations director will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities

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- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the operations director. The director should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The director should ensure that members of the Bellingham Police Department are utilized appropriately. Any concerns regarding the requested use of Bellingham Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the operations director is unavailable, the shift supervisor should assume this role.

If officers intend to serve a warrant outside Bellingham Police Department jurisdiction, the operations director should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the Bellingham Police Department when assisting outside agencies or serving a warrant outside Bellingham Police Department jurisdiction.

### **606.11 MEDIA ACCESS**

No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the News Media Relations Policy.

### **606.12 TRAINING**

The Administrative Services Sergeant should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

# Sexual Assault Investigations

## 607.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

### 607.1.1 DEFINITIONS

Definitions related to this policy include:

**Sexual assault** - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in [RCW 9A.44.010 et seq.](#) and [RCW 9A.64.020](#).

## 607.2 POLICY

It is the policy of the Bellingham Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

## 607.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates and support for the victim.
- (f) Participate in or coordinate with other multidisciplinary investigative teams as applicable.

## 607.4 INVESTIGATION AND REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents where the allegations initially appear unfounded or unsubstantiated.

### 607.4.1 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to Dispatch, should be the health and safety of the victim, the preservation of evidence, and

## *Sexual Assault Investigations*

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preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g. change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

Victims are often reluctant or embarrassed to discuss details. Recanting or changing one or more aspects of a prior statement is not necessarily an indication of false reporting or that the case is unfounded. If the responding officer has reason to believe the incident may be without merit, he/she should document the evidence and inconsistencies. Due to physical and emotional trauma, and the myths and stereotypes associated with sexual assault, inconsistencies in the victim's report are not uncommon. No opinions of whether the case is unfounded shall be included in the initial primary or follow-up reports.

### 607.4.2 POLYGRAPH EXAMINATION OF VICTIM

Victims of alleged sex offenses shall not be asked or required to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of the offense. The refusal of a victim to submit to a polygraph or other truth telling device shall not by itself prevent the investigation, charging or prosecution of the offense ([RCW 10.58.038](#); [34 USC § 10451](#)).

### 607.4.3 VICTIM CONFIDENTIALITY

A victim who seeks to have his/her address remain confidential should be referred to the Office of the Secretary of State to submit an application to participate in the address confidentiality program ([RCW 40.24.030](#)).

Information identifying a child victim under the age of 18 is confidential and not subject to release to the press or public without the permission of the child or the child's legal guardian unless allowed by law and as provided in [RCW 10.97.130](#). Identifying information includes the child's name, address, location, photographs and the relationship of the child victim in cases where the alleged perpetrator is a relative or stepparent ([RCW 10.97.130](#)).

### 607.4.4 VICTIM RIGHTS

Victims have the right to immediate medical assistance and not to be detained for an unreasonable length of time before having such assistance administered. The officer may accompany the victim to a medical facility to question the victim about the sexual assault if the questioning does not hinder the administration of medical assistance ([RCW 7.69.030\(9\)](#)). A victim may choose a personal representative to accompany him/her to the hospital or other health care facility and to any proceeding concerning the alleged assault, including interviews. A personal representative includes a friend, relative, attorney, employee or volunteer from a community sexual assault program or specialized treatment service provider ([RCW 70.125.030](#); [RCW 70.125.060](#)).



## *Sexual Assault Investigations*

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### **607.4.5 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE**

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, it is critical to the investigation that a urine sample from the victim be collected by a medical professional.

SANE kits or biological evidence from rape cases, including cases where the suspect is known by the victim, should be submitted to the WSP Crime Lab (or other contracted lab), for testing in accordance with the WSP Crime Laboratory's current guidelines.

Relevant biological evidence from cases where the suspect is a stranger to the victim shall be transmitted in a timely manner to the WSP Crime Lab (or other contracted lab) for processing.

### **607.4.6 SUBMISSION OF SEXUAL ASSAULT EXAMINATION KITS**

For all sexual assault examination kits received as part of an active investigation conducted by the Bellingham Police Department, a request for laboratory examination (RFLE) shall be submitted to the Washington State Patrol Crime Laboratory within 30 days. A request for testing prioritization when an adult victim has consented to the submission or the victim is not an emancipated person 17 years of age or younger, shall be submitted with the RFLE. The testing prioritization is at the discretion of the WSP Crime Laboratory after reading the crime synopsis provided by the Bellingham Police Department. Once the RFLE has been approved and prioritized by the WSP Crime Laboratory, BPD Evidence and Identification personnel shall send the sexual assault examination kit to them or another contracted laboratory for examination ([RCW 70.125.090](#)).

### **607.4.7 DISPOSITION OF CASES**

After a thorough review of the initial primary and follow-up investigative reports, If the assigned investigator has reason to believe the case is without merit, the case may be classified as "unfounded."

Classification of a rape case as unfounded requires the assigned investigator to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence to support the recanted information before the case should be determined as unfounded.

### **607.5 RELEASING INFORMATION TO THE PUBLIC**

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Investigation Unit supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

## *Sexual Assault Investigations*

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### **607.6 TRAINING**

Subject to available resources, periodic training will be provided to:

- (a) Members who are first responders. This includes, but is not limited to:
  - 1. Initial response to sexual assaults.
  - 2. Legal issues.
  - 3. Victim advocacy.
  - 4. Victim's response to trauma.
- (b) Qualified investigators who should receive advanced training on additional topics. This includes, but is not limited to:
  - (a) Interviewing sexual assault victims.
  - (b) SART.
  - (c) Medical and legal aspects of sexual assault investigations.
  - (d) Serial crimes investigations.
  - (e) Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
  - (f) The course provided by the Washington State Criminal Justice Training Commission on investigating and prosecuting sexual assault cases developed pursuant to [RCW 43.101.270](#).
  - (g) Proper protocol for the use of the statewide sexual assault kit tracking system ([RCW 35.21](#). and 195 [RCW 36.28](#)).200

# Operations Planning and Deconfliction

## 608.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

### 608.1.1 DEFINITIONS

Definitions related to this policy include:

**Planned operations-** Planned operations are activities that require deployment of staff and resources at predetermined locations, including service of search and arrest warrants, stings, undercover operations, strikes, major civic events.

**High-risk operations** - High-risk operations are activities that require deployment of staff and resources in situations likely to present a higher risk than are commonly faced by officers on a daily basis. This could include but not limited to: suspected fortified locations, reasonable risk of violence or confrontation with multiple persons.

## 608.2 POLICY

It is the policy of the Bellingham Police Department that for any planned operation, a written operations plan (**S.M.E.A.C**) or a unit specific operational plan be completed for the event unless the operation is of such urgency that time constraints prevent it.

## 608.3 THREAT ASSESSMENT FORM

### 608.3.1 PREPARATION

Officers assigned as operational lead for any planned or high-risk operation shall complete a Bellingham Police Department SWAT threat assessment form. The threat assessment form will be attached to all operational plans.

When preparing the threat assessment form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of the investigation, or others who may be present at the involved location. These sources may include criminal justice databases, target deconfliction systems, firearms records, commercial databases and property records.

The officer should gather available information that includes, but is not limited to:

- (a) If available, photographs and aerial photographs of the involved location, immediate surrounding area and the neighborhood of the involved location.
- (b) Diagrams of any property and/or buildings that are involved.
- (c) Information about the subject of investigation (e.g., use or propensity of violence, parole/probation status, alcohol/drug abuse, mental health stability, military/police background, associated with organizations of violent criminal activity, known or suspected possession of firearms/explosives).

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- (d) Information about the suspected offense (e.g. specific offense and classification, whether or not violence or weapons were involved in the offense, whether or not persons were injured in the offense).
- (e) Additional considerations or factors of the location (e.g., fortifications,, monitoring devices and armed counter surveillance measures,, geographic and perimeter barriers, additional persons expected at the location, special status persons expected at the location such as elderly, infirm or juveniles ).
- (f) Additional considerations or factors of the neighborhood (e.g., nearby venues such as schools and/or day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the location)
- (g) Other available tactical options that may minimize the risk to to citizens and officers (e.g. off-site arrest ).

### **608.3.2 THREAT ASSESSMENT FORM REVIEW**

Officers will present the threat assessment form and other relevant documents (such as copies of search warrants, affidavits, and/or arrest warrants) to their supervisor. The Supervisor will review the threat assessment form and using the threat assessment score will determine if the operation is "SWAT optional," "consult SWAT commander," or "mandatory SWAT activation." The investigating officer, supervisor, and SWAT commander will sign the form. If the threat assessment does not meet the requirement for SWAT consultation or activation the unit lieutenant may sign the threat assessment and make notification to the SWAT Commander.

### **608.3.3 HIGH-RISK OPERATIONS**

If the threat assessment indicates SWAT consultation activation, the SWAT Commander will determine what resources will be needed at the location, and contact and/or place on standby any appropriate resources. This could include but not limited to: specialty vehicles and/or equipment, additional personnel, specialty personnel such as negotiators, canines, evidence personnel or outside agency assistance.

The SWAT Commander or their designee will:

- (a) Contact the appropriate department members or other agencies as warranted to begin preparation.
- (b) Ensure that all legal documents such as search warrants are complete and contain any modifications reasonably necessary to support the operation.
- (c) Coordinate the actual operation.

### **608.4 OPERATIONAL PLAN**

Officers assigned as operational leads for any operation shall submit a written operations plan (S.M.E.A.C) or a unit specific operational plan.

When preparing the operational plan, the officer should detail information that includes, but is not limited to:

## *Operations Planning and Deconfliction*

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- (a) The situation that is necessitating the operation (e.g. why the Bellingham Police Department is needed);
- (b) The operational goals, objectives and strategies;
- (c) Operational location and people associated with the operational location;
- (d) Participants/agencies involved, and their roles;
- (e) Plans for arrest and detention;
- (f) Operational contingencies (e.g. fleeing persons, compliant persons, non-compliant persons, gunfire, medical issues, immediate evacuation);
- (g) All required equipment;
- (h) Communications channels, call-signs.

### **608.5 OPERATIONS BRIEFING**

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

- (a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.
- (b) All participants should be provided a copy of the operations plan. Participating personnel should be encouraged to read the operations plan.
- (c) The operational lead shall ensure that all participants are visually identifiable as law enforcement officers and have appropriate equipment and assignments.
  - 1. Exceptions may be made by the team lead for officers who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.
- (d) The briefing should include details of the communications plan.
  - 1. It is the responsibility of the operational leader to ensure that Dispatch is notified of the time and location of the operations.
  - 2. If the radio channel needs to be monitored by Dispatch, the dispatcher assigned to monitor the operations should attend the briefing, if practical, but at a minimum should receive a copy of the operation plan.
  - 3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

## *Operations Planning and Deconfliction*

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### **608.6 DECONFLICTION**

Deconfliction is a process that law enforcement officers rely upon to enhance their safety. By notifying a central coordinating clearinghouse of a planned event prior to its execution, officers will not accidentally target another law enforcement officer or compromise another investigation.

The Bellingham 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 follow procedure will be adhered to when executing a planned operation or conducting a felony level criminal investigation. In most instances this procedure will not apply to general patrol level investigations.

### **608.7 OPERATIONS PLAN DECONFLICTION**

The assigned detective or officer shall report all planned operations to WSIN Watch Center either by telephone (1-800-952-5258) or if a remote user, via the internet at least two hours prior to the planned operation. The deconfliction service is provided 24 hours a day, 7 days a week. The assigned detective or officer will provide the following information at minimum to the Watch Center.

- (a) Date and time of planned operation.
- (b) Nature of the operation.
- (c) Location of operation, including staging areas.
- (d) Information about the suspect(s), including full names, aliases or street names, physical descriptors, vehicle information, telephone and pager numbers.
- (e) Lead and participating agency names.
- (f) Name of assigned detective/officer, including cellular telephone number.

The detective or officer should request notification of any other planned law enforcement activities occurring within one (3/4) mile of the planned operation. Should the WSIN Watch Center detect another law enforcement activity occurring within the distance specified by the detective or officer of the planned operation, WSIN will notify both law enforcement agencies and encourage contact with one another to deconflict.

The assigned detective or officer shall notify their direct supervisor that notification to WSIN has been made and make notation on the operational (S.M.E.A.C) plan or unit specific operational plan. The assigned detective or officer will also ensure that appropriate personnel is aware of operation.

The deconfliction procedure applies to not only investigation units, but also to other departmental units that engage in planned operations.

Any exemption or deviation from the procedure or request from a detective or officer to maintain a higher level of confidentiality shall be considered on a case by case basis and approved by the Chief of Police or designee.

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#### **608.7.1 TRAINING AND ACCESS**

All detectives, officers and administrative staff with assignments that could require them to perform an operational deconfliction, should receive WSIN training enabling them to navigate through the computer program as well as obtain security access to the system. Detectives, officers or administrative staff who do not have WSIN training and/or security access to WSIN systems will partner with a detective/officer who does have training and access to comply with the case activation requirement of this procedure.

#### **608.8 MEDIA ACCESS**

No advance information regarding planned operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with News Media Relations Policy.

#### **608.9 OPERATIONS DEBRIEFING**

Operations should be tactically debriefed as soon as reasonably practicable. The tactical debriefing should include as many participants as possible.

## **Chapter 7 - Equipment**



## Department Owned and Personal Property

### 700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

### 700.2 CARE OF DEPARTMENTAL PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to the cost of repair or replacement.

- (a) Employees shall promptly report to their supervisor, any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use.
- (b) The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.
- (e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

### 700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made in written form and must be submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct the request to the appropriate Lieutenant, which shall include the results of his/her investigation and whether the employee followed proper procedures.

Upon review and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the appropriate Deputy Chief who will then forward the claim to the Finance Department.

The Department will not replace personally owned items that are not reasonably required as a part of work.

## *Department Owned and Personal Property*

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### 700.3.1 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

### **700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER**

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

- (a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.
- (b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

### 700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to real or personal property belonging to the City, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Lieutenant.

## Personal Communication Devices

### 701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCD) but is intended to include all mobile telephones, personal digital assistants (PDA) and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, e-mailing, using video or camera features, playing games and accessing sites or services on the Internet.

### 701.2 POLICY

The Bellingham Police Department allows employees to utilize department-issued PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, employees are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the employee and the employee's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Employees who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

### 701.3 PRIVACY POLICY

Employees shall have no expectation of privacy with regard to any communication made with or stored in or through PCDs issued by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities. The use of any department-provided or -funded PCD, computer, Internet service, telephone service or other wireless service while on-duty is without any expectation of privacy that the employee might otherwise have in any communication, including the content of any such communication. Communications or data reception on personal, password-protected, web-based e-mail accounts and any other services are subject to monitoring if department equipment is used.

In accordance with this policy, supervisors are authorized to conduct a limited administrative search of electronic files without prior notice, consent or a search warrant, on department-issued or personally owned PCDs that have been used to conduct department-related business. Administrative searches can take place for work-related purposes that may be unrelated to investigations of employee misconduct and, as practicable, will be done in the presence of the

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affected employee. Prior to conducting any search of personally owned devices, supervisors shall consult with the Office of Professional Responsibility. All such searches shall be fully documented.

### **701.4 DEPARTMENT-ISSUED PCD**

Depending on an employee's assignment and the needs of the position, the Department may, at its discretion, issue a PCD. Department-issued PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

See § 322.4.4 concerning off-duty use of department issued PCDs.

### **701.5 PERSONALLY OWNED PCD**

Employees may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Carrying a personally owned PCD is a privilege, not a right.
- (b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used and maintained solely at the employee's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Employees will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.
- (e) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department, without the express authorization of the Chief of Police or the authorized designee.
- (f) If an employee chooses to use a personally owned PCD, while at work, for work-related business, this would constitute consent for the Department to access the PCD for this work-related information. As a reminder, per subsection (d) of this policy, personally owned PCD'S should not be used for work-related business except in exigent circumstances. If a Department search is conducted for work-related information on a personally owned PCD it needs to be for very specific information and limited to work-related business.
- (g) All work-related documents, emails, photographs, recordings or other public records created or received on a member's personally owned PCD should be transferred to

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the Bellingham Police Department and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

Except with prior express authorization from their supervisor employees are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If an employee is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the employee has prior express authorization from his/her supervisor, the employee may engage in business-related communications. Should employees engage in such approved off-duty communications or work, employees entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Employees who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

### **701.6 USE OF PERSONAL COMMUNICATION DEVICES**

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

- (a) A PCD shall be carried in an approved carrier or manner.
- (b) All PCDs in the workplace should be set to silent or vibrate mode when practical.
- (c) A PCD may not be used to conduct personal business, except for brief personal communications (e.g., informing family of extended hours). Employees shall endeavor to limit their use of personally owned PCDs to authorized break times, unless an emergency exists.
- (d) Employees may use a PCD to communicate with other personnel in situations where the use of the radio is either impracticable or not feasible. PCDs should not be used as a substitute for, or as a way to avoid, regular radio communications.
- (e) Officers are prohibited from taking pictures, video or making audio recording or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline. This includes the use of department issued and personally owned PCDs.
- (f) Employees will not access social networking sites with department owned PCDs for any purpose that is not official department business.
- (g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any employee having knowledge of such conduct shall promptly notify a supervisor.

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### **701.7 SUPERVISORY RESPONSIBILITIES**

Supervisors should ensure that members under their command are provided appropriate training on the use of PCDs consistent with this policy. Supervisors should monitor, to the extent practicable, PCD use in the workplace and take prompt corrective action if an employee is observed or reported to be improperly using a PCD. An investigation into improper conduct should be promptly initiated when circumstances warrant.

If, when carrying out any provision of this policy, the need to contact an employee who is off-duty arises, supervisors should consider delaying the contact, if practicable, until the employee is on-duty as such contact may be compensable.

### **701.8 USE WHILE DRIVING**

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Except in an emergency, employees who are operating non-emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use (RCW [46.61.668](#)). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

### **701.9 OFFICIAL USE**

Employees are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, employees shall conduct sensitive or private communications on a land-based or other department communications network.

The following situations are examples of when the use of a PCD may be appropriate:

- (a) Barricaded suspects
- (b) Hostage situations
- (c) Mobile Command Post
- (d) Catastrophic disasters, such as plane crashes, earthquakes, floods, etc.
- (e) Major political or community events
- (f) Investigative stakeouts
- (g) Emergency contact with an allied agency or allied agency field unit
- (h) When immediate communication is needed and the use of the radio is not available or appropriate and other means are not readily available

# Vehicle Maintenance

## 702.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

## 702.2 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. A vehicle repair slip shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to his/her supervisor.

## 702.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

### 702.3.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- Stop Sticks
- Charged Fire Extinguisher
- Cones
- Flares
- Blanket
- Trauma Kit
- Sharps Container
- CPR Mask
- Infection Control Kit
- Nitrile Gloves
- Hand Sanitizer
- Biohazard Bags
- Evidence Bags
- Leg Restraint
- PBT
- PBT Mouthpieces

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- Digital Recorder
- Chalk Marker
- Broom
- Dust Pan
- Blood Test Kit
- Folder w/Extra Forms
- Naloxone

### **702.3.2 UNMARKED VEHICLES**

An employee driving unmarked department vehicles shall ensure that the minimum following equipment is present in the vehicle:

- Emergency road flares
- 2 Sticks yellow crayon or chalk
- 1 Roll barricade tape
- 1 First aid kit
- 1 Fire extinguisher

### **702.4 VEHICLE REFUELING**

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Whenever practicable, vehicles should be fully fueled when placed into service and refueled before the level falls below one-quarter tank.

Vehicles shall only be refueled at an authorized location.

### **702.5 WASHING OF VEHICLES**

All units shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance.

Officers in patrol shall obtain clearance from the dispatcher before responding to the car wash. Only one marked unit should be at the car wash at the same time unless otherwise approved by a supervisor.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.



# Vehicle Use

## 703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure Bellingham Police Department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of Bellingham Police Department vehicles and shall not be construed to create or imply any contractual obligation by the City of Bellingham to provide assigned take-home vehicles.

## 703.2 POLICY

The Bellingham Police Department provides vehicles for [departmentoffice]-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the [DepartmentOffice], requirements for tactical deployments and other considerations.

## 703.3 USE OF VEHICLES

City-owned vehicles shall only be used for official business and, when approved, for commuting to allow members to respond to department-related business outside their regular work hours.

All employees will operate their vehicle with due regard to safety. Vehicles will be operated within the scope of Washington State Law and any provisions for exceptions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons.

Members shall not operate City-owned vehicles at any time when impaired by drugs and/or alcohol.

Any member operating a vehicle equipped with a two-way communications radio, MDT and/or a GPS device shall ensure the devices are on and set to an audible volume whenever the vehicle is in operation. It is recognized that MDT connectivity can be inconsistent.

### 703.3.1 SHIFT ASSIGNED VEHICLES

Members who use a fleet vehicle as part of their work assignment shall ensure that the vehicle is properly checked out and logged on the daily shift roster, according to current procedures, prior to taking it into service. If for any reason during the shift the vehicle is exchanged, the member shall ensure that the exchanged vehicle is likewise properly noted on the daily shift roster.

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of the shift. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

### 703.3.2 UNSCHEDULED USE OF VEHICLES

Members utilizing City-owned vehicles for any purpose other than their regularly assigned duties shall first notify the shift supervisor of the reason for use and a notation will be made on the shift

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roster indicating the operator's name and vehicle number. This section does not apply to members permanently assigned an individual vehicle (e.g. command staff, detectives), who regularly use the vehicle on an unscheduled basis as part of their normal assignment.

Officers hired for off-duty employment opportunities that require a marked patrol vehicle should utilize vehicles that do not have an MDT installed. When no vehicles are available that fit this standard, patrol vehicles with MDTs may be utilized.

#### 703.3.3 UNMARKED VEHICLES

Except for use by the assigned member, unmarked units shall not be used without first obtaining approval from the supervisor of the unit to which the vehicle is assigned.

#### 703.3.4 INVESTIGATION DIVISION VEHICLES

Investigation Division vehicle use shall comply with the letter of agreement (Sept. 2015) and City of Bellingham Policy concerning take-home cars (§[ADM 10.03.06](#)).

After-hours use of Investigation Division vehicles by members not assigned to the Investigation Division shall be recorded with the shift supervisor on the shift roster.

#### 703.3.5 AUTHORIZED PASSENGERS

Members operating City-owned vehicles shall not permit persons other than City members or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as a passenger in their vehicle.

#### 703.3.6 PARKING

Except when responding to an emergency or other urgent official business requires otherwise, members driving City-owned vehicles should obey all parking regulations at all times.

City-owned vehicles should be parked in their assigned stalls. Members shall not park privately owned vehicles in any stall assigned to City-owned vehicles or in any other areas of the parking lot that are not designated as a parking space, unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

#### 703.3.7 INSPECTIONS

The interior of any vehicle that has been used to transport any person other than a member shall be searched prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

#### 703.3.8 PRIVACY

All City-owned vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

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### **703.4 SECURITY**

Employees may take home City owned vehicles only with prior approval from the Chief of Police and shall meet the following criteria:

- (a) The employee lives within the Bellingham Urban Growth Area, or at the discretion of the Chief of Police.
- (b) Off-street parking shall be available at the employee's residence.
- (c) Vehicles shall be locked when not attended.
- (d) All firearms and kinetic impact weapons shall be removed from the interior of the vehicle and placed in the trunk or properly secured in the residence when the vehicle is not attended (refer to Firearms policy § 306 regarding safe storage of firearms at home).

When an employee is on vacation, leave, or out of the area in excess of one week, the vehicle shall be stored at the police facility.

### **703.5 ENFORCEMENT ACTIONS**

When driving an assigned vehicle to and from work outside of the jurisdiction of the Bellingham Police Department, an officer shall not become involved in enforcement actions except as provided in [RCW 10.93](#) (Washington Mutual Aid Peace Officers Powers Act).

Officers driving marked vehicles shall be armed at all times.

Officers may render public assistance, e.g. to a stranded motorist, when deemed prudent.

### **703.6 MAINTENANCE**

- (a) Each employee is responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicle.
  - 1. Employees may use the wash racks at the city Shop or take their vehicle to the contracted car wash.
  - 2. Cleaning/maintenance supplies will be provided by the department.
- (b) Employees shall make daily inspections of their assigned vehicle for service/maintenance requirements and damage.
- (c) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to employees under their command to ensure the vehicles are being maintained in accordance with policy.
- (d) Routine maintenance and oil changes shall be done in accordance with the shop schedule. The vehicles will normally be serviced at the City maintenance shop.
  - 1. When leaving a vehicle at the maintenance shop, the employee will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.

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2. Vehicles requiring warranty service shall be taken to the nearest authorized dealer as determined by Fleet and Facilities.

### **703.7 ACCIDENT DAMAGE, ABUSE, AND MISUSE**

- (a) Any time a vehicle is involved in a traffic collision, either singularly or with another vehicle, an investigation shall be completed by an uninvolved Officer (Bellingham Police within our jurisdiction, or outside agency in which the accident occurred). The employee involved in the collision shall also complete the City provided vehicle accident form. If the employee is incapable, the supervisor shall complete the form. A supervisor or investigator will photograph the vehicles or other damaged property as well as the accident scene. Every attempt should be made to photograph the vehicles prior to moving them from the accident scene. A diagram of the accident will be completed on the accident diagramming computer software currently in use and approved by the police department.
  1. When the collision is determined to be non-reportable under State Law, the Shift Supervisor will assign an investigating officer.
  2. When the collision is determined to be reportable under State Law, but does not involve personal injury to any party, the Traffic Unit will be assigned as the investigating unit.
  3. When the collision is determined to be reportable under State Law and involves injury or death to any party, the Traffic Unit shall be assigned as the investigating unit and the DSO shall be notified. The investigative supervisor may request assistance from the Washington State Patrol.
- (b) Any damage to a vehicle, not caused by a traffic collision, shall be immediately reported within the shift in which the damage was discovered, documented in a vehicle damage report and forwarded to the shift supervisor.
- (c) An accident review board may be conducted to determine any vehicle abuse or misuse. If it is determined that misuse or abuse was a result of negligent conduct or operation, appropriate disciplinary action may result.

#### **703.7.1 ACCESSORIES AND/OR MODIFICATIONS**

No modifications, additions or removal of any equipment or accessories shall be made to the vehicle without written permission from the Deputy Chief.

### **703.8 TOLL ROAD USAGE**

Authorized on-duty emergency vehicles are exempt from incurring toll road charges. An authorized emergency vehicle is an on-duty vehicle of the Bellingham Police Department which is equipped with emergency lights and siren and used to respond to emergency calls (WAC 468-270-030: WAC 468-270-085: WAC 468-270-105).

To avoid unnecessary toll road charges, all members operating Bellingham Police Department vehicles on a toll road shall adhere to the following:

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- (a) Members operating Bellingham Police Department vehicles that are not authorized emergency vehicles shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit a request for reimbursement from the City for any toll fees incurred in the course of official business.
- (b) Members in unauthorized vehicles passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Deputy Chief within five working days explaining the circumstances.

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- (b) Members in unauthorized vehicles passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Deputy Chief within five working days explaining the circumstances.

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## Cash Handling, Security and Management

### 704.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

### 704.2 POLICY

It is the policy of the Bellingham Police Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

### 704.3 PETTY CASH FUNDS

The Chief of Police shall designate the Fiscal Technician as the fund manager responsible for maintaining and managing the petty cash fund.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of receipts by the Fiscal Technician.

### 704.4 PETTY CASH TRANSACTIONS

The Fiscal Technician shall document all transactions on the petty cash reimbursement form. Each person participating in the transaction shall sign the original receipt attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt. Transactions that are not documented by a receipt, invoice or cash transfer form require a lost receipt affidavit and check request for reimbursement.

### 704.5 PETTY CASH AUDITS

An audit of petty cash funds shall be performed no less than once every six months by a Supervisor designated by the Chief of Police. The Fiscal Technician and the designated Supervisor shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

#### 704.5.1 PETTY CASH FUNDS REIMBURSEMENT

When it becomes necessary to replenish petty cash funds, the Fiscal Technician shall submit the petty cash funds replenishment form to their Supervisor for review prior to reimbursement.

### *Cash Handling, Security and Management*

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#### **704.6 ROUTINE CASH HANDLING**

Those who handle cash as part of their property or Special Investigations Unit supervisor duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

Members who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.

#### **704.7 OTHER CASH HANDLING**

Members of the Department who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence Policy.

## **Chapter 8 - Support Services**



# Crime Analysis

## 800.1 PURPOSE AND SCOPE

Crime analysis should provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to the Department's long range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

## 800.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Field Interview cards
- Parole and Probation records
- Computer Aided Dispatch data

## 800.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for Crime Analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

## 800.4 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to them. Information relevant to the development of the Department's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.

## Police Facilities

### 801.1 PURPOSE AND SCOPE

This policy provides for the security and safe functioning of the Bellingham Police Department facilities.

### 801.2 FACILITY SECURITY

The security gates surrounding the Bellingham Police Department (505 Grand Avenue) shall remain closed. This includes pedestrian gates.

All employees are reminded to insure all access points are closed after entering or leaving the facility. Exterior doors shall not be left propped open and unattended.

### 801.3 CARBON MONOXIDE ALARMS

Carbon Monoxide alarms have been installed in the building. These alarms will be plugged into wall sockets in the following locations:

Reception Waiting Area.

Family Crimes Office

SIU

Central Stairway

Evidence and ID Traffic

Proactive Policing

Records

If the alarm signal sounds on one of these alarms please follow this protocol:

1. Push the Test/Silence button located on the Carbon Monoxide alarm.
2. Call fire dispatch at 911 and inform them of the Carbon Monoxide alarm activation and its specific location.
3. Immediately move to fresh air, outdoors. Do a head count to check that all persons from your work area are located. Do not re-enter the premises until the emergency services responder has arrived, the premises have been aired out, and your CO alarm remains in its normal condition.
4. After following steps 1-3 if your alarm reactivates within a 24-hour period, repeat steps 1-3 and notify the services staff, Training Officer, Range Officer, Proactive supervisor, Lieutenant, or the appropriate Deputy Chief.

The common symptoms for CO poisoning are as follows. Mild Exposure: Slight headache, Nausea, vomiting, fatigue ("flu-like" symptoms) Medium Exposure: Throbbing headache, drowsiness,

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## *Police Facilities*

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confusion, fast heart rate. Extreme Exposure: Convulsions, unconsciousness, heart and lung failure. Exposure to carbon monoxide can cause brain damage, death.

Please do not unplug or remove these devices. If an outlet where the devices are located is needed for other resources notify the training officer. An updated copy of this information sheet will be kept in the mail area display case.

# Dispatch

## 802.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of Dispatch. It addresses the immediate information needs of the Department in the course of its normal daily activities and during emergencies.

## 802.2 POLICY

It is the policy of the Bellingham Police Department to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The Department provides two-way radio capability for continuous communication between Dispatch and department members in the field.

## 802.3 COMM CENTER SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of Dispatch, its members and its equipment must be a high priority. Special security procedures should be established in a separate operations manual for Dispatch.

Access to Dispatch shall be limited to Dispatch members and Washington State commissioned law enforcement officers. Outside visitors will be allowed access when requirements are met, as outlined in the What-Comm Physical Protection procedures.

## 802.4 CALL HANDLING

This department provides members of the public with access to the 9-1-1 system for a single emergency telephone number.

When a call for services is received, the dispatcher will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency, and shall quickly ascertain the call type, location and priority by asking four key questions when reasonably possible:

- Where?
- What?
- When?
- Who?

If the dispatcher determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

If the dispatcher determines that the caller is a limited English proficiency (LEP) individual, the dispatcher should quickly determine whether sufficient information can be obtained to initiate an appropriate response. If language assistance is still needed, the language is known and

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a language-appropriate authorized interpreter is available in Dispatch, the dispatcher should immediately connect the LEP caller to the authorized interpreter.

If no authorized interpreter is available or the dispatcher is unable to identify the caller's language, the dispatcher will contact the contracted telephonic interpretation service and establish a three-party call connecting the dispatcher, the LEP individual and the interpreter.

Dispatchers shall be prompt, respectful, and professional when dealing with the public.

### **802.4.1 EMERGENCY CALLS**

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the dispatcher has obtained all necessary information to ensure the safety of the responding department members and affected individuals unless absolutely necessary to triage other incoming emergency calls.

Emergency calls should be dispatched immediately. The Shift Supervisor shall be notified of pending emergency calls for service when department members are unavailable for dispatch.

### **802.4.2 NON-EMERGENCY CALLS**

A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the dispatcher to handle a higher priority or emergency call.

The reporting person should be advised to hold while the dispatcher handles higher priority calls and triages other incoming calls, returning to the telephone line only once the emergency calls have been handled. No estimated time of arrivals shall be given to reporting parties but they may be advised that there may be a delay in response due to call volume.

## **802.5 RESPONSIBILITIES**

### **802.5.1 DEPUTY DIRECTOR**

The Chief of Police shall appoint and delegate certain responsibilities to a Deputy Director. The Deputy Director is directly responsible to the Uniform Patrol Deputy Chief or the authorized designee.

The responsibilities of the Deputy Director include, but are not limited to:

- (a) Overseeing the efficient and effective operation of Dispatch in coordination with other supervisors.
- (b) Scheduling and maintaining dispatcher time records.
- (c) Supervising, training and evaluating dispatchers.
- (d) Ensuring the radio and telephone recording system is operational.
  - 1. Recordings shall be maintained in accordance with the established records retention schedule and as required by law.

## *Dispatch*

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- (e) Processing requests for copies of Dispatch information for release.
- (f) Maintaining Dispatch database systems.
- (g) Maintaining and updating Dispatch procedures manual.
  - 1. Procedures for specific types of crime reports may be necessary. For example, specific questions and instructions may be necessary when talking with a victim of a sexual assault to ensure that his/her health and safety needs are met, as well as steps that he/she may take to preserve evidence.
  - 2. Ensuring dispatcher compliance with established policies and procedures.
- (h) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.
- (i) Maintaining a current contact list of City personnel to be notified in the event of a utility service emergency.

### 802.5.2 ADDITIONAL PROCEDURES

The Deputy Director should establish procedures for:

- (a) Recording all telephone and radio communications and playback issues.
- (b) Storage and retention of recordings.
- (c) Security of audio recordings (e.g., passwords, limited access, authorized reviewers, preservation of recordings past normal retention standards).
- (d) Availability of current information for dispatchers (e.g., shift supervisor contact, rosters, member tracking methods, member contact, maps, emergency providers, tactical dispatch plans).
- (e) Assignment of field members and safety check intervals.
- (f) Procurement of external services (e.g., fire suppression, ambulances, aircraft, tow trucks, taxis).
- (g) Protection of essential equipment (e.g., surge protectors, gaseous fire suppression systems, uninterruptible power systems, generators).
- (h) Protection of radio transmission lines, antennas and power sources for Dispatch (e.g., security cameras, fences).
- (i) Handling misdirected, silent and hang-up calls.
- (j) Handling private security alarms, if applicable.
- (k) Radio interoperability issues.

### 802.5.3 DISPATCHERS

Dispatchers report to the Deputy Director. The responsibilities of the dispatchers include, but are not limited to:

- (a) Receiving and handling all incoming and transmitted communications, including:
  - (a) Emergency 9-1-1 lines.

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## Dispatch

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- (b) Business telephone lines.
- (c) Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.
- (d) Radio communications with department members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).
- (b) Documenting the field activities of department members and support resources (e.g., fire department, EMS, allied agency law enforcement units).
- (c) Inquiry and entry of information through Dispatch, department and other law enforcement database systems (e.g., Department of Licensing (DOL) records, Washington Crime Information Center (WACIC), National Crime Information Center (NCIC).
- (d) Monitoring department video surveillance systems as needed following established What-Comm policy (Camera Use in Dispatch - March 14, 2016). It is not an expectation that dispatchers shall monitor cameras as staffing and workload may make it difficult to manage.
- (e) Maintaining the current status of members in the field, their locations and the nature of calls for service.
- (f) Notifying the shift supervisor of emergency activity, including, but not limited to:
  - 1. Vehicle pursuits.
  - 2. Foot pursuits.
  - 3. Assignment of emergency response.

### **802.6 RADIO COMMUNICATIONS**

The police radio system is for official use only, to be used by dispatchers to communicate with department members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

- (a) Members acknowledging the dispatchers with their radio identification call signs and current location.
- (b) Dispatchers acknowledging and responding promptly to all radio transmissions.
- (c) Members keeping the dispatchers advised of their status and location.
- (d) Member and dispatcher acknowledgements shall be concise and without further comment unless additional information is needed.

The Deputy Director shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant's supervisor and processed through the chain of command.

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### **802.6.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE**

Bellingham Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

### **802.6.2 RADIO IDENTIFICATION**

Radio call signs are assigned to department members based on factors such as duty assignment, uniformed patrol assignment and/or member identification number. Dispatchers working Bellingham Police Department radio frequencies shall identify themselves on the radio as "Bellingham," and identify the department member by his/her call sign. Members should use their call signs when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate department member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the department station name or number.

### **802.7 DOCUMENTATION**

It shall be the responsibility of Dispatch to document all relevant information on calls for service or self-initiated activity. Dispatchers shall attempt to elicit, document and relay as much information as possible to enhance the safety of the member and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum:

- Incident control number.
- Date and time of request.
- Name and address of the reporting person, if possible.
- Type of incident reported.
- Involvement of weapons, drugs and/or alcohol.
- Location of incident reported.
- Identification of members assigned as primary and backup.
- Time of dispatch.
- Time of the responding member's arrival.
- Time of member's return to service.
- Disposition or status of reported incident.

### **802.8 CONFIDENTIALITY**

Information that becomes available through Dispatch may be confidential or sensitive in nature. All members of Dispatch shall treat information that becomes known to them as confidential and release that information in accordance with the Protected Information Policy.

Automated data, such as DOL records, warrants, criminal history information, records of internal police files or medical information, shall only be made available to authorized law enforcement personnel.



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# Property and Evidence

## 803.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

## 803.2 DEFINITIONS

**Property** - Includes all items of evidence, items taken for safekeeping and found property.

**Evidence** - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

**Safekeeping** - Includes the following types of property:

- Property obtained by the Department for safekeeping such as a firearm.
- Personal property of an arrestee not taken as evidence.
- Property taken for safekeeping under authority of a law.

**Found Property** - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

## 803.3 PROPERTY HANDLING

Any employee who first comes into possession of any property, shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room and the appropriate entry is made in the Longarm Reporting System. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The Longarm property report must be completed to document the release of property not booked.

### 803.3.1 PROPERTY BOOKING PROCEDURE

All property shall be placed under the control of the Evidence/ID unit prior to the employee going off-duty. Employees booking property shall observe the following guidelines:

- (a) Complete the property form describing each item of property separately, listing all serial numbers, owner's name and other identifying information or markings.
- (b) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored, as shown in the evidence best practices book.
- (c) Place the barcode number in the upper right hand corner of the bag.
- (d) When the property is too large to be placed in a locker, the item may be retained in the green evidence container.

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### 803.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a separate property record.

The officer seizing the narcotics and dangerous drugs shall place them in an evidence intake locker.

Safety is always important when handling unknown materials. Guidelines for handling drugs/narcotics change frequently. Check for updated handling procedures in Training Bulletins and in the evidence room's best practices book.

### 803.3.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the shift supervisor. The Hazardous Devices Unit (HDU) will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for storage. HDU is responsible for transporting and destruction of fireworks and any item(s) impounded as a potential explosive device. HDU will do destruction on a regular basis with the assistance of the Evidence and Identification Supervisor.

### 803.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

- (a) Bodily fluids such as blood or semen stains shall be air dried prior to booking.
- (b) All bicycles and bicycle frames require a property record. Property tags will be attached loosely to each bicycle at the handlebar or the bicycle frame as shown in the evidence best practices manual.
- (c) All cash/coin shall be impounded separate from other property. All cash/coin shall be documented on a CASH/COIN IMPOUNDED/FORFEITED accounting form and signed by the impounding officer and one witness. All cash over the amount of \$500.00 shall be witnessed by a shift supervisor. The Evidence and Identification Sergeant shall be notified of any cash amount over \$2,500.00 being impounded.

City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

### 803.3.5 PROPERTY SUBJECT TO FORFEITURE

Whenever property seized by the Bellingham Police Department is subject to forfeiture, specific notification procedures must be followed. It shall be the responsibility of the assigned officer, detective, or the Evidence and Identification Specialist to ensure that the following notifications are completed.

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The owner of the property will be notified of the seizure and intended forfeiture of the seized property within 15 days following the seizure. Notification includes any person having any known right or legal interest in the seized property, including any community property interest. The notice of the seizure may be made by any method authorized by law (RCW 10.105.010).

The notification will include the legal reason for the seizure and information regarding how to appeal the pending forfeiture.

Notification procedures for property seized under Asset Forfeiture (RCW 69.50.505) are detailed in the Asset Forfeiture Policy.

### **803.3.6 STORAGE OF SURRENDERED FIREARMS**

Officers shall accept and store a firearm from any individual who has surrendered firearms under RCW 9.41.800 (Surrender of weapons), the Extreme Risk Protection Order Act, or after being detained under RCW 71.05.150 or RCW 71.05.153. The officer receiving the firearm shall:

- (a) Record the individual's name, address, and telephone number.
- (b) Record the firearm's serial number.
- (c) Record the date that the firearm was accepted for storage.
- (d) Prepare a property receipt form and provide a copy to the individual who surrendered the firearm.
  - 1. If the firearm was surrendered pursuant to the Extreme Risk Protection Order Act, the original receipt should be forwarded promptly to the Records Manager for timely filing with the court (RCW 7.94.090).

The Evidence and Identification Specialist shall store a firearm accepted pursuant to this policy.

### **803.3.7 FOUND PROPERTY**

Found property surrendered to the Bellingham Police Department shall be handled as required by RCW 63.21.050.

### **803.4 PACKAGING OF PROPERTY**

Certain items require special consideration and shall be booked separately as follows:

- (a) Narcotics and dangerous drugs.
- (b) Firearms (ensure they are unloaded and booked separately from ammunition).
- (c) Property with more than one known owner.
- (d) Fireworks.
- (e) Contraband.

#### **803.4.1 PACKAGING CONTAINER**

Employees shall package all property, except narcotics and dangerous drugs in a suitable container available for its size. Syringe tubes and needles will not be impounded, but destroyed in

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an approved bio-hazard sharps container. The destruction will be documented. Weapons such as firearms and knives shall be impounded as shown in the Evidence Best Practices Manual.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

### **803.4.2 PACKAGING NARCOTICS**

The officer seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged, and placed in an evidence intake locker. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the officer's report.

Narcotics and Dangerous drugs shall be packaged in a white 9x12 envelope or appropriate sized brown paper bag available in the Impound Intake Room. The envelope/bag shall be sealed with red BPD Evidence seal tape. The edges of the Evidence Tape shall have the impounding officer's initials and badge number on one side and the date on the opposite side of the Evidence Tape.

The writing shall be both on the Evidence Tape and on the paper surface.

A completed property tag shall be attached to the upper right of the evidence packaging leaving approximately 1 1/2" to 2" for the Red Evidence Tape.

All drugs/narcotics shall be weighed/counted for quantity and recorded in the property form. The evidence/destruction package shall then be sealed as required and weighed for Total Package Weight (TPW) and this weight recorded in the property form before printing off the evidence tag and attaching the evidence tag to the sealed package. All weights must be done using a certified calibrated scale.

Safety is always important when handling unknown materials. Guidelines for handling drugs/narcotics change frequently. Check for updated handling procedures in Training Bulletins and in the evidence room's best practices book.

### **803.5 RECORDING OF PROPERTY**

The Evidence and Identification Specialist receiving custody of evidence or property shall record where the property will be stored in the Longarm reporting system/Property reporting system.

A property number shall be obtained for each item or group of items. This number shall be recorded on property tag and in the Longarm reporting system/Property reporting system.

Any changes in the location of property held by the Bellingham Police Department shall be noted in the Longarm reporting system/Property reporting system.

### **803.6 PROPERTY CONTROL**

Each time the Evidence and Identification Specialist receives property or releases property to another person, he/she shall enter this information into the Longarm reporting/Property reporting system. Officers desiring property for court shall contact the Evidence and Identification Specialist at least one day prior to the court day.

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### 803.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry in the property disposition shall be completed to maintain the chain of possession. No property or evidence is to be released without first receiving written authorization from a supervisor, detective or prosecutor.

Request for analysis for all evidence needing analysis shall be completed on the test section of Longarm/Property reporting system and submitted to the Evidence and Identification Specialist. This request may be filled out any time after impounding of the property or evidence.

### 803.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time on the property disposition and the request for laboratory analysis.

The Evidence and Identification Specialist releasing the evidence must complete the required information in the property disposition and the evidence. The lab form(s) (Request for Laboratory Examination or RFLE) will be transported with the property to the examining laboratory. Upon delivering the item involved, the delivering officer will record their signature, delivery time and date on the RFLE at the direction of the Crime Lab employee receiving the evidence. The RFLE will then be signed and dated by the receiving lab employee and a copy given the delivering officer. The original copy of the lab form will remain with the evidence and the copy will be returned to the Evidence and Identification Specialist for filing with the case.

### 803.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes, or for court, shall be noted in the property disposition, stating the date, time and to whom released.

The Evidence and Identification Specialist shall obtain the signature of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to impound or properly released to another authorized person or entity. When releasing property to another authorized person or entity, the signature of the receiving person shall be obtained on a release form or chain of custody form provided by the Evidence/ID Unit.

The return of the property should be recorded in the property disposition, indicating date, time, and the person who returned the property.

### 803.6.4 AUTHORITY TO RELEASE PROPERTY

The Investigation Unit in conjunction with any assigned prosecutor shall authorize the disposition or release of all evidence and property that has come into the care and custody of the Department.

### 803.6.5 RELEASE OF PROPERTY

The Bellingham Police Department shall make every effort to return personal property that is in the possession of this department when such property is not considered evidence of a crime or is no longer needed as evidence. In such cases, the Evidence and Identification Specialist shall

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make a reasonable attempt to identify the lawful owner, or legal custodian and provide written notice via US Mail within 15 days after the property is authorized to be released.

If the property remains unclaimed beyond sixty days after the initial written notice to the property owner/legal custodian, or, in the case of property held as evidence, sixty days from the date when the case has been finally adjudicated and the property has been released as evidence by order of the court, the Department may ([RCW 63.32.010](#); [RCW 63.40.010](#)):

- (a) At any time thereafter sell the property at public auction to the highest and best bidder for cash in the manner provided by [RCW 63.32](#) or [RCW 63.40](#). The disposition of all proceeds from such auctions shall be accounted for and recorded according to law. ([RCW 63.32.030](#)).
- (b) Retain the property for the use of the Department subject to giving notice in the manner prescribed in [RCW 63.32.020](#) (or [RCW 63.40.020](#)) and the right of the owner, or the owner's legal representative, or legal custodian to reclaim the property within one year after receipt of notice, without compensation for ordinary wear and tear if, in the opinion of the Chief of Police, the property consists of firearms or other items specifically usable in law enforcement work, provided that at the end of each calendar year during which there has been such a retention, the Department shall provide the City's elected body and retain for public inspection a list of such retained items and an estimation of each item's replacement value. At the end of the one-year period any unclaimed firearm shall be disposed of pursuant to [RCW 9.41.098\(2\)](#).
- (c) Destroy an item of personal property at the discretion of the Chief of Police if he/she determines that the following circumstances have occurred:
  - 1. The property has no substantial commercial value, or the probable cost of sale exceeds the value of the property; and
  - 2. The item has been unclaimed by any person after notice procedures have been met, as prescribed in this section; and
  - 3. The Chief of Police has determined that the item is unsafe and unable to be made safe for use by any member of the general public.

If the item is not unsafe or illegal to possess or sell, it may, after satisfying the notice requirements as prescribed in [RCW 63.32.020](#), be offered by the Chief of Police to bona fide dealers, in trade for law enforcement equipment. Such equipment shall be treated as retained property for purpose of annual listing requirements of the RCW. Such items may be destroyed at the discretion of the Chief of Police if he/she believes that it has been, or may be used in a manner that is illegal ([RCW 63.32.010](#)).

The Evidence and Identification Specialist shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on an electronic signature pad which captures the signature in the Longarm Reporting System/Property Reporting System or on a paper Property Release Form. If using the Property Release Form it shall be turned in to the Evidence and Identification Unit for scanning in the case file

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### **803.6.6 DISPUTED CLAIMS TO PROPERTY**

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Department may wish to file an interpleader to resolve the disputed claim.

### **803.6.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS**

The Evidence Unit will be responsible for the storage, control, and destruction of all narcotics and dangerous drugs coming into the custody of this department.

### **803.6.8 PROPERTY DEPICTING A MINOR ENGAGED IN SEXUALLY EXPLICIT CONDUCT**

No property or material that depicts a minor engaged in sexually explicit conduct shall be copied, photographed or duplicated. Such material shall remain under the control of this department or the court and shall be made reasonably available for inspection by the parties to a criminal proceeding involving the material with exception of the authorized officer(s), who may need to copy the material for investigative purposes. The defendant may only view these materials while in the presence of his/her attorney or an individual appointed by the court either at this department or a neutral facility as approved by the court ([RCW 9.68A.001](#)). Any request for inspecting such material should be brought to the attention of the assigned investigator or an investigation supervisor.

## **803.7 DISPOSITION OF PROPERTY**

All personal property, other than vehicles governed by Chapter 46.52 RCW, not held for evidence in a pending criminal investigation or proceeding, and held for 60 days or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The Evidence and Identification Specialist should request a disposition or status on all property which has been held in excess of 60 days, and for which no disposition has been received from a supervisor or detective (RCW 63.32.010; RCW 63.40.010).

### **803.7.1 RETURN OF FIREARMS**

Prior to the return of a privately owned firearm, the Evidence and Identification Specialist shall ensure confirmation of the following (RCW 9.41.345):

- (a) The individual to whom the firearm is to be returned is the individual from whom the firearm was obtained, an authorized representative of the individual, or other person identified by a court order.
- (b) The individual is eligible to possess a firearm pursuant to RCW 9.41.080.
- (c) The firearm is not required to be held in custody or prohibited from release.
- (d) Twenty-four hours has elapsed from the time the firearm was obtained by law enforcement or five business days if the firearm was seized in connection with a domestic violence call under RCW 10.99.030.
- (e) Notification is made to those family or household members who have requested notification pursuant to established Bellingham Police Department protocol (RCW 9.41.340).



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1. Firearms shall be held in custody for 72 hours from the time notification is provided.

If a firearm or dangerous weapon was surrendered or lawfully seized pursuant to a protection order issued under RCW 9A.41.800 and is to be returned to a person other than the individual from whom the firearm or dangerous weapon was obtained, the Evidence and Identification Specialist shall determine that the person is the lawful owner and obtain a written agreement, signed by the lawful owner under the penalty of perjury, that the firearm or dangerous weapon will be stored in a manner to prevent the individual from whom the firearm or dangerous weapon was obtained, from accessing, controlling, or possessing the firearm or dangerous weapon (Chapter 245 § 2, 2019 Laws).

Upon confirmation that the individual is eligible to possess a firearm and any applicable notifications are complete, the firearm shall be released to the individual or authorized representative upon request without unnecessary delay.

If a firearm cannot be returned because it is required to be held in custody or is otherwise prohibited from release, written notice shall be provided to the individual within five business days of the date the individual requested return of the firearm. The written notice shall include the reason the firearm must remain in custody.

### 803.7.2 RELEASE OF FIREARMS IN EXTREME RISK PROTECTION ORDER MATTERS

If an extreme risk protection order is terminated or expires without renewal, a firearm taken or surrendered pursuant to the order shall be returned to the person after ([RCW 7.94.100](#)):

- (a) Confirming through a background check that the person is currently eligible to possess the firearm under federal and state law.
- (b) Confirming with the court that the extreme risk protection order is no longer in effect.
- (c) Notice has been provided to a family or household member who requested notification.

If an individual other than the restrained person claims title to any firearms surrendered or taken into custody, and that individual is determined to be the lawful owner and a lawful possessor of the firearm, the firearm shall be returned to that individual provided that he/she agrees to store the firearm in a manner that prevents the restrained person from access ([RCW 7.94.090](#)).

Any firearm surrendered by a respondent pursuant to [RCW 7.94.090](#) that remains unclaimed by the lawful owner shall be disposed of in accordance with this agency's policies and procedures for the disposal of firearms in policy custody ([RCW 7.94.100](#)).

### 803.7.3 SEXUAL ASSAULT KITS

Untested and unreported sexual assault kits shall not be disposed of or destroyed and shall be retained by the Bellingham Police Department or transferred to the Washington State Patrol as required by Chapter 93 § 8, 2019 Laws.

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### **803.7.4 RELEASE OF FIREARMS AFTER EMERGENT DETENTION**

Firearms surrendered pursuant to Chapter 247 § 1, 2019 Laws (surrender of firearms after emergent detention) shall be returned in compliance with the provisions of RCW 9A.41.345 as long as the six-month suspension period has expired or the person's right to possess firearms has been restored, whichever is sooner (Chapter 247 § 1, 2019 Laws).

### **803.8 INSPECTIONS OF THE EVIDENCE ROOM**

- (a) On a monthly basis, the supervisor of the evidence custodian shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.
- (b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief of Police. The inspections shall include an audit of evidence, prescribed in scope and at the direction of the Chief of Police, by a supervisor not routinely or directly connected with evidence control.
- (c) Whenever a change is made in personnel who have access to the evidence room, an inventory of all evidence/property shall be made by an individual not associated to the property room or function to ensure that records are correct and all evidence property is accounted for.

#### **803.8.1 PROPERTY BUREAU SECURITY**

Access to the Bellingham Police Department Evidence and Identification Unit is restricted to authorized department personnel only. It shall be the responsibility of the Evidence and Identification Sergeant to control all access to the Evidence and Identification Unit.

The Evidence and Identification Sergeant shall maintain a log of all persons entering the secured area of the Evidence and Identification Unit. Personnel, other than those assigned to the Evidence and Identification Unit, who have legitimate business in the secured area will be required to record their name, date, time and purpose of entry.

## Pharmaceuticals Take Back Program

### 804.1 PURPOSE AND SCOPE

Several agencies throughout the state of Washington have started "drug take back" programs to help educate the community about the dangers of medications, both controlled substances and non-controlled substances, to provide safe locations for our citizens to take medications that they no longer need, thereby removing potential abuse by others, as well as provide a system of destroying the household medications by way of incineration, which help keep these contaminants from entering our water system.

The city of Bellingham Public Works Operations and Bellingham Police recognize the importance of both providing education about the dangers of these medications, providing a safe avenue for disposal, and are working in partnership to prevent these contaminants from entering our water system.

The program described is to comply with [U.S. 21 CFR 1307.21](#), allowing persons to dispose of legally possessed controlled substances.

### 804.2 TYPES OF DRUGS ACCEPTED AND LOCATIONS

Pre-selected locations will be utilized as collection points for this program. Type of medication will determine the agency and collection location.

- (a) The City of Bellingham Public Works and pre-selected participating pharmacies will be collection points for the following types of drugs:
  - 1. Prescription medications and medication samples, which DO NOT contain narcotics.
  - 2. Medications for pets.
  - 3. Medicated ointments/lotions.
  - 4. Over the counter medications.
  - 5. Vitamins.
  - 6. Inhalers.
  - 7. EpiPen ( Unopened only).
- (b) The Bellingham Police Department will be a collection point for the following types of drugs:
  - 1. Narcotics (Oxycodone, Vicodin, Codeine, etc) which are legally manufactured.
- (c) The following items **WILL NOT BE ACCEPTED** :
  - 1. Needles/syringes
  - 2. Thermometers
  - 3. IV Bags or bloody infectious waste
  - 4. Personal care products

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5. Hydrogen peroxide/other chemicals
6. Aerosol cans
7. EpiPens ( used)
8. Glass /metals
9. Business waste
10. Any mercury products
11. Any Iodine products

Refer person to FDA's website " [www.fda.gov](http://www.fda.gov)" for proper disposal instructions for above items not accepted.

All illegal drugs possession will be handled via a criminal investigation as set forth in [RCW 69.50](#) and also applicable agency policies.

### **804.3 BELLINGHAM POLICE DRUG COLLECTION RECEPTACLE**

In regards to the Bellingham Police Department, the drug collection receptacle will be placed in an area under control of law enforcement staff and will be free from unsupervised access by the general public. Staff members shall control the access flow to the collection receptacle by citizens, by supervising the sorting of unacceptable items from the drugs by the citizen as well as watching the citizen place the drugs in the receptacle.

A specific locking drug collection receptacle will be selected in cooperation with the City of Bellingham Public Works and the Bellingham Police Department. The collection receptacle will be a large free standing device, similar to a mailbox,(which shall be permanently bolted to the floor), shall have (2) external locks, and a deposit slot for placing the medications inside. Cardboard boxes designed to fit inside the receptacle will be placed inside to ease inventory and disposal portion of the process. Keys for the collection receptacle shall remain with the Evidence/ Identification division.

Directions regarding the eligible and ineligible products that can go into the receptacle, deposit procedures, and a resource guide on what to do with ineligible items will be posted near or with the collection receptacle.

### **804.4 TRAINING, EQUIPMENT, AND SUPPLIES**

All police staff members that will be involved in the program and having contact with citizens that are accessing these collection boxes will be provided training by the Bellingham Police Department and City of Bellingham Public Works. Training will cover the protocols and safety measures.

All collection boxes, cardboard boxes to fit inside collection receptacles, self-sealing plastic bags, scale for weighing full collection cardboard box, written instructions, handouts and information guides will be provided by the City of Bellingham Public Works.

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Collection receptacle keys will remain in the secure restricted access area of the Evidence/Identification Division of the Bellingham Police Department.

### **804.5 PROGRAM PROCEDURES**

1. When a citizen walks into the police station where the "Pharmaceutical Take Back Program" collection receptacle is present, and presents the items they wish to place in the receptacle, the following events will take place:

- (a) A duly authorized and certified law enforcement officer will supervise the collection. The Public Service Officer's office will have the self-sealing plastic bags and black marker available for the citizen's use.
- (b) The officer will hand the citizen one of the self-sealing plastic bags and a black permanent marker to allow the citizen to mark over their name and any other sensitive information.
- (c) The officer tells the citizen to place the entire bottle(s) into the bag and seal it. The officer also makes sure no "prohibited" items are placed in the self-sealing plastic bag.
- (d) The officer then directs the citizen to carry their plastic bag to the collection receptacle and watches the citizen place the bag inside the receptacle.
- (e) The officer should never have to touch any of the items brought in for disposal.
- (f) No individual police report is required for the deposit.

2. If a citizen brings in more bottles than can fit into a plastic bag, the officer may provide as many plastic bags as needed to be able to close each plastic bag, prior to being placed into the collection receptacle.

3. If a citizen brings in a bottle which is too large for the collection receptacle, the officer may provide the citizen with a few plastic bags and instruct the citizen to take the bags home, where they may pour the medications from the bottle into the plastic bags, seal them and return them to the police department, where they can then be placed into the collection receptacle.

4. If the citizen is presenting items that are ineligible for disposal (mercury, iodine and other prohibited items), the officer will give the citizen one of the provided hand outs, which will instruct them on other resources for safe disposal.

5. If a citizen presents illicitly manufactured controlled substances (including, but not limited to: marijuana, heroin, cocaine, methamphetamine, MDMA, and LSD), the officer shall follow the standard procedures implemented under [RCW 69.50](#), along with procedures implemented by his/her agency for the collection and handling of illegal controlled substances.

6. Officers and Evidence/Identification staff will be responsible for monitoring the collection receptacle and supplies at the Bellingham Police Department. The Evidence/Identification division will notify the City of Bellingham Public Works when additional supplies are needed. The City of Bellingham Public Works will be responsible for the maintenance of the equipment and purchase of additional supplies.

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7. When the collection receptacle's cardboard box is full (the capacity of the contents in the collection box can be viewed by looking through the transparent window), the Evidence/Identification division will be notified to remove the cardboard box and replace with a new one.
8. The box exchange process will require that two Evidence/Identification staff are present when the collection receptacle is unlocked and cardboard boxes are exchanged. The full cardboard box removed from the collection receptacle will be closed and sealed with evidence tape. Both Evidence/Identification staff members will initial and date the evidence tape seal. The box will then be weighed and impounded into evidence for destruction.
9. The sealed full box of medications will be destroyed under guidelines which comply with Bellingham Police policy and all applicable federal and state laws and regulations. This includes documentation of the weight upon transport for destruction.

# Records

## 805.1 PURPOSE AND SCOPE

The Records Manager shall maintain the Department Records Bureau Procedures Manual on a current basis to reflect the procedures being followed within the Records Bureau. Policies and procedures that apply to all employees of this department are contained in this chapter.

### 805.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically within the Records Bureau by Records Bureau personnel.

Reports are numbered commencing with the last two digits of the current year followed by the letter "B", and a sequential number beginning with 00001 starting at 0001 hours after midnight on the first day of January of each year. As an example, case number 09B00001 would be the first new case beginning January 1, 2009.

### 805.1.2 UNIFORM CRIME REPORTING

The Bellingham Police Department participates in the Uniform Crime Reporting Program (UCR) and/or the National Incident Based Reporting System (NIBRS). The Records Manager is responsible for ensuring that UCR/NIBRS reports are provided to the Washington Association of Sheriffs and Police Chiefs (WASPC) on a regular basis.

### 805.1.3 ELECTRONIC RECORDS MANAGEMENT SYSTEM

The Bellingham Police Department created a comprehensive records management system known as LONGARM to electronically house all information related to case reports and other police file systems. This includes, but is not limited to: reports, property, vehicles, people, arrest files (adult and juvenile), protection orders, warrants, case management, CAD information, reporting, personnel, and database security.

## 805.2 FILE ACCESS AND SECURITY

All reports including, but not limited to, initial, supplemental, follow-up, evidence, and all reports critical to a case shall be maintained in a secure area within the Records Bureau accessible only to authorized Records Bureau personnel. Access to report files after hours or when records personnel are otherwise not available may be obtained through the shift supervisor.

Bellingham Police Department employees shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether hard copy or electronic file format, except in accordance with department policy and with a legitimate law enforcement or business purpose or as otherwise permissible by law.

### 805.2.1 REQUESTING ORIGINAL REPORTS

Generally, original reports shall not be removed from the Records Bureau. Should an original report be needed for any reason, the requesting employee shall first obtain authorization from the Records Manager. All original reports removed from the Records Bureau shall be recorded on the

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Report Check-Out Log, which shall constitute the only authorized manner by which an original report may be removed from the Records Bureau.

### **805.2.2 RECORDS CONCERNING JUVENILES**

The Records Manager shall be responsible for ensuring that the following files, when involving juveniles, are distinguishable from adult files:

- Photos
- Fingerprints
- Booking information
- Any report in which a juvenile is named as a suspect in a crime.

Upon receiving notification from the Office of the Governor that a specific juvenile has received a full and unconditional pardon, the Records Manager shall ensure that all records pertaining to that juvenile are destroyed within 30 days ([RCW 13.50.270](#)).

### **805.3 USE OF A CENTRAL COMPUTERIZED ENFORCEMENT SERVICE SYSTEM (ACCESS)**

ACCESS is a computer-controlled communications system located at the 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 the Washington Crime Information Center (WACIC). There are specific requirements for agencies accessing the information in the group of computer systems in ACCESS.

#### **805.3.1 ACCESS USE REQUIREMENTS**

No member of the Bellingham Police Department shall operate any of the ACCESS systems without first complying with the training requirements as listed in the ACCESS manual.

#### **805.3.2 ACCESS REQUIREMENTS**

As an authorized ACCESS user, the Bellingham Police Department complies with all of the following ACCESS requirements:

- Warrant entry
- Receiving information from outside agencies
- Recording information
- Verifying information
- Canceling information
- Providing 24-hour access to agency warrants

It is the responsibility of the Records Manager to ensure that all ACCESS computer and network security requirements are in place and operational.



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#### 805.3.3 ACCESS USER STATEMENT

All department personnel who have access to, or are operators of, the ACCESS system shall sign a police department ACCESS user statement and abide by its directives.

Once signed, ACCESS statements shall be maintained by the Chief's office in personnel files.

Information acquired through ACCESS is only to be used for authorized law enforcement purposes.

#### 805.3.4 ACCESS PRIVILEGES REVOKED UPON LATE RECERTIFICATION

WSP does not allow late recertification. Upon notification by the Records Bureau Manager, ACCESS privileges will be revoked when an operator has failed to recertify in a timely manner. The operator will be prohibited from terminal usage and required to attend the next available class in order to recertify.

#### 805.3.5 ACCESS TECHNICAL AGENCY COORDINATOR RESPONSIBILITIES

The Records Bureau Manager is the technical agency coordinator for the department, including the secondary physical site at What-comm. Responsibilities by contract include NCIC validations, point of contact person for day to day ACCESS/WACIC/NCIC matters, knowledge of contractual agreements with ACCESS and NCIC, maintenance of personnel documentation including operator licensing, recertification and dissemination (CHRI) statements.

#### 805.3.6 PERSONNEL SECURITY BACKGROUND RE-INVESTIGATIONS

ACCESS requires all personnel who use or work on the connection to ACCESS to have a rebackground investigation conducted every five years. This mirrors the CJIS Security Policy recommendation and includes all Bellingham Police employees as well as specifically identified City of Bellingham Information Technology employees. Backgrounds are conducted by the department Records Manager, or assigned TAC.

This investigation ensures employees' continued eligibility to use and receive information from ACCESS. Subsequent events not readily known to the agency could affect an operators use of ACCESS. ACCESS denies certification and use of the system to anyone with a felony conviction. If a record is found during the background check, the Deputy Chief of Services will review the record for content and the Records Manager or assigned TAC will notify the ACCESS section.

**Conduct Checks** : The following checks must be conducted to complete the rebackground checks:

- a. QWH ,“ Inquire on the Name and Date of Birth.
  - i. Use Purpose Code J.
  - ii. Use rebackground as the reason.
- b. QR ,“ Inquire on the SID and/or FBI obtained from the QWH transaction.
  - i. Use Purpose Code J.
  - ii. Use rebackground as the reason.

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**Logging Requirements** : Keep a log of all personnel SID numbers and the date of the rebackground investigation for future ACCESS audits.

### **805.4 OFFICER SAFETY ADVISORIES**

A Violent Person File (VPF) database is maintained by the National Crime Information Center (NCIC) and is intended to provide protection to police, corrections or other criminal justice officers. Individuals who represent a potential threat to officers may be entered into the Washington Crime Information Center (WACIC) when they have previously exhibited assaultive or threatening behavior during contacts by law enforcement.

To qualify for entry, one or more of the following conditions must be met (WACIC Manual Chapter 29.01 II,A):

- (a) The offender has been convicted for assault or murder/homicide of a law enforcement officer, fleeing, resisting arrest or any such statute which involves violence against law enforcement.
- (b) The offender has been convicted of a violent offense against a person to include homicide and attempted homicide.
- (c) The offender has been convicted of a violent offense against a person where a firearm or weapon was used.
- (d) A law enforcement agency, based on its official investigatory duties, reasonably believes that the individual has seriously expressed his/her intent to commit an act of unlawful violence against a member of the law enforcement or criminal justice community.

Officers who encounter a person who he/she believes is a threat to officer safety should submit a report detailing the circumstances of the contact and nature of the threat for entry as an Officer Safety Advisory.

All Officer Safety Advisories are subject to approval by the Chief of Police or his/her designee.

Once approved, the Records Bureau is responsible for making the appropriate entry into WACIC.

Whenever an Officer Safety Advisory is initiated by the Bellingham Police Department, it is the responsibility of the Records Manager to ensure that a copy of the supporting documentation and the authorized statement signed by the Chief of Police are maintained in a separate file. Supporting documentation may include the crime report, officer's supplemental report, mental health report or other similar documentation.

### **805.5 RECORDS BUREAU SECURITY**

The records bureau is considered a secure area and has restricted access due to the nature of information and systems physically maintained within. Contractual policies with the FBI govern these restrictions as it relates to the integrity of the federal communication system.

Full access to the records bureau is granted to authorized department personnel, including commissioned and non-commissioned employees. Limited access to the records bureau is given

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to department volunteers, and certain city employees, as authorized by the Records Bureau Manager, or her/his designee.

Other law enforcement and governmental representatives must have prior permission from the Records Bureau Manager, or her/his designee, to access the records bureau and must be accompanied by department personnel.

Family members of department personnel, visitors, and tour groups are prohibited from entering the records bureau. The Records Bureau Manager, or her/his designee can make exceptions to this policy. In that event, department personnel must accompany the visitor and each visitor will be required to sign a confidentiality statement prior to entering the restricted area.

### **805.6 RECORDS INTEGRITY AND SECURITY**

It is the responsibility of the Records Bureau Manager to assure that all police records, including criminal history record information, are collected, stored, and disseminated in a manner to ensure the accuracy, completeness, currency, integrity, and security of such information and to protect individual privacy. The Records Bureau Manager is the responsible authority for maintaining the integrity of all police record information.

It is the responsibility of every employee of the department to protect all police record information against unauthorized access, ensuring confidentiality of the information in accordance with all laws, policies, regulations, and established standards.

All computers in use must be maintained in such a way that the public is unable to view the screens that may contain confidential data.

Control of data on screens pertains specifically to any area in which the public may have access, including but not limited to the business office reception area, public service office, mobile data terminals, and remote satellite stations. Computers should be locked when not in use, particularly in the aforementioned areas.

Criminal record information systems, whether dedicated to criminal justice purposes, or shared, will be designed and operated in accordance with procedures that will ensure protection against unauthorized access.

It is the responsibility of all division managers, supervisors, and lead personnel to ensure that personnel abide by this policy.

### **805.7 ACCESS TO RECORDS**

The Records Bureau Manager is responsible for the authorization of all users as well as determining levels of access within police file information and/or computer systems, including requests to add, modify, or delete access. Modifications to security access levels within the department's records management system shall be requested through the records bureau manager and signed by the respective employee and their immediate supervisor responsible. Training for new security levels is the responsibility of the employee's supervisor.

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Full access to police information is permitted to all screened and authorized department personnel. Limited access to police information is granted to screened and authorized department volunteers, specifically designated city employees, contractors or vendors.

Information required in the performance of duty by an employee, volunteer, or other agency, shall be used for authorized law enforcement purposes only.

The confidentiality of all information shall be maintained regardless of origin; verbal, electronic, or mechanical reproduction. Information shall not be disseminated except in accordance with department policy, through the records bureau, when required by court order, and/or by statute. While some data may be public record, a great deal of criminal history record information is not suitable for dissemination. Dissemination of any police record is the responsibility of the records bureau manager and designated personnel.

Users shall not disclose or use for their personal interest, any confidential information acquired in the course of their official duties. Users shall not allow any unauthorized persons access to any system. Users shall not disclose their computer password to anyone but a network administrator. No user shall write or store their password where other personnel can view or obtain the password.

Every individual that has the ability to view, access or use police file information and/or computer systems shall be required to sign a confidentiality statement and an ACCESS user statement, (if applicable) acknowledging their understanding of potential consequences for violations or misuse. Department employee confidentiality statements shall be maintained in personnel files by the chief's office while all other statements shall be maintained by the Records Bureau Manager.

#### **805.8 ACCESS BY OUTSIDE AGENCIES**

Access to certain police systems by other agencies is generally arranged through interlocal agreement, for the purposes of information sharing. All inquiries about information sharing will be directed to the records bureau manager for determining what programs will be shared and the level of access that other agencies may be given.

##### **805.8.1 OUTSIDE AGENCIES PROOF OF BACKGROUND CHECK**

Agency department heads who request access to police systems must first demonstrate proof that their agency has performed the appropriate background process on each employee, including the submission of fingerprints and issuance of a state identification number through Washington State Patrol. If proof cannot be obtained, the agency must complete the background before access will be granted. The background process shall include criminal history checks at the local, state, and national level, by computer and fingerprint submission.

In limited cases where the other agency cannot proceed with a background process, a screening application may be submitted to the records bureau manager for each employee requiring access.

All other agency employees shall sign a confidentiality statement prior to approval by the Records Bureau Manager.

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The Chief of Police has the discretion to reject or terminate access to police systems due to an unsuitable background clearance.

All files related to other agency access are to be maintained by the Records Bureau Manager.

### **805.9 SUPPLEMENTAL CASE FILE DOWNLOADED INTO LONGARM**

Supplemental files that are not created from within LONGARM are scanned or downloaded into the system and filed electronically within each related case report. Source documentation (original) is stored according to scan date and prepared for retention and transfer to records bureau archives monthly.

#### **805.9.1 RECORDS BUREAU ARCHIVES - FILES MAINTAINED**

While police files (cases) are accessed electronically department-wide, other paper files that may or may not be related to actual cases, are maintained in the records bureau archives. This list includes but is not limited to, wanted persons, protection orders, homicide files, stolen vehicles and guns, officer safety files, missing persons, concealed pistol licenses, UCR reports, background checks, and city licenses. Department employees are encouraged to have a specialist from the records bureau assist them in accessing these files. If an employee requires a file to be removed from the records bureau for review, it must be checked out by a specialist.

#### **805.9.2 RETENTION AND DESTRUCTION OF RECORDS**

The Bellingham Police Department complies with the WA State Records Retention Schedule.

### **805.10 PHYSICAL PROTECTION**

#### **805.10.1 TERMINAL AGENCY COORDINATOR (TAC)**

The TAC serves as the point-of-contact at the Bellingham Police Department for matters relating to CJIS information access. The TAC administers CJIS systems programs within the agency and oversees the agency's compliance with FBI and state CJIS systems policies.

#### **805.10.2 INFORMATION TECHNOLOGY (IT) POINT OF CONTACT (POC)**

Each IT POC shall:

1. Identify who is using the state approved hardware, software, and firmware and ensure no unauthorized individuals or processes have access to the same.
2. Identify and document how the equipment is connected to the state system.
3. Ensure that personnel security screening procedures are being followed as stated in this policy.
4. Ensure the approved and appropriate security measures are in place and working as expected.
5. Support policy compliance and ensure the ACCESS Section is promptly informed of security incidents.

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### 805.10.3 INFORMATION TECHNOLOGY SUPPORT

In coordination with above roles, all vetted IT support staff will protect CJI from compromise at the Bellingham Police Department by performing the following:

1. Protect information subject to confidentiality concerns in systems, archived, on backup media, and until destroyed. Know where CJI is stored, printed, copied, transmitted and planned end of life. CJI is stored on laptops, mobile data terminals (MDTs), computers, servers, tape backups, CDs, DVDs, thumb drives, RISC devices and internet connections as authorized by the Bellingham Police Department. For agencies who submit fingerprints using Live Scan terminals, only Live Scan terminals that receive CJI back to the Live Scan terminal will be assessed for physical security.
2. Be knowledgeable of required Bellingham Police Department technical requirements and policies taking appropriate preventative measures and corrective actions to protect CJI at rest, in transit and at the end of life.
3. Take appropriate action to ensure maximum uptime of CJI and expedited backup restores by using agency approved best practices for power backup and data backup means such as generators, backup universal power supplies on CJI-based terminals, servers, switches, etc.
4. Properly protect the Bellingham Police Department's CJIS system(s) from viruses, worms, Trojan horses, and other malicious code (real-time scanning and ensure updated definitions).
  - a. Install and update antivirus on computers, laptops, MDTs, servers, etc.
  - b. Scan any outside non-agency owned CDs, DVDs, thumb drives, etc., for viruses, if the Bellingham Police Department allows the use of personally owned devices.
5. Data backup and storage centralized or decentralized approach.
  - a. Perform data backups and take appropriate measures to protect all stored CJI.
  - b. Ensure only authorized vetted personnel transport off-site tape backups or any other media that store CJI that is removed from physically secured location.
  - c. Ensure any media released from the Bellingham Police Department is properly sanitized / destroyed.
6. Timely application of system patches as part of configuration management.
  - a. The agency shall identify applications, services, and information systems containing software or components affected by recently announced software flaws and potential vulnerabilities resulting from those flaws.
7. Access control measures
  - a. Address least privilege and separation of duties.
  - b. Enable event logging of:
    - i. Successful and unsuccessful system log-on attempts.

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- ii. Successful and unsuccessful attempts to access, create, write, delete or change permission on a user account, file, directory or other system resource.
- iii. Successful and unsuccessful attempts to change account passwords.
- iv. Successful and unsuccessful actions by privileged accounts.
- v. Successful and unsuccessful attempts for users to access, modify, or destroy the audit log file.
- c. Prevent authorized users from utilizing publicly accessible computers to access, process, store, or transmit CJI. Publicly accessible computers include but are not limited to: hotel business center computers, convention center computers, public library computers, public kiosk computers, etc.
- 8. Account Management in coordination with TAC
  - a. Agencies shall ensure that all user IDs belong to currently authorized users.
  - b. Keep login access current, updated and monitored. Remove or disable terminated or transferred or associated accounts.
  - c. Authenticate verified users as uniquely identified.
  - d. Prevent multiple concurrent active sessions for one user identification, for those applications accessing CJI, unless the agency grants authority based upon operational business needs.
  - e. Not use shared generic or default administrative user accounts or passwords for any device used with CJI.
  - f. Passwords
    - i. Be a minimum length of eight (8) characters on all systems.
    - ii. Not be a dictionary word or proper name.
    - iii. Not be the same as the Userid.
    - iv. Expire within a maximum of 90 calendar days.
    - v. Not be identical to the previous ten (10) passwords.
    - vi. Not be transmitted in the clear or plaintext outside the secure location.
    - vii. Not be displayed when entered.
    - viii. Ensure passwords are only reset for authorized user.
- 9. Network infrastructure protection measures.
  - a. Take action to protect CJI-related data from unauthorized public access.
  - b. Control access, monitor, enabling and updating configurations of boundary protection firewalls.
  - c. Enable and update personal firewall on mobile devices as needed.

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- d. Ensure confidential electronic data is only transmitted on secure network channels using encryption and \*advanced authentication when leaving a physically secure location. No confidential data should be transmitted in clear text
  - e. Ensure any media that is removed from a physically secured location is encrypted in transit by a person or network.
  - f. Not use default accounts on network equipment that passes CJI like switches, routers, firewalls.
  - g. Make sure law enforcement networks with CJI shall be on their own network accessible by authorized personnel who have been vetted by the Bellingham Police Department. Utilize Virtual Local Area Network (VLAN) technology to segment CJI traffic from other noncriminal justice agency traffic to include other city and/or county agencies using same wide area network.
10. Communicate and keep the Bellingham Police Department informed of all scheduled and unscheduled network and computer downtimes, all security incidents and misuse. The ultimate information technology management control belongs to Bellingham Police Department.

### **805.11 COURT ORDERS**

The Records Manager shall see that no-contact orders received from the court are entered into the WACIC or other applicable criminal intelligence information system for one year or until the expiration date specified on the order. Upon receipt of notice that an order has been terminated, the Records Manager shall see that the order is removed from the applicable system ([RCW 9A.40.102](#); [RCW 9A.40.104](#); [RCW 9A.40.106](#)).



# Media Protection and Disposal

## 806.1 PURPOSE AND SCOPE

The intent of the Media Protection and Disposal Policy is to ensure the protection of the Criminal Justice Information (CJI) until such time as the information is either released to the public via authorized dissemination (e.g. within a court system or when presented in crime reports data), or is purged or destroyed in accordance with applicable record retention rules. These rules are in place to protect sensitive and classified information, employees, and the Bellingham Police Department. As such, the inappropriate disposal of Bellingham Police Department and FBI Criminal Justice Information (CJI) and media may put employees, Bellingham Police Department and the FBI at risk.

The scope of this policy applies to any electronic or physical media containing FBI Criminal Justice Information (CJI) while being stored, accessed or physically moved from a secure location from the Bellingham Police Department. This policy applies to any authorized person who accesses, stores, and / or transports electronic or physical media. Transporting CJI outside the agency's assigned physically secure area must be monitored and controlled.

Authorized Bellingham Police Department personnel shall protect and control electronic and physical CJI while at rest and in transit. The Bellingham Police Department will take appropriate safeguards for protecting CJI to limit potential mishandling or loss while being stored, accessed, or transported. Any inadvertent or inappropriate CJI disclosure and/or use will be reported to the Bellingham Police Department IT point of contact. Procedures shall be defined for securely handling, transporting and storing media.

## 806.2 MEDIA STORAGE AND ACCESS

Controls shall be in place to protect electronic and physical media containing CJI while at rest, stored, or actively being accessed. "Electronic media" includes memory devices in laptops and computers (hard drives) and any removable, transportable digital memory media, such as magnetic tape or disk, backup medium, optical disk, flash drives, external hard drives, or digital memory card. "Physical media" includes printed documents and imagery that contain CJI.

To protect CJI, the Bellingham Police Department personnel shall:

1. Securely store electronic and physical media within a physically secure or controlled area. A secured area includes a locked drawer, cabinet, or room.
2. Restrict access to electronic and physical media to authorized individuals.
3. Ensure that only authorized users remove printed form or digital media from the CJI.
4. Physically protect CJI until media end of life. End of life CJI is destroyed or sanitized using approved equipment, techniques and procedures.
5. Not use personally owned information system to access, process, store, or transmit CJI unless the Bellingham Police Department has established and documented the specific terms and conditions for personally owned information system usage.

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6. Not utilize publicly accessible computers to access, process, store, or transmit CJI. Publicly accessible computers include but are not limited to: hotel business center computers, convention center computers, public library computers, public kiosk computers, etc.
7. Store all hardcopy CJI printouts maintained by the Bellingham Police Department in a secure area accessible to only those employees whose job function require them to handle such documents.
8. Safeguard all CJI by the Bellingham Police Department against possible misuse by complying with the appropriate agency policies and laws.
9. Take appropriate action when in possession of CJI while not in a secure area:
  - a. CJI must not leave the employee's immediate control. CJI printouts cannot be left unsupervised while physical controls are not in place.
  - b. Precautions must be taken to obscure CJI from public view, such as by means of an opaque file folder or envelope for hard copy printouts. For electronic devices like laptops, use session lock use and /or privacy screens. CJI shall not be left in plain public view. When CJI is electronically transmitted outside the boundary of the physically secure location, the data shall be immediately protected using encryption.
    - i. When CJI is at rest (i.e. stored electronically) outside the boundary of the physically secure location, the data shall be protected using encryption. Storage devices include external hard drives from computers, printers and copiers used with CJI. In addition, storage devices include thumb drives, flash drives, back-up tapes, mobile devices, laptops, etc.
    - ii. When encryption is employed, the cryptographic module used shall be certified to meet FIPS 140-2 standards.
10. Lock or log off computer when not in immediate vicinity of work area to protect CJI. Not all personnel have same CJI access permissions and need to keep CJI protected on a need-to-know basis.
11. Establish appropriate administrative, technical and physical safeguards to ensure the security and confidentiality of CJI.

### **806.3 MEDIA TRANSPORT**

Controls shall be in place to protect electronic and physical media containing CJI while in transport (physically moved from one location to another) to prevent inadvertent or inappropriate disclosure and use. "Electronic media" means electronic storage media including memory devices in laptops and computers (hard drives) and any removable, transportable digital memory media, such as magnetic tape or disk, backup medium, optical disk, flash drives, external hard drives, or digital memory card.

Dissemination to another agency is authorized if:

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1. The other agency is an Authorized Recipient of such information and is being serviced by the accessing agency, or
2. The other agency is performing personnel and appointment functions for criminal justice employment applicants.

The Bellingham Police Department personnel shall:

1. Protect and control electronic and physical media during transport outside of controlled areas.
2. Restrict the pickup, receipt, transfer and delivery of such media to authorized personnel.

The Bellingham Police Department personnel will control, protect, and secure electronic and physical media during transport from public disclosure by:

1. Use of privacy statements in electronic and paper documents.
2. Limiting the collection, disclosure, sharing and use of CJI.
3. Following the least privilege and role based rules for allowing access. Limit access to CJI to only those people or roles that require access.
4. Securing hand carried confidential electronic and paper documents by:
  - a. Storing CJI in a locked briefcase or lockbox.
  - b. Only viewing or accessing the CJI electronically or document printouts in a physically secure location by authorized personnel.
  - c. For hard copy printouts or CJI documents:
    - i. Package hard copy printouts in such a way as to not have any CJI information viewable.
    - ii. That are mailed or shipped, agency must document procedures and only release to authorized individuals. DO NOT MARK THE PACKAGE TO BE MAILED CONFIDENTIAL. Packages containing CJI material are to be sent by method(s) that provide for complete shipment tracking and history, and signature confirmation of delivery. (Agency Discretion)
5. Not taking CJI home or when traveling unless authorized by Bellingham Police Department LASO. When disposing confidential documents, use a shredder

### **806.4 ELECTRONIC MEDIA SANITIZATION AND DISPOSAL**

The agency shall sanitize, that is, overwrite at least three times or degauss electronic media prior to disposal or release for reuse by unauthorized individuals. Inoperable electronic media shall be destroyed (cut up, shredded, etc.). The agency shall maintain written documentation of the steps taken to sanitize or destroy electronic media. Agencies shall ensure the sanitization or destruction is witnessed or carried out by authorized personnel. Physical media shall be securely disposed of when no longer required, using formal procedures.

# Records Maintenance and Release

## 808.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

## 808.2 POLICY

The Bellingham Police Department is committed to providing public access to records in a manner that is consistent with the Washington Public Records Act ([RCW 42.56.001](#) et seq.).

## 808.3 PUBLIC RECORDS OFFICER

The Chief of Police shall designate a Public Records Officer ([RCW 42.56.580](#)). The responsibilities of the Public Records Officer include, but are not limited to:

- (a) Managing the records management system for the Department, including the retention, archiving, release and destruction of department public records.
- (b) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records.
  - 1. Rules and procedures for public inspection and copying shall be prominently displayed and made available to the public for inspection and copying ([RCW 42.56.040](#)).
- (c) Maintaining and making available for public inspection and copying an index of documents that provides identifying information of certain documents identified in [RCW 42.56.070](#) that are maintained by the Department.
- (d) Maintaining and updating the department records retention schedule including:
  - 1. Identifying the minimum length of time the Department must keep records.
  - 2. Identifying the department division responsible for the original record.
- (e) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (f) Ensuring a current list containing every law that exempts or prohibits disclosure of specific information or records of the Department is available to the public ([RCW 42.56.070](#)).
- (g) Establishing rules regarding the processing of subpoenas for the production of records.
- (h) Ensuring the availability of a current schedule of fees for public records as allowed by law ([RCW 42.56.070](#); [RCW 42.56.120](#); [RCW 42.56.130](#)).
- (i) Ensuring that the business hours for record inspection or copying are posted on the department's website and made known by other means designed to provide the public with notice ([RCW 42.56.090](#)).

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- (j) Ensuring that the name and contact information of the Public Records Officer is visible to the public, including the department website and appropriate department publications ([RCW 42.56.580](#)).

### **808.4 PROCESSING REQUESTS FOR PUBLIC RECORDS**

Any department member who receives a request for any record shall route the request to the Public Records Officer or the authorized designee.

#### **808.4.1 REQUESTS FOR RECORDS**

The processing of requests for any record is subject to the following:

- (a) The Department is not required to create records that do not exist.
- (b) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.
  - 1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.
- (c) Requests to inspect or copy records shall be responded to promptly. Within five business days of receiving the request, one of the following responses shall be made ([RCW 42.56.520](#)):
  - 1. Providing the record.
  - 2. Providing the Internet address and link of the department website to the specific records requested.
    - (a) If the requester notifies the Department that access cannot be obtained through the Internet, then copies of the record shall be provided or the requester may view the records on the department computer.
  - 3. Acknowledging the receipt of the request and providing a reasonable estimate of time the Department will require to respond to the request. Additional time may be required to respond based upon:
    - (a) The need to clarify the intent of the request.
    - (b) The need to locate and assemble the information requested.
    - (c) Notification to third persons or agencies affected by the request.
    - (d) Determination whether any of the information requested is exempt.
  - 4. Acknowledging the receipt of the request and asking the requester for clarification if the request is not clear and providing the requester a reasonable estimate of the time that will be needed to respond if the request is not clarified. If the requester does not respond, and the entire request is unclear, the

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Department need not respond. If only part of the request is unclear, the Department shall respond to those portions of the request that are clear.

### 808.4.2 DENIALS

- (a) The denial shall be accompanied by a written statement that includes the specific exemption and a brief explanation of how the exemption applies to the withheld record ([RCW 42.56.210](#)).
- (b) Requests that are denied are subject to judicial review and the burden of proof is on the Department to show that the records requested are exempt or prohibited in whole or part by statute ([RCW 42.56.550](#)).

### 808.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

- (a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any [departmentoffice] record, including traffic collision reports, are restricted except as authorized by the [DepartmentOffice], and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).
- (b) Personnel records that contain personal information to the extent that disclosure would violate privacy rights (RCW 42.56.230; RCW 42.56.250).
- (c) Specific intelligence and specific investigative records regarding the discipline of a member of any profession where nondisclosure is essential for effective law enforcement or for the protection of any person's right to privacy (RCW 42.56.240).
- (d) Victim and witness information revealing the identity of persons who file complaints if disclosure would endanger the person's life, physical safety, or property (RCW 42.56.240).
- (e) Child victim and witness identity information including name, address, recordings, and photographs (RCW 7.69A.030; RCW 42.56.240).
- (f) Concealed pistol license applications or information on the applications unless release is to law enforcement or corrections agencies under RCW 9.41.070.
- (g) Information revealing the specific details of the alleged assault, identity, or contact information of a child victim of sexual assault who is under age 18. Identifying information means the child victim's name, address, location, photograph, and in cases in which the child victim is a relative, stepchild, or stepsibling of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Contact information includes phone numbers, email addresses, social media profiles, and usernames and passwords (RCW 10.97.130; RCW 42.56.240).
- (h) Personal identifying information collected relating to local security alarm system programs and vacation crime watch programs (RCW 42.56.240).

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- (i) Certain criminal history record information as restricted by the Criminal Records Privacy Act (RCW 10.97.040 et seq.).
- (j) Traffic collision reports except for what is authorized by RCW 46.52.080 and RCW 46.52.083.
- (k) Preliminary drafts, notes, recommendations, or intra-agency memorandums in which opinions are expressed, or policies formulated, or recommended (RCW 42.56.280).
- (l) Records that are relevant to a controversy (threatened, actual, or completed litigation) to which the [DepartmentOffice] is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts (RCW 42.56.290).
- (m) Security records including but not limited to records relating to preparing and responding to criminal terrorist acts; vulnerability assessments and emergency and escape plans of secured facilities; information regarding infrastructure and security of computer and telecommunications networks; system security and emergency preparedness plans; and as further defined in RCW 42.56.420.
- (n) Global positioning system data that indicates the location of a member's residence or of a public employee or volunteer (RCW 42.56.240; RCW 42.56.250).
- (o) Information contained in a local, regional, or statewide gang database (RCW 42.56.240).
- (p) Body worn camera recordings that violate a person's right to privacy (RCW 42.56.240)
- (q) Personal identifying information, or information regarding citizenship or immigration status, of any victim of criminal activity or trafficking who is requesting certification for a U or T visa, except where allowed by law (RCW 7.98.020).
- (r) Personal identifying information about an individual's religious beliefs, practices, or affiliation (RCW 42.56.235).
- (s) Investigative records compiled by the [DepartmentOffice] regarding possible unfair practices of discrimination under RCW 49.60.010 et seq. or possible violation of other federal, state, or local laws or Bellingham Police Department internal policies during an active and ongoing investigation (RCW 42.56.250).
  - 1. Records may be released upon completion of the investigation as allowed under RCW 42.56.250.
- (t) Any other information that may be appropriately denied by Washington law.

### **808.6 SUBPOENAS AND DISCOVERY REQUESTS**

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Public Records Officer for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

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Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the Prosecuting Attorney, City Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

### **808.7 RELEASED RECORDS TO BE MARKED**

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the department name and to whom the record was released.

Each audio/video recording released should include the department name and to whom the record was released.

### **808.8 TRAINING**

The Public Records Officer shall complete a training program consistent with the Attorney General's model rules within 90 days of assuming responsibilities for public records and complete refresher training as required ([RCW 42.56.152](#)).

### **808.9 SECURITY BREACHES**

Members who become aware that any Bellingham Police Department system containing personal information may have been breached should notify the Public Records Officer as soon as practicable.

The Public Records Officer shall ensure the required notice is given to any resident of this state whose unsecured personal information is reasonably believed to have been acquired by an unauthorized person ([RCW 42.56.590](#)).

Notice shall be given as soon as reasonably practicable but may be delayed if notification will impede a criminal investigation.

For the purposes of the notice requirement, personal information includes an individual's first name or first initial and last name in combination with any one or more of the following:

- (a) Social Security number
- (b) Driver's license number or Washington identification card number
- (c) Full account number, credit or debit card number, or any required security code, access code or password that would permit access to an individual's financial account

If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the Public Records Officer should promptly notify the appropriate member designated to oversee the security of protected information (see the Protected Information Policy).



## Protected Information

### 809.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Bellingham Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

#### 809.1.1 DEFINITIONS

Definitions related to this policy include:

**Protected information** - Any information or data that is collected, stored or accessed by members of the Bellingham Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

### 809.2 POLICY

Members of the Bellingham Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

### 809.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Licensing (DOL) records and the Washington Crime Information Center (WACIC).
- (b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.
- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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### **809.4 ACCESS TO PROTECTED INFORMATION**

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Bellingham Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

#### **809.4.1 PENALTIES FOR MISUSE OF RECORDS**

It is a misdemeanor to furnish, buy, receive or possess criminal history record information without authorization by Washington law ([RCW 10.97.120](#)).

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of the Standards of Conduct Policy.

Employees who obtain, or attempt to obtain, information from the department files other than that to which they are entitled in accordance with their official duties is a violation of the Standards of Conduct Policy.

### **809.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION**

Protected information may be released only to authorized recipients who have both a right to know and a need to know ([RCW 10.97.050](#)).

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Manager for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Bureau to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

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### **809.5.1 REVIEW OF CRIMINAL OFFENDER RECORD**

An individual may review his/her criminal history record information held by this department after complying with established department requirements as authorized by [RCW 10.97.080](#).

### **809.6 RELIGIOUS AFFILIATION DISCLOSURE**

Members shall not release personal information from any agency database for the purpose of investigation or enforcement of any government program compiling data on individuals based on religious belief, practice, affiliation, national origin, or ethnicity (RCW 42.60.020).

### **809.7 SECURITY OF PROTECTED INFORMATION**

The Chief of Police will select a member of the [DepartmentOffice] to oversee the security of protected information.

The responsibilities of this position include but are not limited to:

- (a) Developing and maintaining security practices, procedures, and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis, and containment of security incidents, including computer attacks.
- (d) Tracking, documenting, and reporting all breach of security incidents to the Chief of Police and appropriate authorities (RCW 19.255.010; RCW 42.56.590).

#### **809.7.1 MEMBER RESPONSIBILITIES**

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

### **809.8 TRAINING**

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

# Computers and Digital Evidence

## 810.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

## 810.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

- (a) Photograph each item as needed, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access and document if found.
- (b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.
- (c) If the computer is off, do not turn it on.
- (d) If the computer is on, do not click on anything or examine any files.
  - 1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
  - 2. If the computer is running a Microsoft Windows operating system, disconnect the power cable from the back of the computer box. If the computer is a portable notebook style, remove the battery from the device prior to disconnecting any power cables from the case.
  - 3. If the computer is running an operating system other than a Microsoft based operating system, such as Mac OSX or Linux, shut the computer down using normal means.
- (e) Label each impound item with case number, evidence barcode number, and item number.
- (f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.
- (g) Lodge all computer items in the Property Room. Do not store computers where normal room temperature and humidity is not maintained.
- (h) At minimum, officers should document the following in related reports:
  - 1. Where the computer was located and whether or not it was in operation.

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2. Who was using it at the time.
  3. Who claimed ownership.
  4. If it can be determined, how it was being used.
- (i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives, and disk drives) should be seized along with all media. Accessories (printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless relevant to the investigation or as a precursor to forfeiture.

### **810.2.1 BUSINESS OR NETWORKED COMPUTERS**

A reasonable effort shall be made to ascertain whether or not a computer in the process of seizure belongs to, or is being used by a business or external network. If a computer in the process of being seized does belong to, or is being used by a business or external network, officers should contact a certified forensic computer examiner for instructions or a response to the scene.

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should only be done by someone specifically trained in processing computers for evidence.

### **810.2.2 FORENSIC EXAMINATION OF COMPUTERS**

If an examination of the contents of the computer's hard drive, or floppy disks, compact discs, or any other storage media is required, forward the following items to a computer forensic examiner:

- (a) Copy of report(s) involving the computer, including the Evidence/Property sheet.
- (b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation.
- (c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).
- (d) A forensic copy of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

### **810.3 SEIZING DIGITAL STORAGE MEDIA**

Digital storage media (e.g., hard discs, floppy discs, CDs, DVDs, tapes, memory cards, flash memory devices) should be seized and stored in a manner that will protect them from damage.

- (a) If the media has a write-protection tab or switch, it should be activated and documented in the report that this has been done.
- (b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request the Computer Forensic examiner to copy the contents to an appropriate form of storage media.

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- (c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.
- (d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.
- (e) Use plastic cases or other protective packaging designated to protect the media to prevent damage.

### **810.4 SEIZING PCDS**

Personal communication devices such as cell phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images. If such a device is going to be seized and impounded for processing:

- (a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.
- (b) Do not turn the device on or off. The device should be placed in a solid metal container such as a paint can or in a Faraday bag, to prevent the device from sending or receiving information from its host network.
- (c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.

### **810.5 DIGITAL EVIDENCE RECORDED BY OFFICERS**

Officers handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

#### **810.5.1 COLLECTION OF DIGITAL EVIDENCE**

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Original video and audio files will not be altered in any way.

#### **810.5.2 SUBMISSION OF DIGITAL MEDIA**

The following are required procedures for the submission of digital media used by cameras or other recorders:

- (a) The recording media (smart card, compact flash card or any other media) shall be brought to the Evidence and Identification Unit as soon as possible for submission into evidence.
- (b) Officers are not authorized to review or copy memory cards. The evidence technicians are the only employees authorized to copy and/or distribute digital media made from the memory cards.

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- (c) As soon as possible following the collection of evidence, an Investigator or Evidence Technician is to download the images into the relevant case report in Longarm.
- (d) Officers requiring a copy of the digital files must request a copy via email to Evidence and Identification Technicians.

### 810.5.3 PRESERVATION OF DIGITAL EVIDENCE

- (a) Only qualified computer forensic examiners, video analysts, or evidence technicians are authorized to copy original digital media that is held as evidence. The original digital media shall remain in evidence and shall remain unaltered.
- (b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.
- (c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

## **Chapter 9 - Custody**



# Custodial Searches

## 900.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Bellingham Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

### 900.1.1 DEFINITIONS

Definitions related to this policy include:

**Custody search** - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

**Physical body cavity search** - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

**Strip search** - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

## 900.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

## 900.3 FIELD AND TRANSPORTATION SEARCHES

An officer shall conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

## *Custodial Searches*

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### **900.4 SEARCHES AT POLICE FACILITIES**

Custody searches shall be conducted on all individuals in custody, upon entry to the Bellingham Police Department facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

#### **900.4.1 PROPERTY**

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

Any cash taken at the time of booking shall be counted by both the arresting officer and the corrections deputy receiving the prisoner; all money should be counted in front of the individual from whom it was received if at all possible. This shall be documented on a form listing the cash by denomination and shall be signed by both the arresting officer and the corrections deputy receiving the prisoner in order to acknowledge the cash taken and received. All received property shall be impounded under the guidelines of Policy 803 - Property and Evidence.

### **900.5 STRIP SEARCHES**

No individual in temporary custody at any Bellingham Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband that constitutes a threat to the facility. Probable cause is required for a strip search when there is a belief the individual is concealing on his/her body evidence not constituting a threat to the facility ([RCW 10.79.130](#)).

Factors to be considered in determining reasonable suspicion or probable cause include, but are not limited to ([RCW 10.79.140](#)):

- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.
- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
  - 1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

## *Custodial Searches*

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- (c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).
- (d) The individual's actions or demeanor.
- (e) Criminal history (i.e., level of experience in a custody setting).
- (f) The nature of the offense.

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner ([28 CFR 115.115](#)).

### 900.5.1 RESTRICTIONS

Strip searches should be limited to those situations where such searches are necessary. Reasonable efforts to use less intrusive methods, such as pat-downs, electronic metal detector or clothing searches shall be made prior to any strip search ([RCW 10.79.060](#); [RCW 10.79.140](#)).

### 900.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following:

- (a) No individual shall be subjected to a physical body cavity search without written approval of the shift supervisor and only upon a search warrant. If authorization from the shift supervisor is received electronically, it shall be printed and signed by the shift supervisor as soon as possible ([RCW 10.79.080](#)). A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).
- (b) Only a qualified physician, registered nurse or physician's assistant may conduct a physical body cavity search ([RCW 10.79.100](#)).
- (c) Except for the qualified physician, registered nurse or physician's assistant conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (e) All such searches shall be documented, including ([RCW 10.79.080](#)):
  - 1. The facts that led to the decision to perform a physical body cavity search of the individual.
  - 2. The reasons less intrusive methods of searching were not used or were insufficient.
  - 3. The shift supervisor's approval.
  - 4. A copy of the search warrant.

## *Custodial Searches*

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5. The time, date, location and description of the search.
  6. The medical personnel present.
  7. The names, sex and roles of any department members present.
  8. A statement of the results of the search and a list of any contraband or weapons discovered by the search.
- (f) A copy of the written authorization shall be retained and made available to the individual who was searched or other authorized representative upon request.
- (g) Before any physical body cavity search is authorized or conducted, a thorough pat-down search, a thorough electronic metal-detector search and a thorough clothing search, as appropriate, must be used. No physical body cavity search shall be authorized or conducted unless these other methods do not satisfy the safety, security or evidentiary concerns of the department ([RCW 10.79.080](#)).
- (h) The shift supervisor may allow the individual to have a readily available witness, of the individual's choosing, present at the time the search is conducted. The person chosen shall not be currently in custody or present an unreasonable security risk ([RCW 10.79.100](#)).

### **900.7 ARREST SEARCHES**

Whenever an Officer places someone under arrest, a thorough search for weapons, dangerous items, contraband and evidence shall be conducted.

This search will normally be conducted after handcuffing and prior to detaining any person in a police vehicle, booking at the jail, or putting any arrested person in a station interview room.

Whenever practical, a search of an individual should be conducted by an officer of the same sex as the person being searched. Absent the availability of a same sex officer, it is recommended that a witness officer be present during any search of an individual of the opposite sex as the searching officer.

### **900.8 TRANSPORTATION OF ARRESTEES/PRISONERS**

Whenever an arrestee/prisoner is transported from one facility to another facility, by a member of this department, the transporting officer shall be responsible for the following:

- (a) Verify the identity of each arrestee/prisoner to be transported matches any PC statement, warrant or booking paperwork.
- (b) Ensure that all pertinent documentation accompanies the arrestee/prisoner such as copies of medical records (fit for jail), itemized list of arrestee's property (especially those taken and documented on a certificate of search), warrant copies..etc.
- (c) Ensure that any known threat or danger the arrestee/prisoner may pose, such as escape risk, suicide potential, or medical condition, is given to the booking officer upon your arrival to the facility. The transporting officer shall ensure such threat or danger is communicated to the intake personnel at the facility.

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## *Custodial Searches*

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- (d) An arrestee who the officer has reason to believe is pregnant or recovering postpartum should not be handcuffed or restrained by the wrists, ankles or both unless it is reasonably necessary for the safety of the arrestee, officers, or others.

# Biological Samples

## 901.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from an individual in conjunction with a criminal investigation. Nor does it apply to biological samples collected from those required to register, for example, as sex offenders.

## 901.2 POLICY

The Bellingham Police Department will assist in the expeditious collection of required biological samples from offenders in accordance with the laws of this state and with as little reliance on force as practicable.

## 901.3 OFFENDERS SUBJECT TO BIOLOGICAL SAMPLE COLLECTION

The following offenders must submit a biological sample (RCW 43.43.754):

- (a) An offender convicted of any felony offense.
- (b) An offender convicted of assault in the fourth degree where domestic violence as defined in RCW 9.94A.030 was pleaded and proven (RCW 9A.36.041).
- (c) An offender convicted of assault in the fourth degree with sexual motivation (RCW 9A.36.041; RCW 9.94A.835).
- (d) An offender convicted of communication with a minor for immoral purposes (RCW 9.68A.090).
- (e) An offender convicted of custodial sexual misconduct in the second degree (RCW 9A.44.170).
- (f) An offender convicted of failure to register as a sex or kidnap offender (RCW 9A.44.040 et seq.).
- (g) An offender convicted of harassment (RCW 9A.46.020).
- (h) An offender convicted of patronizing a prostitute (RCW 9A.88.110).
- (i) An offender convicted of sexual misconduct with a minor in the second degree (RCW 9A.44.096).
- (j) An offender convicted of stalking (RCW 9A.46.110).
- (k) An offender who violates a sexual assault protection order granted under RCW 7.90.005 et seq.
- (l) An offender convicted of indecent exposure (RCW 9A.88.010).

## *Biological Samples*

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### 901.3.1 OPTIONAL SUBMISSION OF BIOLOGICAL SAMPLES

The Bellingham Police Department may submit biological samples to the forensic laboratory services of the Washington State Patrol of an offender who is deceased and who was previously convicted of a qualifying offense regardless of the date of conviction (RCW 43.43.754(1)).

### 901.4 PROCEDURE

When an offender is required to provide a biological sample, a trained member shall attempt to obtain the sample in accordance with this policy.

#### 901.4.1 COLLECTION

The following steps should be taken to collect a sample:

- (a) Verify that the offender is required to provide a sample pursuant to RCW 43.43.754.
- (b) Verify that a biological sample has not been previously collected from the offender by querying the person's Washington State criminal history records. There is no need to obtain a biological sample if one has been previously obtained (RCW 43.43.754).
- (c) Use the designated collection kit provided by the Washington State Patrol to perform the collection and take steps to avoid cross contamination.

### 901.5 USE OF FORCE TO OBTAIN SAMPLES

If an offender refuses to cooperate with the sample collection process, members should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order or approval of legal counsel, and only with the approval of a supervisor.

Methods to consider when seeking voluntary compliance include contacting:

- (a) The individual's parole or probation officer, when applicable.
- (b) The prosecuting attorney to seek additional charges against the individual for failure to comply or to otherwise bring the refusal before a judge.
- (c) The judge at the individual's next court appearance.
- (d) The individual's attorney.
- (e) A chaplain.
- (f) Another custody facility with additional resources, where the individual can be transferred to better facilitate sample collection.
- (g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available. The supervisor shall review and approve any plan to use force and be present to document the process.

The supervisor shall review and approve any plan to use force and be present to document the process.

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### *Biological Samples*

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#### 901.5.1 VIDEO RECORDING

A video recording should be made any time force is used to obtain a biological sample. The recording should document all persons participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the established records retention schedule.

#### **901.6 LEGAL MANDATES AND RELEVANT LAWS**

Washington law provides for the following:

##### 901.6.1 AVAILABLE INFORMATION AND TRAINING

The evidence unit supervisor should maintain relevant informational material from the Washington State Patrol in the evidence impound booking area of the Bellingham Police Department for training and guidance purposes. This should include the "Protocol for the Collection of Biological Sample for the Convicted Felon DNA Program," prepared by the Washington State Patrol Crime Laboratory Division ([WAC 446-75-060](#)).



## **Chapter 10 - Personnel**

# Recruitment and Selection

## 1000.1 POLICY

In accordance with applicable federal, state, and local law, the Bellingham Police Department provides equal opportunities for applicants and employees, regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, or any other protected class or status. The Bellingham Police Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Bellingham Police Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

## 1000.2 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Bellingham Police Department and that are promulgated and maintained by the Department of Human Resources.

## 1000.3 RECRUITMENT

The Office of Professional Responsibility Lieutenant should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive Bellingham Police Department website and the use of Bellingham Police Department-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.
- (e) Employee referral and recruitment incentive programs.
- (f) Consideration of shared or collaborative regional testing processes.

The Division Lieutenant shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Division Lieutenant should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

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## *Recruitment and Selection*

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### **1000.4 SELECTION PROCESS**

The Bellingham Police Department shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the Bellingham Police Department shall employ a comprehensive screening, background investigation and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
- (b) Driving record (to include COB policy FLT 05-00)
- (c) Reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state and federal criminal history record checks
- (h) Polygraph examination (when legally permissible) administered by a qualified technician (RCW 43.101.095; WAC 139-07-040)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment). The medical examination shall be performed by a licensed physician and shall include a drug screen. The psychological examination shall be conducted by a licensed psychologist.

### **1000.5 BACKGROUND INVESTIGATION**

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Bellingham Police Department (RCW 43.101.095). Proof a background investigation was performed will be submitted to the Washington State Criminal Justice Training Commission.

#### **1000.5.1 NOTICES**

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

#### **1000.5.2 REVIEW OF SOCIAL MEDIA SITES**

Due to the potential for accessing unsubstantiated, private or protected information, the Office of Professional Responsibility Lieutenant shall not require candidates to provide passwords, account information or access to password-protected social media accounts (RCW 49.44.200).

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## *Recruitment and Selection*

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The Office of Professional Responsibility Lieutenant should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate and validated.
- (c) The Bellingham Police Department fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Office of Professional Responsibility Lieutenant should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

### **1000.5.3 DOCUMENTING AND REPORTING**

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file. These files shall be stored in a secured manner and made available only to those who are authorized to participate in the selection process.

### **1000.5.4 RECORDS RETENTION**

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

### **1000.6 DISQUALIFICATION GUIDELINES**

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

## *Recruitment and Selection*

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### **1000.7 EMPLOYMENT STANDARDS**

All candidates shall meet the minimum standards required by state law (RCW 43.101.095; RCW 43.101.200). Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the [DepartmentOffice] and the community.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

#### **1000.7.1 STANDARDS FOR OFFICERS**

Candidates shall meet the following minimum standards established by the Washington State Criminal Justice Training Commission (WSCJTC) (RCW 43.101.095):

- (a) Be eligible for WSCJTC certification
- (b) Submit to a psychological evaluation
- (c) Submit to a polygraph examination
- (d) Submit to a criminal history check
- (e) Not been convicted of a felony offense

### **1000.8 SECURITY OF APPLICANT FILES**

All applicant files will be secured and available only to those who are authorized to participate in the selection process.

## Evaluation of Employees

### 1001.1 PURPOSE AND SCOPE

The Department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

### 1001.2 POLICY

Employee performance evaluations will be written based on job related factors specific to the position occupied by the employee without regard to sex, race, color, or creed. Each evaluation will cover a specific period and should be based on performance during that period. The employee's immediate supervisor will complete each evaluation. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

Each evaluator will be trained on the performance dimensions to be assessed, and will be prepared to counsel and comment on their employee's performance. This training will be accomplished through the City of Bellingham Department of Human Resources and the Washington State Criminal Justice Training Commission when possible.

Each supervisor should discuss the tasks of the position, standards of performance expected, and the evaluation rating criteria with each employee at the beginning of the rating period. Mutual Goals, Plan of Action and a Training/Education Plan shall be documented on the employee's Performance Review. A "Mid-Point of Review Period" will also be documented on the employee's performance review at the appropriate time. When a non-probationary employee's job performance falls below the established standards of the job, the supervisor should, as soon as practical advise the employee in writing in order to provide an opportunity for the employee to improve performance. The involved employee will be provided the opportunity to initial any such writing and respond in writing within 30 days, if desired. Failure to meet established performance standards is justification for an unsatisfactory rating. Rating factors that are not observed are assumed to be performed at a standard level.

### 1001.3 EVALUATION FREQUENCY

Employees are evaluated based on the following chart:

Position	Evaluated Monthly	Evaluated Yearly	Length of Probation
Probationary Civil-Service Employees (Post FTO for commissioned Personnel)	X		1 Year in full performance police officer classification

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## *Evaluation of Employees*

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Non-Probationary Civil- Service Employees		X	
Probationary Civilian Employees	X		1 Year
Non-Probationary, Civilian Employees		X	

### **1001.4 FULL TIME PROBATIONARY PERSONNEL**

Civilian personnel are on probation for 12 months before being eligible for certification as permanent employees. An evaluation is completed monthly for all full-time civilian personnel during the probationary period.

Sworn personnel are on probation for 12 months following placement into the full performance police officer classification before being eligible for certification as permanent employees. Post FTO, Probationary officers are evaluated monthly during the remainder of the probationary period.

### **1001.5 FULL-TIME PERMANENT STATUS PERSONNEL**

Permanent employees are subject to three types of performance evaluations:

**Regular** - Each employee shall be evaluated by their immediate supervisor annually. Employees will be evaluated using the evaluation systems:

- The Bellingham Police Department Performance Review shall be used for all employees who are not involved in position training or field training.
- The Management Performance Review shall be used for all Supervisory Personnel.

**Transfer** - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer, then an evaluation shall be completed by the current supervisor with input from the previous supervisor.

**Special** - A special evaluation may be completed any time the rater and the rater's supervisor feel one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (action plan, remedial training, retraining, etc.). The evaluation form and the attached documentation shall be submitted as one package.

#### **1001.5.1 RATINGS CRITERIA**

Evaluators shall follow the dimensions listed on the specific evaluation tool used.

Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses, and suggestions for improvement. Any rating under any job dimension marked "unsatisfactory," "needs improvement" or "exceeds expectations" shall be substantiated in the rater comments section.

## *Evaluation of Employees*

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### **1001.6 EVALUATION INTERVIEW**

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the just completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation.

Each employee shall be provided the opportunity to sign their performance evaluation, noting they have read it. Any employee may attach comments concerning the rating or narrative received. These comments may be written in the "employee comment" box on the evaluation or may be in memo form and addressed to the Chief of Police, for inclusion with the performance review.

### **1001.7 EVALUATION REVIEW**

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the rater's supervisor. The rater's supervisor shall review the evaluation for fairness, impartiality, uniformity, and consistency.

### **1001.8 EVALUATION DISTRIBUTION**

A copy of the two most recent original performance evaluations shall be maintained in the employee's personnel file in the office of the Chief of Police. A copy will be given to the employee and a the original will be forwarded to City Department of Human Resources.

### **1001.9 REMEDIAL TRAINING**

When an employee fails to perform a job function at the level prescribed in this policy manual, a "performance improvement plan" may be necessary to ensure that employee has the knowledge and skills necessary to perform at an acceptable level.

Whenever an employee receives an evaluation rating of "needs improvement" or other unacceptable rating, or receives a written warning to document a performance deficiency, the supervisor should consult with his/her lieutenant to discuss moving forward with a documented performance improvement plan to help facilitate the employee in improving performance. The creation of the performance improvement plan shall be a collaborative effort of the supervisor, supervisor's lieutenant, and police department Human Resources representative.

- (a) If a performance improvement plan is deemed to be appropriate, the "performance improvement plan" template, found in the COB "Supervisor's Toolkit" shall be used. The performance improvement plan (PIP), shall include the following information:
  - 1. A description of the employee's current performance.



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## *Evaluation of Employees*

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2. A description of the standard not being met by the employee AND the timeline for success.
  3. The training, mentoring, and other help that will be used to improve the performance, and bring the employee up to the performance standard.
  4. A schedule of follow-up meetings to monitor performance.
  5. A description of what will occur if the performance standard is not met by the timeline established.
- (b) Prior to implementing the remedial training, the supervisor shall present the PIP to the employee who shall then be provided with ten calendar days to respond with any objections or other comments.
  - (c) If the employee fails to provide a timely written response or expresses no desire to respond, the employee's date and signature shall be affixed to the PIP as agreement to its terms.
  - (d) If the employee provides a timely written response, any objections shall be adjudicated in accordance with the department's grievance procedure.
  - (e) Completed PIPs will be attached to the year-end evaluation.

The remedial training process is for use with all employees. It is not limited to use with probationary employees.

### **1001.10 RETENTION PERIOD**

The retention period of performance evaluations will be in compliance with City Policy.

## Patrol 1040s schedule

### 1002.1 PURPOSE AND SCOPE

This policy outlines the shift selection and vacation selection procedures for all commissioned officers working the 1040s uniformed patrol shift.

### 1002.2 SHIFT BIDDING PROCEDURES

#### 1002.2.1 SHIFT BIDDING FOR PATROL OFFICERS

To initiate the shift selection process by seniority, the officers will select their shift under the following procedures:

- On the first business day of September each year, the Patrol Lieutenant will post the following in the squad room:
  - A seniority list.
    - The seniority list will show/give the assigned date and time frame for the bidding officer to bid their shift.
  - A blank Patrol roster showing the shift assignments that are available to bid.
  - Shift Bid instructions document.
  - A calendar showing the Blue/Gold work schedule for the upcoming year.
  - Any other documents (as necessary).
- The Patrol Lieutenant will post the completed Patrol roster in the squad room.

Probationary employees will be assigned to shifts and may be rotated to insure that the training needs and scheduling needs of the Department are met.

Additional Bidding Procedures for SWAT Operators:

- Members of SWAT who are assigned to Patrol will continue to make their selection with patrol based on seniority by badge number.
- At the completion of the bidding process, there will be a minimum split of 60%/40% of Operators between the two patrol teams.
- Members of SWAT need to be evenly distributed between the two patrol teams, not the patrol shifts (ie. there is no need to spread SWAT across start times).

Following the normal seniority based shift bidding process, final shift assignments will be subject to the Department's discretion to :

- Allocate the number of patrol officers assigned per shift.
- Move an employee's normal shift "vertically" (ahead or behind normal start time) to ensure adequate coverage.

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- Make a different shift assignment than requested to ensure all shifts have adequate coverage by personnel with necessary experience, specialty training, and qualifications.

Annual shift rotation assignments will be made in consultation with a Guild representative. The Administration reserves the right to reassign any employee on the work schedule in order to accomplish the goals and objectives of this department, provide necessary service to the public, and insure good management practices.

### **1002.2.2 SHIFT BIDDING FOR PATROL SERGEANTS**

Upon completion of supervisory assignment selections for Investigations, Special Investigations, Traffic, and Proactive Units for the following year, patrol sergeants will bid for the 1040s shift.

Seniority for patrol sergeants is based on total years at the rank of sergeant.

### **1002.2.3 SHIFT BIDDING FOR POLICE CORPORALS**

Police Corporals will bid for their shifts based on seniority in unit. Only one Police Corporal may be assigned to one shift and even distribution between patrol teams is sought.

### **1002.2.4 SHIFT BIDDING FOR CRIME SCENE INVESTIGATORS**

Crime Scene Investigators will bid for their shifts based on seniority in unit. Only one Crime Scene Investigator may be assigned to one shift.

## **1002.3 VACATION SELECTION PROCEDURES**

### **1002.3.1 VACATION SELECTION FOR PATROL OFFICERS**

The vacation selection process by employees working the 1040s schedule will be by seniority within each team's shifts, after the Police Corporal vacation selection has completed.

Vacation selections will be made once the Patrol schedule is completed.

A list of available vacation blocks will be provided to each employee by his/her supervisor. The employee will list his/her choices in order of preference. Once completed, these lists will be placed in order of seniority.

Vacation assignments will be made from rotating through these preference lists, by seniority. The process cycles through until all employee's vacation selections have been made according to their available vacation hours and ranked choices.

No more than two officers below the rank of Sergeant per shift on each team may be on vacation during any 5-workday period. Normal days off between 5-workday periods may overlap.

Officers may cancel their scheduled vacation at any time and must immediately notify their immediate supervisor of the cancellation. If an Officer chooses to cancel a previously scheduled vacation, it shall be the Officer's responsibility to reschedule those vacation/holiday hours before they expire. The City shall not be responsible for vacation/holiday hours lost due to an Officer's cancellation of those hours.

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Once the vacation schedule has been completed, all additional vacation requests will be approved on a first-come, first served basis contingent on staffing availability and adequate shift coverage.

### 1002.3.2 VACATION SELECTION FOR PATROL SERGEANTS

Patrol Sergeants will bid for vacation by seniority with Sergeants on their team. Only one Patrol Sergeant per team may be off on vacation at a time.

### 1002.3.3 VACATION SELECTION FOR POLICE CORPORALS

Police Corporals will bid for vacation after their shift Sergeant has completed vacation selection. A shift Police Corporal and Sergeant cannot be off on vacation at the same time.

### 1002.3.4 VACATION SELECTION FOR CRIME SCENE INVESTIGATORS

Officers in Grade 30 shall select vacations based on seniority on their shift (like patrol officers).

### 1002.3.5 MANDATORY "FLEXIBLE RESOURCE DAYS" AND VACATION SELECTION

There are three Mandatory Attendance flexible resource days for each team. You will be required to work on these three days even if you are on vacation. If you choose a vacation week that contains one of these days, your attendance is considered a normal workday with no OT payout.

## 1002.4 K9 SHIFT AND VACATION SELECTIONS

Shift and vacation selections for K9 will be facilitated by the Department's K9 Coordinator. Only one K9 team is allowed on vacation at a time.

## 1002.5 TRANSFERS

It is the policy of the Bellingham Police Department to permit shift trades or transfers between employees.

- **Shift Trades** - Changes to work schedules among officers of the same team (Blue or Gold).
- **Shift Transfers** - Exchanges between Gold and Blue Team members.

### 1002.5.1 SHIFT TRADES/TRANSFERS PROCEDURES

Shift Trades or Transfers will not be done without supervisor approval.

No Shift Trade or Transfer will be approved if it will adversely impact staffing or negatively impact the city financially.

Shift Trade requests will be submitted to shift supervisors of the affected teams (Blue or Gold). Shift Trades must be mutually acceptable to the trading officers. Shift Trades will be approved by the shift supervisors. The Patrol Lieutenant will maintain the ultimate jurisdiction over resolving any conflicts due to shift trades.

Shift Transfers will be approved by the Patrol Lieutenant.

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### 1002.5.2 POLICE CORPORAL AND CRIME SCENE INVESTIGATOR TRANSFERS

Shift Trades or Transfers between Police Corporals and Crime Scene Investigators are subject to the supervisor approval as defined in Policy Manual § 1002.5.1.

### 1002.5.3 SUPERVISOR SHIFT TRADES OR TRANSFERS

Shift Trades or Transfers by Patrol Sergeants will be approved by the Patrol Lieutenant.

# Grievance Procedure

## 1003.1 PURPOSE AND SCOPE

It is the policy of this department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance whether or not there is a basis for the grievance. Our Department's philosophy is to promote a free verbal communication between employees and supervisors.

### 1003.1.1 GRIEVANCE DEFINED

**Grievance** - Is any dispute involving the interpretation or application of any of the following documents by the person(s) affected:

- The employee bargaining agreement (Memorandum of Understanding).
- This Policy Manual.
- City rules and regulations covering personnel practices or working conditions.

Grievances may be brought by an individual affected employee or by a group representative.

Specifically outside the category of grievance are complaints related to alleged acts of sexual, racial, ethnic or other forms of unlawful harassment, as well as complaints related to allegations of discrimination on the basis of sex, race, religion, ethnic background and other lawfully protected status or activity are subject to the complaint options set forth in Policy Manual § 316; and personnel complaints related to any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law set forth in Policy Manual § 1011.

## 1003.2 PROCEDURE

Collective bargaining agreements address the grievance procedures for each bargaining unit and the members of those units that are employed by the Bellingham Police Department. Each member of their respective units will consult their contract for grievance procedures.

- The Bellingham Police Guild is the current bargaining unit for all commissioned personnel through the rank of Sergeant.
- The Fraternal Order of Police Matt Herzog Memorial Lodge #24 is the current bargaining unit for Lieutenants.
- Staff Officers (Deputy Chief and above) and Administrative Coordinator are governed by the procedures established through the Civil Service Commission.
- The WhatComm Dispatchers Guild is the current bargaining unit for all dispatchers.
- The General Teamsters Union, Local 231 Supervisory and Professional Unit is the current bargaining unit for the Records Manager, Records Supervisor, Code Enforcement Officers, IT System Specialist and Crime Analyst.
- Local 114 is the current bargaining unit for all other non commissioned personnel.

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## *Grievance Procedure*

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### **1003.3 EMPLOYEE REPRESENTATION**

Employees are entitled to have representation during the grievance process. The representative may be selected by the employee from the appropriate employee bargaining group.

### **1003.4 GRIEVANCE RECORDS**

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to Administrative Services Coordinator for inclusion into a secure file for all written grievances.

# Anti-Retaliation

## 1004.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance, or collective bargaining agreement or memorandum of understanding.

## 1004.2 POLICY

The Bellingham Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

## 1004.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.



## *Anti-Retaliation*

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### **1004.4 COMPLAINTS OF RETALIATION**

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the City Director of Human Resources.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

### **1004.5 SUPERVISOR RESPONSIBILITIES**

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
- (h) Not interfering with or denying the right of a member to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

## *Anti-Retaliation*

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### **1004.6 COMMAND STAFF RESPONSIBILITIES**

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all members the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

### **1004.7 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 42.41.010 et seq.).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Office of Professional Responsibility for investigation pursuant to the Personnel Complaints Policy.

#### **1004.7.1 DISPLAY OF REPORTING PROCEDURES**

The Bellingham Police Department shall display the City policy to employees regarding their rights and the procedures for reporting information of an alleged improper government action. A copy of the policy shall be made available to employees upon request (RCW 42.41.030).

### **1004.8 RECORDS RETENTION AND RELEASE**

The Records Manager shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

### **1004.9 TRAINING**

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

# Reporting of Employee Convictions

## 1005.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties; therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

## 1005.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

Washington and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) ([18 USC § 922](#)).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

## 1005.3 REPORTING PROCEDURE

All members of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

## Drug- and Alcohol-Free Workplace

### 1006.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace. The intent of this policy is to deter the misuse or abuse of legal or illegal substances that create a threat to the safety and health of any employee or member of the public.

The Bellingham Police Department discourages alcohol and drug abuse and strives to achieve a workforce free from the influence of drugs and alcohol.

### 1006.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

The consumption of illegal drugs is strictly prohibited and the consumption of alcohol is generally prohibited by on-duty personnel except as necessary and expressly authorized in the performance of an official special assignment. Personnel who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

#### 1006.2.1 PURCHASE OR POSSESSION OF DRUGS OR ALCOHOL ON DUTY

Department employees shall not purchase or possess alcohol or other controlled substances on City property, at work, or while on-duty, except in the performance of a special assignment as described above.

Department employees shall not illegally manufacture any alcohol or drugs while on-duty, on City property or at any other time.

### 1006.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public. Such use shall not be tolerated ([41 USC 8103](#)).

Employees shall report for work in an appropriate mental and physical condition. Employees are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time ( [41 USC 8103](#) ).

The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition as described below in 1006.4.1.

### 1006.4 MEMBER RESPONSIBILITIES

Employees must, as a condition of employment, abide by the terms of this policy. Employees must promptly and fully report the illegal use of controlled substances on their part or the part of any other employee.

Employees who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected employees shall notify the Shift Sergeant or appropriate supervisor as soon as the employee is aware that he/she will not be able to report to work. If the employee is unable to make the notification, every effort should be made to have a representative contact the

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supervisor in a timely manner. If the member is adversely affected while on-duty, he/she shall be immediately removed and released from work (see Work Restrictions in this policy).

Employees are required to notify their immediate supervisor of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction ( [41 USC 8103](#) ).

Employees shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Employees who experience drug or alcohol problems are encouraged to seek referral for rehabilitation through the Employee Assistance Programs or their insurance provider. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

### **1006.4.1 USE OF PRESCRIBED MEDICATIONS**

Department employees who are medically required to take prescription medications during work hours shall not allow such medications to impair their ability to perform their work. Any employee who is required to take any medication with side effects which might impair his/her ability to fully and safely perform all requirements of the position shall report the need for such medication to the immediate supervisor. No employee shall be permitted to work or drive a department-owned or leased vehicle while taking such potentially impairing medication without a written release from his/her physician.

Possession or use of medical marijuana or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action ( [RCW 69.51A.060\(7\)](#)).

### **1006.5 WORK RESTRICTIONS**

If an employee informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that an employee is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall transport him/her or cause him/her to be transported safely away from the Department.

### **1006.6 REQUESTING SCREENING TESTS**

The Department may request an employee to submit to a screening test if the Department:

- (a) Reasonably believes, based on objective facts, that an employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.
- (b) Informs the employee of the specific facts supporting its belief and prepares written record of those facts; and:

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1. Informs the employee in writing whether the test will be for alcohol or drugs or both.
2. Informs the employee that the result of the test is not admissible in any criminal proceeding against him/her.
3. Informs the employee that he/she may refuse the test but that refusal may result in dismissal or other disciplinary action as detailed in 1006.6.1

All drug tests required under this section will comply with the procedures outlined in Policy 1007 - Drug Testing.

Any employee who appears to be under the influence of intoxicants or has the odor of intoxicants on their breath while on duty or in uniform shall be required to submit to a breath test. The breath test will be used to determine the employee's blood/alcohol level. This breath test can be required at the request of any supervisor or administrator. A breath test will be administered by a State Certified operator and the instrument used shall be a Draeger Alcotest machine. A breath test that results in a blood/alcohol level reading in excess of .02 percent shall be cause for discipline.

### **1006.6.1 SCREENING TEST REFUSAL**

An employee is subject to disciplinary action if he/she:

- (a) Fails or refuses to submit to a screening test as requested.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested by his/her appointing authority, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.

The Department recognizes the confidentiality and privacy due employees. Disclosure of any information relating to chemical abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the employee involved or pursuant to lawful process. The written results of any screening test may be provided to the employee but will remain confidential and separate from the employee's other personnel files.

### **1006.7 EMPLOYEE ASSISTANCE PROGRAM**

There may be available a voluntary employee assistance program to assist employees who wish to seek help for alcohol and drug problems ([41 USC § 8103](#)). There is also available a variety of insurance coverage which provide treatment for drug and alcohol abuse. Employees may contact the Department of Human Resources their insurance provider or the Employee Assistance Program for additional information.

# Drug Testing

## 1007.1 PURPOSE AND SCOPE

The intent of this policy is to outline when an applicant, or current employee, is required to submit to a drug test, and the procedures required for ordering the test.

## 1007.2 APPLICANT TESTING

Applicants for the position of sworn police officer shall be routinely tested for drug or narcotic usage as a part of their pre-employment medical examination after a conditional job offer has been given. The testing procedure and safeguards set forth in this order shall be followed by the examining physician and others involved in the testing procedure.

### 1007.2.1 REFUSAL TO TAKE TEST

Refusal to take the test, or test results reporting a presence of illegal drugs or narcotics, or the abuse of non-prescription drugs, shall be the basis of discontinuing an applicant in the selection process.

## 1007.3 CURRENT EMPLOYEES

Current employees of the Department shall be required to submit to a test for drug or narcotic usage as outlined:

- (a) The Chief of Police or Deputy Chiefs may order a drug test when there is documentation of a reasonable objective basis to believe:
  - 1. That an employee is impaired or incapable of performing his or her assigned duties and there is reasonable suspicion to believe it is due to the use or abuse of drugs or narcotics; or
  - 2. That an employee is using illegal drugs.
- (b) The Deputy Chief who orders a drug test when there is a reasonable objective basis for believing usage, shall forward a report containing the facts and circumstances directly to the Chief of Police.
- (c) Prior to the ordering of a drug test, the Chief of Police or Deputy Chief must receive a statement from a staff officer presenting the facts detailing the reasonable objective basis. The Chief of Police or Deputy Chief must concur in writing with the reasonable objective basis. Supervisors who have an objectively reasonable basis must immediately contact their staff officer or DSO.
- (d) Test results reporting a presence of illegal drugs or narcotics, or the mis-use of a prescription drug or the abuse of any over the counter drug, will be submitted as a part of the written complaint by the Deputy Chief consistent with the department's complaint procedure.

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- (e) Employees who have been found to be using drugs or narcotics shall be subject to the department's discipline procedures.

### **1007.4 URINALYSIS PROCEDURE**

In obtaining urine samples, the samples will be taken by medical professionals who are under contract with the police department.

The employee designated to give a sample must be positively identified prior to any sample being obtained.

The room where the sample is obtained must be private and secure with documentation maintained that the area has been searched and is free of any foreign substance. An observer of the appropriate sex shall be present for direct observation to ensure the sample is from the employee and was actually passed at that time noted on the record. Specimen collection will occur in a medical setting and the procedures should not demean, embarrass, or cause physical discomfort to the employees. The specimen will be collected by Care Medical Group. A large enough sample will be taken to allow for a second follow up test.

An interview with the employee prior to the test will serve to establish the use of drugs currently taken under medical supervision. Care Medical Technicians will conduct the interview.

Specimen samples shall be sealed, labeled and checked against the identity of the employee to ensure the results match to the tested individual. Samples shall be stored in a secure and refrigerated atmosphere until tested.

#### **1007.4.1 PROCESSING URINE SAMPLES**

The testing or processing phase shall consist of a two step procedure.

- (a) Care Medical will process urine samples using the drug testing protocols that are on file in the office of the Chief of Police.
- (b) Employees who have participated in the drug test program, where no drugs were found, shall receive a letter stating that no illegal drugs were found. Unless the employee requests such, a copy of the letter will not be placed in the employee's personnel file.

Each step in the collecting and processing of the urine specimen shall be documented to establish procedural integrity and the chain of evidence.

### **1007.5 RECORD KEEPING/NOTIFICATION**

All records regarding non positive drug tests will be maintained by the administration in a separate file.

Positive test results will become part of a disciplinary file along with the reasonable objective basis statements that resulted in the drug test.

### **1007.6 DRUG TESTING/URINALYSIS FOR NON-COMMISSIONED EMPLOYEES**

Refer to [City of Bellingham Policy PER § 1.00.03](#).



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# Reporting for Duty & Sick Leave Reporting

## 1008.1 PURPOSE AND SCOPE

Employees are expected to report for duty on their assigned shifts except when injury, illness or other approved use of sick leave prevent them from doing so.

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in City policy or applicable labor agreement.

This policy is not intended to cover all types of sick leave or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) ([29 CFR 825](#)), the Washington Family Leave Act (FLA) (29 USC 2601 et seq.; RCW 49.78.220 et seq.).

## 1008.2 NOTIFICATION

When absenteeism is inevitable due to illness or injury, departmental employees will notify a supervisor as follows:

- For Patrol, the officer shall notify the on-duty supervisor by telephone. **No texts allowed for patrol personnel.**
  - If necessary, the officer may need to verify the current shift supervisor with Dispatch.
  - If no supervisor can be reached, the Records Bureau shall be used as the alternate notification point.
- All other commissioned personnel shall notify their unit's direct supervisor, or designee, or leave them a VM on their departmental (landline) number. (e.g. - Traffic & Investigations). If the supervisor cannot be reached by phone, the employee will finalize this process by sending their supervisor, or designee, a text message indicating that they will be sick that day and a VM has been left.
- Any supervisor notified of a sick employee will begin the process of filling out the sick leave report form. The supervisor will have the responsibility of placing the sick leave report form in the employee's mailbox for completion when the absent employee returns to work.
- Upon return to work, the employee will place the completed form in the appropriate supervisor's mailbox.
- Upon receiving this form, the supervisor will distribute all copies accordingly.

## *Reporting for Duty & Sick Leave Reporting*

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- Dispatch will telephone the on-duty supervisor or lead worker.
- Records employees will telephone the Records supervisor or Records manager. If the supervisor and manager are unavailable, records employees will telephone the on-duty records specialist.
- All other civilian personnel shall notify their unit's direct supervisor, or designee, or leave them a VM on their departmental (landline) number.

The notification must be accomplished at least 15 minutes prior the the employee's shift.

An employee that acts in good faith and notifies their supervisor, as per this policy, will not be punished for failure to follow proper notification procedures if the supervisor does not act on the notification in a timely manner.

### **1008.3 USE OF SICK LEAVE AND EXTENDED ABSENCE**

Sick leave is intended to be used for qualified absences per City Policy and applicable labor agreement.

Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity that may impede recovery from the injury or illness (see Outside Employment Policy).

Qualified appointments should be scheduled during a members non-working hours when it is reasonable to do so. If an appointment is scheduled during work hours and the need for leave can be anticipated or planned, employees must notify their supervisors in advance, as soon as reasonably possible, to ensure adequate coverage. All notifications shall be made in writing to the employees supervisor.

Personnel who have been on extended leave shall notify the lieutenant or manager of their division a day prior to their return to duty. In the absence of the lieutenant or manager of their division, the DSO will be notified. If absence from duty has been more than five working days, fitness for duty report must accompany the return of the employee. The report must state the illness or injury, treatment, and that the employee is well enough for return to duty.

Personnel who anticipate, or have been, absent for more than 5 working days are required to complete Medical Leave paperwork per City of Bellingham Policy ([PER 7.01.04](#)).

### **1008.4 SUPERVISOR RESPONSIBILITY**

Supervisors should monitor sick leave usage and regularly review the attendance of employees under their command to ensure that the use of sick leave is consistent with this policy. When appropriate, supervisors should consider referring the employee to the Employee Assistance Program.

## *Reporting for Duty & Sick Leave Reporting*

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### **1008.5 CONVERTING TIME**

In instances where injury or sickness precedes the vacation period, the vacation will be cancelled and rescheduled upon request. NOTE: Nothing in this policy is to be construed as establishing this practice as a vested right; it is a privilege which may or may not be extended by the Administration, depending on the circumstance.

Each case in which an employee asks to convert all or part of his/her vacation time to sick time will be decided on its individual merit. It is required that the employee notify the Deputy Chief of their division when he/she becomes injured or incapacitated while on vacation, and wishes to make a sick time claim. Under no condition will conversion time be allowed where injury or incapacitation is brought about by misconduct or self abuse.

### **1008.6 DEPARTMENT OF HUMAN RESOURCES**

The Director of Human Resources shall ensure:

- (a) Written or electronic notice is provided to each employee regarding applicable paid sick leave provisions as required by WAC 296-128-760.
- (b) This Sick Leave Policy is readily available to all employees.
- (c) Employee records are retained and preserved regarding paid sick leave information and data as required by WAC 296-128-010.

### **1008.7 RETALIATION**

No employee shall be retaliated against for using qualifying sick leave (WAC 296-128-770).

# Communicable Diseases

## 1009.1 PURPOSE AND SCOPE

This policy is intended to provide guidelines for department personnel to assist in minimizing the risk of contracting and/or spreading communicable diseases and to minimize the incidence of illness and injury. The policy will offer direction in achieving the following goals:

- (a) To manage the risks associated with bloodborne pathogens (BBP), aerosol transmissible diseases (ATD) and other potentially infectious substances.
- (b) To assist department personnel in making decisions concerning the selection, use, maintenance, limitations, storage and disposal of personal protective equipment (PPE).
- (c) To protect the privacy rights of all department personnel who may be exposed to or contract a communicable disease during the course of their duties.
- (d) To provide appropriate treatment and counseling should an employee be exposed to a communicable disease.

This policy conforms with the City of Bellingham's "Exposure Control Plan."

### 1009.1.1 DEFINITIONS

Definitions related to this policy include:

**Communicable disease** - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

**Exposure** - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Bellingham Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

## 1009.2 PROCEDURES FOR CONTACT WITH BLOOD OR BODILY FLUIDS

All department personnel who may be involved in providing emergency medical care or who come in contact with another person's blood or bodily fluids (e.g., during an altercation or while attending to any injured person), shall follow these procedures and guidelines ([WAC 296-823-140 et seq.](#)).

### 1009.2.1 EXPOSURE CONTROL OFFICER

The Department's designated Chair and Safety Representative shall be responsible for the following:

- (a) The overall management of the BBP Exposure Control Plan (ECP).

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- (b) Develops and administers, in collaboration with Human Resources, any additional related policies and practices necessary to support the effective implementation of this plan, and remaining current on all legal requirements concerning BBP and other communicable diseases.
- (c) Acting as a liaison during Occupational Safety and Health Administration (OSHA) inspections.
- (d) Ensures representation of the Bellingham Police Department at the City's Safety meetings.

Department supervisors are responsible for exposure control in their respective areas. They shall work directly with the ECO and the affected employees to ensure that the proper exposure control procedures are followed.

#### 1009.2.2 UNIVERSAL PRECAUTIONS

All human blood and bodily fluids such as saliva, urine, semen and vaginal secretions, are to be treated as if they are known to be infectious. Where it is not possible to distinguish between fluid types, all bodily fluids are to be assumed potentially infectious ([WAC 296-823-14060](#)).

#### 1009.2.3 PERSONAL PROTECTIVE EQUIPMENT

The PPE is the last line of defense against communicable disease. Therefore, the following equipment is provided for all personnel to assist in the protection against such exposures ([WAC 296-823-15005](#)):

- Not less than two pair of disposable latex gloves (keeping a box in the car is recommended)
- Safety glasses or goggles
- Protective shoe covers
- Rescue mask with a one-way valve
- Alcohol (or similar substance) to flush skin at emergency site (keeping several alcohol hand wipes in the car is recommended)

The PPE is to be kept in each police vehicle. It should be inspected at the start of each shift and replaced immediately upon returning to the station if it has been used or damaged during the shift, or as otherwise needed.

Replacement supplies are located on the equipment rack in the Police Department's Traffic garage.

#### 1009.2.4 IMMUNIZATIONS

All department personnel who, in the line of duty, may be exposed to or have contact with a communicable disease shall be offered appropriate treatment and/or immunization for Hepatitis B (HBV) ([WAC 296-823-130](#) and [WAC 296-823-13005](#)).

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### 1009.2.5 WORK PRACTICES

All personnel shall use the appropriate barrier precautions to prevent skin and mucous membrane exposure whenever contact with blood or bodily fluid is anticipated ([WAC 296-823-15005](#)).

Disposable gloves shall be worn on all medical emergency responses. Disposable gloves shall be worn before making physical contact with any patient and/or when handling items (e.g., evidence, transportation vehicle) soiled with blood or other bodily fluids. Should one's disposable gloves become contaminated with blood or other bodily fluids, the gloves shall be disposed of as contaminated waste ([WAC 296-823-15010](#)). Care should be taken to avoid touching other items (e.g., pens, books and personal items in general) while wearing the disposable gloves in a potentially contaminated environment.

All procedures involving blood or other potentially infectious materials shall be done in a way to minimize splashing, spraying or otherwise generating droplets of those materials ([WAC 296-823-14020](#)).

Eating, drinking, smoking, applying lip balm and handling contact lenses shall be prohibited in areas where a potential for an exposure exists.

### 1009.2.6 COMMUNITY INFLUENZA OUTBREAKS - TAKING REPORTS

When a request has been made for an officer response to a health care facility, or private residence, where there are **suspected or known** cases of influenza, the officer may take the report over the phone or make arrangements to meet the reporting party at a later time if appropriate, or in cases where face to face contact with the reporting party is not necessary.

When responding to health care facilities where there are suspected or known cases of influenza, officers should take precautions to protect themselves from possibly contracting the influenza. These precautions includes wearing gloves, eye protection, and face masks.

In areas with **confirmed** cases of influenza, the risk for infection can be reduced through a combination of actions. No single action will provide complete protection, but an approach combining the following steps can help decrease the likelihood of transmission:

- Wear personal protective clothing to include gloves, eye protection, and face mask.
- Wash hands frequently with soap and water. If soap and water are not available, use an alcohol-based hand rub.
- Cover your mouth and nose with a tissue when coughing or sneezing.
- Avoid touching your eyes, nose and mouth.

### 1009.3 DISPOSAL AND DECONTAMINATION

The following procedures will apply to the disposal and decontamination after responding to an event that involved contact with a person's blood or bodily fluids.

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#### 1009.3.1 USE OF WASTE CONTAINERS

Officers shall dispose of biohazards with the on-scene fire response vehicle, or at PeaceHealth main campus in the decon room (just outside the ER entrance).

The biohazard waste container located at the station shall be collapsible, leak-proof, red or appropriately labeled with a biohazard warning, and routinely emptied ([WAC 296-823-14060](#)).

#### 1009.3.2 DECONTAMINATION OF SKIN AND MUCOUS MEMBRANES

Personnel shall wash their hands immediately (on-scene if possible) or as soon as possible following the removal of potentially contaminated gloves. Antibacterial soap and warm water or an approved disinfectant shall be used to wash one's hands, paying particular attention to the fingernails.

If an employee's intact skin contacts someone else's blood or bodily fluids or other potentially infectious materials, the employee shall immediately wash the exposed part of his/her body with soap and warm water and/or an approved antiseptic wash as soon as possible. If the skin becomes grossly contaminated, body washing shall be followed by an approved antiseptic wash which can be found in the labeled dispensers in both shower facilities at the Bellingham Police Department.

**In the event of such an exposure, the Shift Supervisor shall be notified immediately for assistance.**

If the skin becomes grossly contaminated, body washing shall be done in the facility located in the Emergency Room entrance of PeaceHealth Main Campus. If that space is unavailable, the appropriate Bellingham Police Department locker room facilities may be used. The employee shall shower as soon as possible, using warm water and soap and following proper decontamination procedures for clothing. Upon completion of the shower, and if using the BPD Locker Room facilities, the employee shall spray the shower area with disinfectant provided in the drying area of the shower facilities. Medical treatment should be obtained ([WAC 296-823-14030](#)).

Contaminated non-intact skin (e.g., injured skin, open wound) shall be cleaned using an approved antiseptic wash and then dressed or bandaged as required. Medical treatment is required.

All hand, skin and mucous membrane washing that takes place in the station shall be done in the designated cleaning or decontamination area. At the police station, the designated cleaning area is the main shower room in both the male and female locker rooms. If used for decontamination, the shower area shall be cleaned using the disinfectant provided in the drying areas of the shower room. Cleaning shall not be done in the kitchen, bathrooms or other locations not designated as the cleaning or decontamination area ([WAC 296-823-14030](#)).

**Replacement decontamination and cleaning supplies can be found in the Traffic garage area on the supply shelving.**

#### 1009.3.3 SHARPS AND ITEMS THAT CUT OR PUNCTURE

All personnel shall avoid using or holding sharps (needles) unless needed to do so while assisting a paramedic or collecting them for evidence. Unless required for evidentiary reasons related to



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evidence preservation, employees are not to recap sharps. If recapping is necessary, a one-handed method shall be employed to avoid a finger prick. Disposal, when possible, shall be into a puncture-proof biohazard container.

All sharps and items that cut or puncture (e.g., broken glass, razors and knives) shall be treated cautiously to avoid cutting, stabbing or puncturing one's self or any other person. In addition, if a sharp object contains known or suspected blood or other bodily fluids, that item is to be treated as a contaminated item. If the item is not evidence, touching it with the hands shall be avoided. Rather, use a device such as tongs or a broom and a dustpan to cleanup debris. If the material must be hand held, protective gloves must be worn ([WAC 296-823-14015](#)).

### 1009.3.4 DISPOSABLE PROTECTIVE EQUIPMENT

Contaminated disposable supplies (gloves, dressings, CPR mask) shall be transported with the patient or suspect in the ambulance or police vehicle. The waste material shall then be disposed of in a biohazard waste container at the hospital. Disposable gloves are to be worn while placing the waste into the waste biohazard container, placing the gloves in with the waste when through ([WAC 296-823-15030](#)).

### 1009.3.5 DECONTAMINATION OF PPE

After using any reusable PPE, it shall be washed or disinfected and stored appropriately. If it is non-reusable (e.g., disposable gloves), it shall be discarded in a biohazard waste container as described in this policy.

Any PPE that becomes punctured, torn or loses its integrity, shall be removed as soon as feasible. The employee shall wash up and replace the PPE.

Contaminated reusable PPE that must be transported prior to cleaning it shall be placed into a biohazard waste bag and transported in the ambulance, paramedic truck or police vehicle. Gloves shall be worn while handling the biohazard waste bag and during placement into the biohazard waste container, and then included in with the waste ([WAC 296-823-15030](#)).

### 1009.3.6 DECONTAMINATION OF NON-DISPOSABLE EQUIPMENT

Contaminated non-disposable equipment (e.g., flashlight, gun, baton, clothing, portable radio) shall be decontaminated as soon as possible. If it is to be transported, it shall be done by first placing it into a biohazard waste bag.

Grossly contaminated non-disposable equipment items shall be transported to Bellingham Fire Department Station #1 designated decontamination area for proper cleaning and disinfecting. The Battalion Chief should be notified prior to transporting equipment to the Fire Station.

Porous surfaces such as nylon bags and straps shall be brushed and scrubbed with a detergent and hot water, laundered and allowed to dry. Non-porous surfaces (e.g., plastic or metal) shall be brushed and scrubbed with detergent and hot water, sprayed with a bleach solution, rinsed and allowed to dry. Delicate equipment (e.g., radios) should be brushed and scrubbed very carefully

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using a minimal amount of a type of germicide that is approved by Environmental Protection Agency (EPA).

Pay close attention to handles, controls, portable radios and corners (tight spots) when cleaning equipment. Equipment cleaning shall not be done in the kitchen, bathrooms or other areas not designated as the cleaning/decontamination area.

Contaminated equipment should be cleaned using an approved EPA germicide or a 1:100 solution of chlorine bleach (one-quarter cup of bleach per one gallon of water), while wearing disposable gloves and goggles. Large particles of contaminants such as vomit, feces or blood clots should first be removed using a disposable towel or other means to prevent direct contact, and properly disposed ([WAC 296-823-14055](#)).

### 1009.3.7 DECONTAMINATION OF CLOTHING

Contaminated clothing such as uniforms and undergarments shall be removed as soon as feasible and rinsed in cold water to prevent the setting of bloodstains. If the clothing may be washed in soap and hot water, do so as soon as possible.

If the clothing must be dry cleaned, place it into a biohazard waste bag (bags are located in the drying area) and take to the authorized dry cleaners the department is currently using. The dry cleaners may have specific questions about the biohazard they will have to clean. This cleaning will be done at the department's expense ([WAC 296-823-15030](#)).

Contaminated leather boots shall be brushed and scrubbed with detergent and hot water. If the contaminant soaked through the boot, the boot shall be discarded.

### 1009.3.8 DECONTAMINATION OF VEHICLES

Contaminated vehicles and components such as the seats, radios and doors shall be washed with soap and warm water and disinfected with an approved germicide as soon as feasible.

Grossly contaminated vehicles shall be taken to Bellingham Fire Station #1 for cleaning, using approved germicide. The Battalion Chief should be notified prior to transporting the vehicle to Station #1.

### 1009.3.9 DECONTAMINATION OF STATION AND CLEANING AREA

The main shower areas at the station will serve as the area for cleaning/decontamination. This area may be used for the employees to wash any potential contamination from their bodies. This area is to be thoroughly cleaned, using the provided disinfectant cleaner located in the drying area after each use.

## **1009.4 POST-EXPOSURE REPORTING AND FOLLOW-UP REQUIREMENTS**

In actual or suspected exposure incidents, proper documentation and follow-up action must occur to limit potential liabilities, ensure the best protection and care for the employee ([WAC 296-823-160 et seq.](#)).

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### 1009.4.1 EMPLOYEE RESPONSIBILITY TO REPORT EXPOSURE

In the event of an exposure incident, the employee shall immediately seek medical care through Care Medical Group/Express Care, 4280 Meridian St., Suite 120, Bellingham - or such other provider who meets the requirements of the Standard.

- (a) **The medical evaluation should be obtained within one to two hours of the exposure.** Because time is critical in having an exposure evaluated, the City has arranged with Care Medical/Express Care to immediately evaluate all exposures. Below is the procedure to follow after an exposure occurs:
  1. Immediately following an eye, mouth, other mucous membrane, non-intact skin, or needle stick contact with blood or other potentially infectious materials, perform self-care, e.g., milk entry wound, wash, blow nose, wash eyes, etc.
  2. **Call Care Medical Group/ExpressCare at 734-4300.**
- (b) If during regular office hours, advise you are a City employee and have just had a bloodborne pathogen exposure and need advice and/or follow-up care. Follow their instructions.
- (c) If after hours, press "2" to leave a message in the emergency mailbox. Advise that you are a City employee and have just had a bloodborne pathogen exposure. Leave your name and the number where you can be reached within 15 minutes, and press "#" to leave your message for the doctor to call. If your call is not returned within 15 minutes, call again.
- (d) If no return call after 30 minutes of your initial call, then call **Bellingham Fire Dispatch at 676-6811** and advise the operator you are a City employee, have just had a bloodborne pathogen exposure and to connect you with the Care Medical/ExpressCare doctor on call. If no return call after 45 minutes of your initial call, go to the St. Joseph emergency room for treatment. They will contact the Care Medical Group/ExpressCare doctor on call.
  1. **After initial screening** over the phone, you should be prepared to travel to the clinic or a laboratory, if the doctor so advises, for additional followup.
  2. **After evaluation:**
    - (a) Complete an "Exposure Incident Report". An electronic copy of this form can be found on the network M drive, shared files, forms, folder "Post Exposure Reporting." (Do not fill out **Accident-Hazard Report unless you have sustained an injury in addition to the exposure**);
    - (b) Contact the Employee Benefits Claims Coordinator, ext. 8243, during the next business day to file a Worker's Compensation claim.

### 1009.4.2 SUPERVISOR REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure that occurs as soon as possible following the incident, making sure all information is collected to satisfy the "Employee Exposure Report" ([WAC 296-823-16005](#)).

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Ensure the "Employee Exposure Report" is completed, signed, and submitted to Deputy Chief designated as the Department's Safety Chair for the COB Safety Committee.

### 1009.4.3 COUNSELING

The Department shall provide the exposed employee (and his/her family if necessary) the opportunity for counseling and consultation ([WAC 296-823-16005](#)).

### 1009.4.4 CONFIDENTIALITY OF REPORTS

Most of the information involved in the process must remain confidential. The Department Safety Representative and Designated Safety Chair shall ensure that all records and reports are kept in the strictest confidence.

Human Resources/Benefits shall be responsible for maintaining the name and social security number of the employee and copies of any information provided to the consulting health care professional as a result of an exposure.

This information is confidential and shall not be disclosed to anyone without the employee's written consent (except as required by law).

### 1009.4.5 POST EXPOSURE PROCEDURE TO GET SOURCE SUBJECT TESTED

If an exposure occurs, follow procedures for employee care and the following to get Source Subject tested ([WAC 246-100-205](#)):

If a Criminal Suspect:

- Book suspect into the Whatcom County Jail for appropriate charge(s);
- Request a consent from suspect for blood.
  - Jail Nurse can draw blood panel with subject's consent at jail facility.
- If suspect refuses consent, immediately contact Whatcom County Prosecutor to seek warrant for blood.
  - If a court order is granted, blood draw will occur:
    - During Normal Business Hours (Mon-Fri. 0830-1630; Saturday 0800-1200), take suspect to LabcorpDynacare 2417 Meridian St Ste 105.
    - After Hours go to PeaceHealth Emergency Room.
- **C ontact Major Crimes Detective Sergeant to ensure follow-up is completed.**

If not a Criminal Suspect:

- Request consent for blood.
- If consent given:
  - During Normal Business Hours (Mon-Fri. 0830-1630; Saturday 0800-1200), take subject to Labcorp Dynacare 2417 Meridian St Ste 105.
  - After Hours go to PeaceHealth Emergency Room.

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- If subject refuses consent:
  - ID Subject and immediately contact Health Officer (Dr. Greg Stearn 815-3276).  
**This must be done within 48hrs of exposure .**
  - Make sure all of the subject's contact information is documented in a case report.
- **Contact Major Crimes Detective Sergeant to ensure follow-up is completed.**

# Smoking and Tobacco Use

## 1010.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Bellingham Police Department facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

## 1010.2 POLICY

The Bellingham Police Department recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy ([RCW 70.160.030](#)).

Exceptions to this policy may apply as necessary and expressly authorized in performance of an official special assignment.

## 1010.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Bellingham Police Department except as necessary and expressly authorized in the performance of an official special assignment.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside City facilities and vehicles.

## 1010.4 ADDITIONAL PROHIBITIONS

No person shall smoke tobacco products within 25 feet of a main entrance, exit or operable window of any building ([RCW 70.160.075](#)).

### 1010.4.1 NOTICE

The Chief of Police or the authorized designee shall ensure that proper signage prohibiting smoking is conspicuously posted at each entrance to the department facilities ([RCW 70.160.050](#)).

# Personnel Complaint Procedure

## 1011.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members and employees of this department.

### 1011.1.1 PERSONNEL COMPLAINTS DEFINED

Personnel complaints consist of any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law.

Inquiries about employee conduct which, even if true, would not qualify as a personnel complaint may be handled informally by a department supervisor and shall not be considered complaints.

Personnel Complaints shall be classified in one of the following categories:

**Informal** - A matter in which the complaining party is satisfied that appropriate action has been taken by a department supervisor of rank greater than the accused employee. The supervisor shall submit a written memo (not an email) to the Office of Professional Responsibility indicating:

- (a) The nature of the complaint; and
- (b) What the supervisor did to resolve the complaint; and
- (c) The disposition.

**Formal** - Considered any complaint submitted in writing. Formal complaints also concern matters in which the complaining party requests further investigation or which a department supervisor determines that further action is warranted. Such complaints will be forwarded to the employee's appropriate Deputy Chief, through the chain of command, who will review the circumstances with the Chief of Police. They will determine the appropriate form of investigation to be completed.

**Incomplete** - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. Such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

## 1011.2 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

### 1011.2.1 AVAILABILITY OF COMPLAINT FORMS

Personnel complaint forms can be submitted online through the [COB website](#), or obtained from Bellingham Police Department's reception personnel.

### 1011.2.2 SOURCE OF COMPLAINTS

- (a) A department employee becoming aware of alleged misconduct shall immediately notify a supervisor.
- (b) A supervisor receiving a complaint from any source alleging misconduct of an employee which, if true, could result in disciplinary action.

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- (c) Anonymous complaints and third party complaints should be accepted and investigated to the extent that sufficient information is provided.

### 1011.2.3 ACCEPTANCE OF COMPLAINTS

A complaint may be filed in person, in writing, or by telephoning the Department. Although not required, every effort should be made to have the complainant appear in person. The following should be considered before taking a complaint:

- (a) When an uninvolved supervisor or the Shift Sergeant determines that the reporting person is satisfied that their complaint required nothing more than an explanation regarding the proper/improper implementation of department policy or procedure, a complaint need not be taken, however, a written memo shall be submitted to the Office of Professional Responsibility indicating:
  - 1. The nature of the complaint,
  - 2. What the Supervisor did to resolve it, and
  - 3. The Disposition.
- (b) When the complainant is intoxicated to the point where his/her credibility appears to be unreliable, identifying information should be obtained and the person should be provided with a Personnel Complaint form. The person receiving this complaint shall notify his/her immediate supervisor of the pending complaint and circumstances as to why it was not taken at that time.
- (c) Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with their parents or guardians present and after the parents or guardians have been informed of the circumstances prompting the complaint.

### 1011.2.4 COMPLAINT DOCUMENTATION

Formal complaints of alleged misconduct shall be documented by a supervisor on a personnel complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

Informal complaints shall always be followed up with a memo submitted to the Office of Professional Responsibility explaining:

- (a) The nature of the complaint,
- (b) What the Supervisor did to resolve it, and
- (c) The Disposition.

When a Personnel Complaint form is completed in person, the complainant should legibly write a detailed narrative of his/her complaint. If circumstances indicate that this is not feasible, the complaint may be dictated to the receiving supervisor. The complainant's signature should be obtained at the conclusion of the statement.



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### **1011.3 SUPERVISOR RESPONSIBILITY**

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

In general, the primary responsibility for the investigation of informal complaints shall rest with the employee's immediate supervisor. All formal complaints will be forwarded to the employee's Deputy Chief for review. Upon receiving any complaint, the supervisor shall be responsible for the following:

- (a) A supervisor receiving a formal complaint involving allegations of a potentially serious nature shall ensure that the employee's immediate Supervisor is notified as soon as practicable. The employee's Lieutenant and Deputy Chief shall also be notified as soon as practicable through the established chain of command.
- (b) A supervisor receiving or initiating any formal complaint shall ensure that a Personnel Complaint form has been completed as fully as possible. The original complaint form will then be directed to the Lieutenant of the accused employee, via the chain of command, who will ensure that the complaint is forwarded to his/her Deputy Chief for review.
  - 1. During the preliminary investigation of any complaint, the supervisor should make every reasonable effort to obtain names, addresses and telephone numbers of additional witnesses.
  - 2. Once immediate medical attention has been provided, photographs of alleged injuries should be taken. Photographs should be taken if no injury is apparent but the person complains that an injury exists.
  - 3. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the employee's Lieutenant who will initiate appropriate action.
- (c) A supervisor dealing with an accused employee shall ensure that the procedural rights of the employee are followed pursuant to law.
- (d) When the nature of a personnel complaint relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination, the Supervisor, Sergeant or Lieutenant receiving the complaint shall immediately contact the appropriate Deputy Chief.

### **1011.4 ASSIGNMENT TO ADMINISTRATIVE LEAVE**

When a complaint of misconduct is of a serious nature or when circumstances practically dictate that it would impose an unreasonable risk to the Department, the employee, other employees or the public, the Chief of Police may assign the accused employee to inactive duty pending completion of the investigation or the filing of administrative charges.

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### 1011.4.1 ADMINISTRATIVE LEAVE

An employee placed on administrative leave, by the Chief of Police, may be subject to the following guidelines:

- (a) Under such circumstances, an employee placed on administrative leave shall continue to receive regular pay and benefits pending the imposition of any discipline.
- (b) An employee placed on administrative leave may be required by a supervisor to relinquish any badge, departmental identification, assigned weapon(s) and any other departmental equipment.
- (c) An employee placed on administrative leave may be ordered to refrain from taking any action as a departmental employee or in an official capacity. The employee shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (d) An employee placed on administrative leave may be temporarily reassigned to a different shift (generally normal business hours) during the pendency of the investigation and the employee may be required to remain available for contact at all times during such shift and report as ordered.
- (e) At such time as any employee placed on administrative leave is returned to full and regular duty, the employee may be returned to their regularly assigned shift with all badges, identification card and other equipment returned.

### 1011.5 ALLEGATIONS OF CRIMINAL CONDUCT

The Chief of Police shall be notified as soon as practical when an employee is formally accused of criminal conduct. In the event of serious criminal allegations, the Chief of Police may request a criminal investigation by an outside law enforcement agency.

An employee accused of criminal conduct shall be provided with all rights and privileges afforded to a civilian and the employee may not be administratively ordered to provide any information to a criminal detective.

No information or evidence administratively coerced (Garrity) from an employee may be provided to a criminal investigation for criminal prosecution of that employee.

No disciplinary action, other than paid administrative leave, shall be taken against the accused employee based solely on an arrest or crime report. An independent administrative investigation shall be conducted based upon the allegations in the report in accordance with department policy. The administrative investigation may result in disciplinary action against the accused employee.

### 1011.6 ADMINISTRATIVE INVESTIGATION OF COMPLAINT

Whether conducted by a supervisor or an assigned member of the Office of Professional Responsibility, the following procedures shall be followed with regard to the accused employee(s):

- (a) Interviews of accused employees shall be conducted during reasonable hours and, if the employee is off-duty, the employee shall be compensated.

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- (b) No more than two interviewers may ask questions of an accused employee.
- (c) Prior to any interview, an employee shall be informed of the nature of the investigation.
- (d) All interviews shall be for a reasonable period and the employee's personal needs shall be accommodated.
- (e) No employee shall be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers. Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively or be subject to discipline for insubordination. Nothing administratively ordered may be provided to a criminal investigator.
- (f) Absent circumstances preventing it, the interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview shall be provided to the employee prior to any subsequent interview.
- (g) If the allegations involve potential criminal conduct, the employee shall be advised of his/her Constitutional rights.
- (h) All employees subjected to interviews that could result in punitive action shall have the right to have an uninvolved representative present during the interview.
- (i) All employees shall provide complete and truthful responses to questions posed during interviews.
- (j) No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation.

### 1011.6.1 ADMINISTRATIVE SEARCHES

An employee of this department may be administratively ordered to submit to a blood, breath, or urine test for alcohol and drugs under any of the following circumstances:

- When the employee is found to be exhibiting objective symptoms of intoxication or drug influence while on duty.

The use of compelled testing results shall be restricted to the administrative investigation.

Any employee may be compelled to disclose personal financial information pursuant to proper legal process; if such information tends to indicate a conflict of interest with official duties; or, if the employee is assigned to or being considered for a special assignment with a potential for bribes.

Employees shall have no expectation of privacy when using telephones, computers, radios or other communications provided by the Department.

Assigned lockers and storage spaces may only be administratively searched in the employee's presence, with the employee's consent, with a valid search warrant or where the employee has been given reasonable notice that the search will take place.

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All other departmentally assigned areas (e.g., desks, office space, assigned vehicles) may be administratively searched by a supervisor, in the presence of an uninvolved witness, for non-investigative purposes. (e.g., obtaining a needed report or radio). An investigative search of such areas shall only be conducted upon a reasonable suspicion that official misconduct is involved.

### 1011.6.2 ADMINISTRATIVE INVESTIGATION FORMAT

Investigations of personnel complaints shall be detailed, complete and essentially follow this format:

**Introduction** - Include the identity of the employee(s), the identity of the assigned investigator(s), the initial date and source of the complaint.

**Synopsis** - Provide a very brief summary of the facts giving rise to the investigation.

**Summary Of Allegations** - List the allegations separately (including applicable policy sections) with a very brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

**Evidence As To Each Allegation** - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of employee and witness statements. Other evidence related to each allegation should also be detailed in this section.

**Exhibits** - A separate list of exhibits (recordings, photos, documents, etc.) should be attached to the report.

**Conclusions** - Are made by the appropriate Deputy Chief and submitted, in writing, to the Chief of Police.

### 1011.6.3 COMPLAINTS AGAINST DEPUTY CHIEF

If the allegation or complaint is made against a Deputy Chief, the Chief of Police shall facilitate the investigation and make a determination as to findings and discipline if warranted.

### 1011.6.4 COMPLAINTS AGAINST CHIEF

Any person wishing to complain about the Chief of Police will be directed to the Mayor's Office.

## 1011.7 DISPOSITION OF PERSONNEL COMPLAINTS

Each allegation shall be classified with one of the following dispositions:

**Unfounded** - When the investigation discloses that the alleged act(s) did not occur or did not involve department personnel.

**Exonerated** - When the investigation discloses that the alleged act occurred, but that the act was justified, lawful and/or proper.

**Not Sustained** - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

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**Sustained** - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance which was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

### **1011.8 COMPLETION OF INVESTIGATIONS**

Every investigator or supervisor assigned to investigate a personnel complaint shall proceed with due diligence. Recognizing that factors such as witness availability and the complexity of allegations will affect each case, every effort should be made to complete each investigation within a reasonable period following receipt. If the nature of the allegations dictate that confidentiality is necessary to maintain the integrity of the investigation, the involved employee(s) need not be notified of the pending investigation unless and until the employee is interviewed or formally charged.

If the complaining party is charged with a criminal offense associated with this investigation, then the investigation may be suspended until the completion of the criminal trial.

Upon completion, the report should be forwarded through the chain of command to the Lieutenant of the involved employee(s).

Once received, the Chief of Police may accept, modify, or request further investigation of the classification and recommendation for disciplinary action contained in the report.

Within 20 days of the final review and acceptance of the findings by the Chief of Police, written notice of the findings shall be sent to the complaining party. This notice shall indicate the findings, however, will not disclose the amount of discipline, if any imposed. The complaining party should also be provided with a copy of his/her own original complaint.

Any complaining party who is not satisfied with the findings of the Department concerning their complaint may contact the Chief of Police to discuss the matter further.

#### **1011.8.1 CONFIDENTIALITY OF PERSONNEL FILES**

All investigations of personnel complaints shall be considered confidential peace officer personnel files (Policy Manual § 1026). The contents of such files shall not be revealed other than as required by law, to the involved employee or authorized personnel, or pursuant to lawful process ([RCW 42.56 et seq.](#); [RCW 70.02](#)).

In the event that an accused employee (or the representative of such employee) knowingly makes false representations regarding any internal investigation and such false representations are communicated to any media source, the Department may disclose sufficient information from the employee's personnel file to refute such false representations.

All formal personnel complaints shall be maintained in accordance with Washington State Retention Guidelines.

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Sustained complaints shall be maintained in the employee's personnel file.

Complaints which are unfounded, exonerated or not sustained shall be maintained by the Office of Professional Responsibility apart from the employee's personnel file for the remainder of the calendar year in which the complaint was filed. Redacted summaries of the "Supervisory Complaint Log" will be kept for a period of five years.

### **1011.9 INTERNAL INVESTIGATION/COMPLAINT REVIEW AND ANALYSIS**

A Deputy Chief will conduct an annual review of all documented complaints and completed internal investigations. The annual review shall be utilized to reveal patterns and trends that could indicate training needs and/or policy modification. A report on the review shall be provided to the Chief of Police.

## Seat Belts

### 1012.1 PURPOSE AND SCOPE

The use of seat belts and other safety restraints significantly reduces the chance of death or injury in case of a traffic collision. This policy establishes guidelines for seat belt and child safety seat use to assure maximum operator and passenger safety, thus minimizing the possibility of death or injury as a result of motor vehicle crashes. This policy will apply to all employees operating or riding in department vehicles ( [RCW 46.61.688](#), [RCW 46.61.687](#)).

### 1012.2 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department, while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

#### 1012.2.1 TRANSPORTING CHILDREN

An approved child safety restraint system should be used for all children of age, size or weight for which such restraints are required by law. In the event an appropriate approved child safety restraint system is not available the child may be transported by sworn personnel however the child should be restrained in a seat belt ([RCW 46.61.687\(1\)](#)).

The rear seat passenger area in cage-equipped vehicles has reduced clearance which may interfere with the proper use of child safety restraint systems. Because of limited rear seat clearance in these vehicles, children and child restraint systems should be properly secured in the front seat according to the manufacturer's recommendations. Whenever a child is transported in the front seat of a vehicle, the passenger side air bag should be deactivated if possible. In the event this is not possible, alternative transportation should be considered.

### 1012.3 TRANSPORTING PRISONERS

Whenever possible, prisoners should be secured in the prisoner restraint system in the rear seat of the patrol vehicle or, when a prisoner restraint system is not available, by safety belts in a seating position for which safety belts are provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

### 1012.4 INOPERABLE SEAT BELTS

No person shall operate a department vehicle in which any safety belt in the driver's seating position is inoperable. No person shall be transported in a seating position in which the safety restraint is inoperable.

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No person shall modify, remove, deactivate or otherwise tamper with the vehicle safety belts except for vehicle maintenance and repair and not without the express authorization of the Chief of Police. This does not apply to safety belt extenders.

Employees who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.



## Body Armor

### 1013.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

### 1013.2 POLICY

It is the policy of the Bellingham Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

### 1013.3 ISSUANCE OF BODY ARMOR

The Range Officer shall ensure that body armor is issued to all officers when the officer begins service at the Bellingham Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Range Officer shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

#### 1013.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

- (a) Officers shall only wear agency-approved body armor.
- (b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.
- (c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.
- (d) Body armor shall be worn when an officer is working in uniform or taking part in Department range training.
- (e) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

#### 1013.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation.

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### **1013.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR**

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

### **1013.4 RANGE OFFICER RESPONSIBILITIES**

The Range Officer should:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.
- (b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.
- (c) Provide training that educates officers about the safety benefits of wearing body armor.

## Personnel Files

### 1014.1 PURPOSE AND SCOPE

This section governs the maintenance, retention, and access to peace officer personnel files in accordance with established law. It is the policy of this Department to maintain the confidentiality of peace officer personnel records pursuant to the exemptions listed in subsections of [RCW 42.56](#).

### 1014.2 PERSONNEL FILES DEFINED

Peace officer personnel records shall include any file maintained under an individual officer's name relating to:

- (a) Personal data, including marital status, family members, educational and employment history, or similar information.
- (b) Medical history, including medical leave of absence forms, fitness for duty examinations, workers compensation records, medical releases and all other records which reveal an employee's past, current or anticipated future medical conditions.
- (c) Election of employee benefits.
- (d) Employee advancement, appraisal, or discipline.
- (e) Complaints, or investigations of complaints, concerning an event or transaction in which the officer participated, or which the officer perceived, and pertaining to the manner in which the officer performed official duties.
- (f) Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.

#### 1014.2.1 ADDRESS AND TELEPHONE INFORMATION REQUIRED

All employees are responsible for seeing that their current address and telephone number(s) are on file with the department. Employees will promptly inform the Police Administrative Coordinator of any changes as soon as possible.

### 1014.3 EMPLOYEE RECORD LOCATIONS

Employee records will generally be maintained in any of the following:

**Department File** - That file which is maintained in the office of the Chief of Police or his/her designee or by the Department of Human Resources as a permanent record of a sworn officer's employment with this department.

**Division File** - Any file which is separately maintained internally by an employee's supervisor(s) within an assigned division for the purpose of completing timely performance evaluations. This also includes Supervisor Log Entries which are written comments, excluding actual performance evaluations, made by a supervisor concerning the conduct of an employee of this department.

**Training File** - Any file which documents the training records of an employee.

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**Internal Affairs Files** - Those files that contain complaints of employee misconduct and all materials relating to the investigation into such allegations, regardless of disposition.

**Medical File** - That file which is maintained separately that exclusively contains material relating to an employee's medical history. These files are kept separate and secure from other files.

**Review Board Files** - Those files that contain findings of the Department Review Board.

Pre-employment personnel files, including background information psychological and polygraph results, will also be maintained in the office of the Chief of Police or his/her designee or by the Department of Human Resources. Such files shall be kept separately from other personnel files.

All employee records will be secured and available only to persons authorized to access such information.

### **1014.4 CONFIDENTIALITY OF ALL PERSONNEL FILES**

In general, unless expressly stated by statutory exception, personnel files are subject to public disclosure. To the extent possible, all personnel records, whether or not subject to public disclosure, should be maintained as private records. Access to personnel files should be limited to only those local government employees who are needed to maintain the files and those who have a legitimate need for access or legal right to access. All of the personnel records listed in Policy Manual § 1014.2 shall be deemed private, and access to such files will be limited to only those Department or City employees who are needed to maintain the files and those who have a legitimate need for access. Nothing in this section is intended to preclude review of personnel files by the Chief Administrative Officer, City Attorney, or other attorneys or representatives of the City in connection with official business.

### **1014.5 REQUESTS FOR DISCLOSURE**

All records kept by Washington State public agencies are considered public unless they are covered by specific disclosure statutes ([RCW 42.56.070](#)).

(a) Private personnel records that are exempted from public disclosure include:

1. Applications for public employment ([RCW 42.56.250\(2\)](#)).
2. Residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, driver's license numbers, identicard numbers, and emergency contact information of employees. ([RCW 42.56.250\(3\)](#)).
3. Performance evaluations which do not discuss specific instances of misconduct ([RCW 42.56.230\(3\)](#)).
4. Medical information ([RCW 42.56.250](#), [RCW 70.01](#), and applicable federal regulations).

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5. Industrial insurance (workers' compensation) claim files and records ([RCW 51.28.070](#)).
  6. Employee identification numbers ([RCW 42.56.230\(3\)](#)).
  7. Taxpayer information, such as tax withholding data ([RCW 42.56.230\(3\)](#))
- (b) Records that are not covered by other specific disclosure exemption statutes must be made available for inspection and copying. This includes the following private personnel records:
1. Employee advancement or discipline reports.
  2. Personnel complaint investigations after such investigations have been completed or are no longer under review or deliberation.
  3. Department reports to CJTC regarding the separation from employment of an officer.

When complaint investigations are complete and found to be unsubstantiated (not-sustained, exonerated or unfounded) the names and identifying information of the subject employee is protected from public disclosure. In such cases, the Records Manager shall ensure that the name and other identifying information of the subject employee is redacted before the document or documents are released.

All requests for the disclosure of any information contained in any officer's personnel record shall be documented in writing and promptly brought to the attention of the employee's Division Commander, the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected employee(s) as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this will require assistance of approved and available legal counsel.

All requests for disclosure, which result in access to an employee's personnel file(s), shall be logged in the corresponding file.

### 1014.5.1 RELEASE OF CONFIDENTIAL INFORMATION

Except as provided by this policy or pursuant to lawful process, no information contained in any confidential peace officer personnel file shall be disclosed to any unauthorized person(s) without the expressed prior consent of the involved officer or written authorization of the Chief of Police or his/her designee.

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor.

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The disposition of any citizen's complaint shall be released to the complaining party within 20 days of the final disposition. This release shall be limited to the disposition and shall not include what discipline, if any was imposed.

The Department may also release any factual information concerning a disciplinary investigation if the officer who is the subject of the investigation (or the officer's representative) publicly makes a statement which is published in the media and which the officer (or representative) knew to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement.

### **1014.6 EMPLOYEE ACCESS TO OWN FILE**

Employees may be restricted from accessing files containing any of the following information:

- (a) Background information, letters of recommendation, test results, and promotional assessments.
- (b) Ongoing Internal Affairs investigations to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the employee of the intent to discipline, consistent with applicable law.
- (c) Confidential portions of Internal Affairs files which have not been sustained against the employee.

Any employee may request access to his/her own personnel file(s) during the normal business hours of the individual(s) responsible for maintaining such file(s). Any employee seeking the removal of any item from his/her personnel file shall file a written request to the Chief of Police through the chain of command. The Department shall thereafter remove any such item if appropriate or within 30 days provide the employee with a written explanation why the contested item will not be removed. If the contested item is not removed from the file, the employee's request and the department's written response shall be retained with the contested item in the employee's personnel file ( [RCW 49.12.250](#)).

### **1014.7 TYPES OF PERSONNEL FILES**

Peace officer personnel files can be located in any of the following places:

#### **1014.7.1 DEPARTMENT FILE**

The Department file should contain, but is not limited to, the following:

- (a) Performance evaluation reports regularly completed by appropriate supervisors and signed by the affected employee shall be permanently maintained.
- (b) Records of all training (original or photocopies of available certificates, transcripts, diplomas and other documentation) and education should be maintained.
  - 1. It shall be the responsibility of the involved employee to provide the Administrative Services Sergeant or immediate supervisor with evidence of completed training/education in a timely manner.

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2. The Administrative Services Sergeant or supervisor shall ensure that copies of such training records are placed in the employee's department file.
- (c) Disciplinary action;
1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained in the individual employee's department file at least two years.
  2. Disciplinary action resulting from a sustained citizen's complaint shall be maintained in the individual employee's department file at least five years.
  3. Investigations of complaints which result in a finding of not-sustained, unfounded or exonerated shall not be placed in the employee's department file, but will be separately maintained for the appropriate retention period in the internal affairs file.
- (d) Adverse comments such as supervisor log entries may be retained in the department file or division file after the employee has had the opportunity to read and initial the comment and for a period up to two years.
1. Once an employee has had an opportunity to read and initial any adverse comment prior to entry into a file, the employee shall be given the opportunity to respond in writing to such adverse comment within 30 days.
  2. Any such employee response shall be attached to and retained with the original adverse comment.
  3. If an employee refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination nor shall it prohibit the entry of the adverse comment into the employee's file.
- (e) Commendations shall be retained in the employee's department file, with a copy provided to the involved employee(s).
- (f) Personnel Action Reports reflecting assignments, promotions and other changes in the employee's employment status.
- (g) A photograph of the employee.

### 1014.7.2 DIVISION FILE

The Division File should contain, but is not limited to, the following:

- (a) Supervisor log entries, notices to correct and other materials intended to serve as a foundation for the completion of timely Performance Evaluations.

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1. Duplicate copies of items that will also be included in the employee's department file may be placed in this interim file in anticipation of completing any upcoming performance evaluation.
  2. Once the permanent performance evaluation form has been made final, the underlying foundational material(s) and/or duplicate copies may be purged in accordance with this policy.
- (b) All rules of confidentiality and disclosure shall apply equally to the division file.

### 1014.7.3 INTERNAL AFFAIRS FILE

The internal affairs file shall be maintained under the exclusive control of the Office of Professional Responsibility in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the supervisor of the Office of Professional Responsibility. These files shall contain:

- (a) The complete investigation of all formal complaints of employee misconduct regardless of disposition.
  1. Each investigation file shall be sequentially numbered within a calendar year (e.g., yy-001, yy-002) with an alphabetically arranged index cross-referenced for each involved employee.
  2. All investigative files, whether internally generated or arising out of a formal citizen's complaint, and which result in a sustained finding, shall be maintained no less than three years after the final case disposition.
- (b) Pursuant to the Washington State Law Enforcement Records Retention Schedule, investigative files shall be maintained as follows:
  1. Records relating to the internal review and investigation of agency employee conduct and/or allegation of misconduct or violation of agency regulations/orders, federal, state or local statute, where charges are sustained and formal discipline is imposed shall be maintained for a minimum of six (6) years after the completion of disciplinary action then transferred to the Washington State Archives for appraisal and selective retention. .
  2. Records relating to internal review/investigation of agency employee conduct and/or allegations of misconduct or violation of agency regulations/orders, or federal, state or local statute, where formal discipline is not imposed because the employee is exonerated and/or the charges are found to be unsustained, unfounded, or inconclusive shall be retained for a minimum of six (6) years after final disposition and then destroyed.
  3. Investigations which result in other than a sustained finding shall be maintained for the minimum statutory period but may not be used by the Department to adversely affect an employee's career.



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### **1014.7.4 TRAINING FILES**

An individual training file shall be maintained by the Training Division for each employee. Training files will contain records of all training and education mandated by law or the Department, including firearms qualifications and mandated annual proficiency requalification.

- (a) It shall be the responsibility of the involved employee to provide the Administrative Services Sergeant or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Administrative Services Sergeant or supervisor shall ensure that copies of such training records are placed in the employee's training file.

### **1014.7.5 MEDICAL FILE**

The Medical file shall be maintained separately from all other files and shall contain all documents relating to the employee's medical condition and history, including but not limited to the following:

- (a) Materials relating to medical leaves of absence.
- (b) Documents relating to workers compensation claims or receipt of short or long term disability benefits.
- (c) Fitness for duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records which reveal an employee's medical condition.
- (e) Any other documents or material which reveals the employee's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.
- (f) These files shall be kept separate and secure from other files.

### **1014.8 PURGING OF FILES**

Personnel records shall be maintained and destroyed as specified in [City of Bellingham Policy § 21.00.01](#), [The Local Government Common Records Retention Schedule \(CORE\)](#) and the [Law Enforcement Records Retention Schedule](#) shall govern the retention and disposition of agency records ( [RCW Chapter 40.14](#)). The Administrative Coordinator shall ensure compliance with the retention schedule and COB Policy.

# Commendations and Awards

## 1015.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Bellingham Police Department and individuals from the community.

## 1015.2 POLICY

It is the policy of the Bellingham Police Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

## 1015.3 COMMENDATIONS

Commendations for members of the Bellingham Police Department or for individuals from the community may be initiated by any department member or by any person from the community.

### 1015.3.1 MEDAL OF HONOR (STATE OF WASHINGTON)

Awarded to department members killed in the line of duty or who has been distinguished by exceptionally meritorious conduct, upon nomination of the governor's state law enforcement medal of honor committee. This award is established as Washington State's highest award for law enforcement per [RCW 41.72.020](#).

### 1015.3.2 MEDAL OF VALOR

Awarded to departmental members for acts of exceptional bravery performed at very high risk to their own lives. This award will be presented in the form of a medal, blue ribbon bar with word "valor" centered on the pin and a citation.

The citation shall include the date of the incident, a short description of the incident, date of presentation of the medal and shall be signed by the Chief of Police.

### 1015.3.3 MEDAL OF MERITORIOUS SERVICE

Awarded to departmental members who distinguish themselves in the line of duty by acts of personal bravery, not falling within the guidelines of the Medal of Valor. May be presented to members whose actions directly contribute to saving or significantly prolonging human life. This award will be presented in the form of a medal, a blue ribbon bar with the word "merit" centered on the pin and a citation.

The citation shall include the date of the incident, a short description of the incident, date of presentation of the medal and shall be signed by the Chief of Police.

### 1015.3.4 FIRST CLASS COMMENDATION

Presented to departmental members for exemplary service on a specific incident, or when the danger present is not life threatening. This award is presented in the form of a pin and citation.

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The citation shall include the date of the incident, short description of the incident, date of presentation of the pin and shall be signed by the Chief of Police.

### **1015.3.5 LETTER OF COMMENDATION**

Presented to departmental members who perform their duties in a manner that demonstrates professionalism, devotion to duty, and dedication to the performance of the departmental mission. This award may also be given to an individual or unit for performance over an extended period of time, or on a given incident that is well above the norm.

This award is presented in the form of a letter to the employee signed by the Chief of Police.

### **1015.3.6 CITIZEN COMMENDATION**

These awards are presented to citizens who have materially aided the department or its members in some way. This includes assistance in solving crimes, apprehension of criminals, aiding an officer in the field during a critical situation, and cooperation with or assistance to the department as a whole.

This award shall consist of a certificate signed by the Chief of Police.

### **1015.3.7 CITIZEN CERTIFICATE OF APPRECIATION**

This award may be presented to a person who is not a member of the department but who has continually served the department in an ongoing capacity as a volunteer.

This award shall consist of a certificate signed by the Chief of Police.

### **1015.3.8 PURPLE HEART**

Presented in recognition of a significant personal injury received in the line of duty.

This award shall consists of a medal, a ribbon bar, and certificate.

## **1015.4 RECOMMENDING AWARDS**

Any departmental member may recommend another departmental member of any award. More than one person may make recommendations jointly.

Any departmental member who is given significant assistance by a citizen may nominate that citizen for Citizen Commendation. Any departmental member who is aware of such assistance given by a citizen to another employee may also nominate that citizen.

Letters or calls from citizens commending a departmental employee shall be forwarded to the employee's supervisor for review. If the supervisor concludes that an award is justified, he or she shall prepare and forward a recommendation form to the Employee Awards Committee (EAC).

### **1015.4.1 RECOMMENDATION PROCEDURES**

Award recommendations shall be submitted to a member of the EAC via the Award Nomination Form (located on the M drive).

The nomination form may be accompanied by reports and can include such items as witness statements, photographs, reports from other agencies, statements from civilians familiar with the

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incident, newspaper articles, or any other documentation that will assist the EAC in determining the classification of award.

### **1015.5 DETERMINATION OF AWARDS**

The EAC will meet as needed to consider nominations.

The EAC shall examine the circumstances of the nomination and collect all the facts pertinent to the case. This fact-finding process may include the hearing of witnesses, the examination of supporting documents submitted with the nomination and the examination of any other reports prepared in connection with the incident.

Upon completion of the process, the EAC shall vote on the nomination and the majority of the votes of EAC members present shall be sufficient to determine the EAC's recommendation.

The EAC may make any one of the following findings:

- Award Approved as Nominated.
- Award Not Approved.
- Modification to Award recommended.

The packet will then be forwarded to the Chief for final approval.

## **Fitness for Duty**

### **1016.1 PURPOSE AND SCOPE**

All officers are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all officers of this department remain fit for duty and able to perform their job functions.

### **1016.2 EMPLOYEE RESPONSIBILITIES**

- (a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform the essential duties of their job position.
- (b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.
- (c) During working hours, all employees are required to be alert, attentive, and capable of performing their assigned responsibilities.
- (d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

### **1016.3 SUPERVISOR RESPONSIBILITIES**

- (a) A supervisor observing an employee or receiving a report of an employee who is perceived to be unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to address the situation.
- (b) Whenever feasible, the supervisor should make a preliminary determination of the level of inability of the employee to perform the essential duties required of the job.
- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to obtain sufficient information regarding the nature of the concern to enable the Department to assess options and react responsibly to assure the safety of the employee, other members of the Department and the public, while complying with the employee's legal rights.
- (d) In conjunction with the shift supervisor or employee's available Deputy Chief, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.
- (e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

### **1016.4 RELIEF FROM DUTY**

Any employee suffering from a work or non-work related condition which warrants a temporary relief from duty may be entitled to be placed on family medical leave under state and/or federal law. Consult with Human Resources to assure proper notification and compliance with family

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medical leave rights. Employees who are relieved from duty for medical reasons may be eligible for workers compensation payments or may be required to use sick leave or other paid time off consistent with applicable policies.

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

### **1016.5 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS**

- (a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Department of Human Resources to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) The examining health care provider will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties. The scope of the requested fitness for duty report shall be confined to the physical or psychological condition that prompted the need for the examination. If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding.
- (c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.
- (d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.
- (e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.
- (f) In the event an employee is required to submit to a "fitness for duty" examination as a condition of returning from medical leave required under the Family Medical Leave Act (FMLA), contact Human Resources for direction regarding how to proceed.
- (g) Once an employee has been deemed fit for duty by the examining health care provider, the employee will be notified to resume his/her duties.

### **1016.6 LIMITATION ON HOURS WORKED**

Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour) period, or
- 30 hours in any 2 day (48 hour) period, or

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- 84 hours in any 7 day (168 hour) period.

Except in very limited circumstances members should have a minimum of 10 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

#### **1016.7 APPEALS**

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty exam shall be entitled to an administrative appeal as outlined in the Conduct Policy.

## Meal Periods and Breaks

### 1017.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as possible shall conform to the policy governing all City employees that has been established by the Chief Administrative Officer.

#### 1017.1.1 MEAL PERIODS

Commissioned officers, records personnel and dispatchers shall remain on duty subject to call during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor.

While on duty, officers will be permitted to suspend patrol or other assigned activity on approval of the Shift Supervisor for one meal period. The meal period will not exceed thirty minutes.

Meal periods will be staggered in each division to insure continuity of operation. Meal periods will be assigned by the employee's supervisor. Employees living outside the city limits of Bellingham must make arrangements to bring their lunch, or eat within the city limits.

Unless permission from a Supervisor is obtained, no more than two commissioned personnel will occupy an establishment while on break or lunch. The time spent for the meal period shall not exceed the authorized time allowed.

#### 1017.1.2 15 MINUTE BREAKS

Each employee is entitled to two 15 minute breaks, one during each half of the work period.

Field officers should take their breaks in their assigned areas, subject to call and shall monitor their radios during the breaks.

#### 1017.1.3 FOOD CONSUMPTION IN VEHICLES

The consumption of meals and/or food in Bellingham Police Department vehicles is not encouraged. If an employee chooses to eat while occupying a Police Department vehicle, it will be done so that no debris whatsoever is left inside the vehicle and that no offensive food odor remains in the vehicle.



# Lactation Break Policy

## 1018.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child.

## 1018.2 POLICY

It is the policy of this Bellingham Police Department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing child for up to two years after the child's birth (29 USC § 207 and [RCW 43.10.005](#)).

## 1018.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk ([29 USC § 207](#)). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Lactation breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

Employees desiring to take a lactation break shall notify Dispatch or a supervisor prior to taking such a break and such breaks may be reasonably delayed if they would seriously disrupt department operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

## 1018.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be sanitary, shielded from view, and free from intrusion from co-workers and the public ([29 USC § 207](#), [RCW 43.70.640](#) and [RCW 43.10.005](#)). The Bunk Room, located between the Women's and Men's Locker Rooms may be used for lactation breaks.

Employees occupying such private areas shall either secure the door or otherwise make it clear that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

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### **1018.5 STORAGE OF EXPRESSED MILK**

Any employee storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the employee ends her shift.

## Time Sheet Procedures

### 1019.1 PURPOSE AND SCOPE

Time sheets are submitted to Administrative Services on a bi-weekly basis for the payment of wages.

#### 1019.1.1 RESPONSIBILITY FOR COMPLETION OF TIME CARDS

Non-exempt employees are responsible for the accurate and timely submission of time cards for the payment of wages. Completed time cards shall be submitted to a supervisor for approval prior to submission to Administrative Services.

#### 1019.1.2 TIME REQUIREMENTS

All employees are paid on a bi-weekly basis, usually on the 10th and 25th of the month, with certain exceptions such as holidays and weekends. All timesheets are due to the Fiscal Technician by the date posted.

Employee: Timesheets shall be completed in ink, signed, and submitted to their immediate supervisor so they may be checked for accuracy and timely submission.

Supervisor: Timesheets shall be checked for accuracy and OT worked/recorded. Check the accrued time report if paid time off was taken to make sure the employee has earned the time. Once reviewed for completeness and accuracy, sign off under employee's signature and give to the Fiscal Technician.

# Overtime Compensation Requests

## 1020.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the contractual agreements, or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit an "Overtime Worked" slip as soon as practical after overtime is worked.

### 1020.1.1 DEPARTMENT POLICY

Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the employee to complete a form for such a period, the employee shall comply.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed limits specified in contractual agreements.

## 1020.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practicable for verification and forwarding to the Support Services Division. Failure to submit a request for overtime compensation in a timely manner may result in discipline.

### 1020.2.1 EMPLOYEES RESPONSIBILITY

Employees shall complete the requests immediately after working the overtime and turn them in to their immediate supervisor or the Shift Supervisor. Employees submitting overtime slips for on-call pay when off duty shall submit cards to the Shift Supervisor's office.

### 1020.2.2 SUPERVISORS RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

# Outside Employment

## 1021.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for departmental employees engaging in outside employment, all employees shall obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

### 1021.1.1 DEFINITIONS

**Outside Employment** - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

**Outside Overtime** - Any member of this department who performs duties or services on behalf of an outside organization, company, or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

## 1021.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

The permission form may be found on the M: drive — Shared information — Forms. The form is titled "Outside Employment Request." The employee shall fill out the form and submit it to the Chief's office for consideration.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial.

### 1021.2.1 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment agreement may be revoked or suspended under the following circumstances:

- (a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at his/her discretion, revoke any previously approved outside employment agreement(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level.
- (b) Suspension or revocation of previously approved outside employment may be included as a term or condition of sustained discipline if related to the outside employment.

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- (c) If, at any time during the term of valid outside employment, an employee's conduct or outside employment conflicts with the provisions of department policy, the agreement may be suspended or revoked.
- (d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment may be rescinded until the employee has returned to a full duty status.

### 1021.2.2 PRIMARY OBLIGATION

The primary obligation and responsibility of an employee who accepts off duty employment must be to the department. Employees directed to report for overtime work will do so regardless of their off duty employment situation.

### 1021.3 PROHIBITED OUTSIDE EMPLOYMENT

The Department expressly reserves the right to deny any Outside Employment by an employee seeking to engage in any activity which in its view, would:

- (a) Present concerns regarding the employee's use of departmental time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage.
- (b) Present concerns regarding the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department.
- (c) Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department.
- (d) Raise concerns regarding time demands that would render performance of the employee's duties for this department less efficient or render the employee unavailable for reasonably anticipated overtime assignments and other job-related demands that occur outside regular working hours.

#### 1021.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Because it would further create a potential conflict of interest, no member of this Department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Chief of Police in advance of the desired service. Such outside overtime will be assigned, monitored and paid through the Department.

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- (a) The applicant will be required to enter into an indemnification agreement prior to approval.
- (b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.
- (c) Should such a request be approved, any employees working outside overtime shall be subject to the following conditions:
  - 1. The officer(s) shall wear the departmental uniform/identification.
  - 2. The officer(s) shall be subject to the rules and regulations of this department.
  - 3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
  - 4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
  - 5. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

### **1021.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE**

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment and should be reported as time worked on employee time records.

### **1021.3.3 SPECIAL RESTRICTIONS**

Except for emergency situations or with prior authorization from the Division Commander, undercover officers or officers assigned to covert operations shall not be eligible to work in a uniformed or other capacity which might reasonably disclose the officer's status as a law enforcement officer.

### **1021.4 DEPARTMENT RESOURCES**

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

### **1021.5 MATERIAL CHANGES OR TERMINATION OF OUTSIDE EMPLOYMENT**

If an employee terminates his/her outside employment, the employee shall promptly submit written notification of such termination to the Chief of Police through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

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Employees are also required to disclose material changes in outside employment that occur after approval of outside employment has been granted to the Chief of Police in writing. For the purpose of this policy, such changes include any material change in the number of hours, type of duties or demands of outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.



# Occupational Disease and Work-Related Injury Reporting

## 1022.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, post-traumatic stress disorder (PTSD), and work-related injuries.

## 1022.2 POLICY

The Bellingham Police Department will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (RCW 51.28.010 et seq.).

### 1022.2.1 INJURIES REQUIRING MEDICAL CARE

All work related injuries and work-related illnesses requiring medical care must be reported to your immediate supervisor and Human Resources/Benefits. Injured employees can obtain a claim form by contacting Human Resources/Benefits within 24 hours from the time the injury was discovered, excluding weekends and holidays. Injured employees shall be provided a Self-Insurer Accident Report (SIF-2) form F207-002-000 ( [WAC 296-15-320\(2\)](#)).

### 1022.2.2 DEFINITIONS

**Occupational disease** - Disease or infection while acting in the course of employment.

**Work-related injury** - Any occurrence from which bodily injury may result, regardless of whether any injury or damage actually does occur.

[RCW 51.08.013](#); [RCW 51.08.100](#); [RCW 51.08.140](#); [RCW 51.08.142](#).

### 1022.2.3 EMPLOYEE'S RESPONSIBILITY

Any employee sustaining any work-related injury or illness, as well as any employee who is involved in any accident while on duty shall report such injury, illness or accident as soon as practical to his/her supervisor.

Any employee observing or learning of a potentially hazardous condition is to promptly report the condition to his/her immediate supervisor.

Any employee sustaining a work-related injury or illness that requires relief from duty, for two or more days, is required to be examined/treated by a doctor.

Any employee sustaining a work-related injury or illness that requires relief from duty is also required to comply with Departmental policies and directives relating to the duty to periodically call in during absences, as well as the duty to notify the Department of any change in condition or anticipated duration of the absence.

## *Occupational Disease and Work-Related Injury Reporting*

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When appropriate, an employee being treated for an on-duty injury should inform the attending physician that a modified duty assignment may be available at the Department. Modified duty may be available for employees whose injuries prevent resumption of regular duties.

An injured employee or employee who has suffered a work-related illness shall report as soon as practical to their immediate supervisor the extent and duration of any work restrictions if they are known. In addition, such employees are required to promptly submit all work status reports to their supervisor.

All employees are required to fully cooperate with accident investigations.

### **1022.2.4 SUPERVISOR'S RESPONSIBILITY**

A supervisor learning of any work-related injury, illness or accident, whether or not medical care is required, shall promptly ensure the "Accident-Hazard Report" form is completed and submitted to his/her Deputy Chief. Updated copies of forms with instructions for completion, provided by Human Resources/Benefits, can be found in the "Employee Tool Kit" on the City of Bellingham Staff Central Site.

Employee's who request a Self-Insurer Accident Report (SIF-2) form F207-002-000 shall be provided the form ([WAC 296-15-330\(2\)](#)) by contacting Human Resources/Benefits.

When an accident, injury or illness is reported initially on the "Accident-Hazard Report" form and the employee subsequently requires professional medical care, the State of Washington "Employer's Report of Occupational Injury or Illness" (SIF-2) form shall then be completed. The injured employee shall also sign the form in the appropriate location. This form is available by contacting Human Resources/Benefits.

### **1022.3 INJURY AND ILLNESS NOT REQUIRING MEDICAL ATTENTION**

Those injuries and illnesses not requiring medical attention shall be recorded on an Accident-Hazard Report form. This form shall be completed by the employee and signed by a supervisor.

By completing this form, the employee will not preclude his/her ability to seek medical attention later.

### **1022.4 SETTLEMENT OF INJURY CLAIMS**

Occasionally, an employee's work-related injury results from the negligent or wrongful acts of another, for which the employee, the City, and/or other insurers are entitled to recover civilly. To ensure that the City's interests are protected and that the employee has the benefit of the City's experience in these matters, the following procedure is to be followed:

#### **1022.4.1 EMPLOYEE TO REPORT INITIAL CONTACTS**

When an employee sustains work-related injuries caused by another person and is then approached by such person or an agent, insurance company, or attorney and offered a settlement of claims, that employee shall take no action other than to refer the agent, insurance company, or attorney to the City of Bellingham Attorney's Office.

# Personal Appearance Standards

## 1023.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the department, employees shall maintain their personal hygiene and appearance in a manner that projects a professional image appropriate for this department and for their assignment.

## 1023.2 GROOMING STANDARDS

Unless otherwise stated, and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

### 1023.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, worn up.

### 1023.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

### 1023.2.3 SIDEBURNS

Sideburns may extend to the bottom of the earlobe, but must be neatly trimmed, and the hair on the sideburns must not be allowed to be over one quarter inch in length and the width not to exceed one inch.

### 1023.2.4 FACIAL HAIR

Facial hair other than sideburns, mustaches and eyebrows shall not be worn, and officers shall be clean-shaven unless authorized by the Chief of Police or his/her designee.

### 1023.2.5 JEWELRY AND ACCESSORIES

No jewelry or personal ornaments shall be worn by officers on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar.

For uniformed, commissioned personnel, one single-stud pierced earring worn in the lobe of both ears is allowed.

For non-uniformed, commissioned personnel, more than one stud-type earring, per ear, is permissible (for safety reasons, other earring types to include, but not limited to, "hoop," "drop" or "chandelier" are prohibited).

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### **1023.3 TATTOOS**

At no time while on duty, or representing the Department in any capacity, shall any offensive tattoo or body art be visible. Tattoos that consist of religious or political symbolism shall not be visible while on duty. Any tattoos on the face, neck, hands, fingers, tongue, scalp or ears are prohibited.

For employees who have obtained face, neck, hands, fingers, tongue, scalp or ear tattoos prior to the implementation of this policy, those tattoos shall not be visible while on duty. Such tattoos shall be concealed with an appropriate covering. Appropriate coverings shall consist of currently approved uniform apparel that conceals the tattoo or a plain flesh-toned covering.

Offensive tattoos would include, but are not limited to those which depict racial, sexual, discriminatory, gang related, or obscene language or representations. The following are examples of offensive tattoos:

- Depictions of nudity or violence
- Initials, acronyms or symbols which represent criminal or historically oppressive organizations i.e. KKK, SS, swastikas.
- Tattoos promoting drug use or criminal activity.

Determination of what is considered offensive will be at the discretion of the Chief of Police.

Tattoos which are in violation of this policy shall be covered.

### **1023.4 BODY PIERCING OR ALTERATION**

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited except with prior authorization of the Chief of Police. Such body alteration includes, but is not limited to:

- (a) Tongue splitting or piercing.
- (b) The use of gold, platinum veneers or other caps, sometimes known as "grillz" or "grills," for the purpose of dental ornamentation is prohibited. No design, initial, jewel or other ornamentation is permitted on teeth (braces or dental corrective devices are excluded).
- (c) The complete transdermal implantation of any material other than hair replacement.
- (d) Abnormal shaping of the ears, eyes, nose or teeth. This includes "gauging" or gradually increasing the radius of a surgically induced opening in the flesh in areas such as the ear lobes or lips.
- (e) Branding or scarification.
- (f) Facial piercings.

# Uniform Regulations

## 1024.1 PURPOSE AND SCOPE

The uniform policy of the Bellingham Police Department is established to ensure that uniformed officers will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated Policy Manual sections:

Section 700 - Department Owned and Personal Property.

Section 1013 - Body Armor.

Section 1023 - Personal Appearance Standards.

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Chief of Police or his/her designee. That manual should be consulted regarding authorized equipment and uniform specifications.

## 1024.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

The purpose of a uniform is to identify the person wearing it as a police officer. The uniform helps citizens in need of law enforcement services to identify departmental personnel. It also indicates to those being detained or arrested that the action is being taken by a law enforcement officer. Finally it provides a high level of law enforcement visibility. Employees are responsible for wearing the proper and complete department uniform in the prescribed manner except when working in an assignment which requires them to be out of uniform. The department has two uniforms, summer and winter.

- (a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.
- (b) All peace officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) Personnel shall wear only the uniform specified for their rank and assignment.
- (d) The uniform is to be worn in compliance with the specifications set forth in the department's uniform specifications that are maintained separately from this policy.
- (e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.
- (f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.
- (g) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official department functions or events.
- (h) If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off duty.

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- (i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.
- (j) Mirrored sunglasses will not be worn with any Department uniform.
- (k) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or his/her designee.
  - 1. Wrist watch.
  - 2. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand.
  - 3. One single stud earring in each ear.
  - 4. Medical alert bracelet.

### 1024.2.1 DEPARTMENT ISSUED IDENTIFICATION

The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department issued identification card at all times while on duty or when carrying a concealed weapon under authority of their commission.

- (a) Whenever on duty or acting in an official capacity representing the department, employees shall display their department issued identification in a courteous manner to any person upon request and as soon as practical.
- (b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Deputy Chief.

### 1024.3 UNIFORM CLASSES

#### 1024.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions such as court, funerals, graduations, ceremonies, or as directed. The Class A uniform shall be worn for Superior Court Appearances (professional attire is required for plain clothes). The Class A uniform is required for all sworn personnel. The Class A uniform includes the standard issue uniform with:

- (a) Long sleeve shirt with tie.
- (b) Polished shoes.

Boots with pointed toes are not permitted.

#### 1024.3.2 CLASS B UNIFORM

All officers will possess and maintain a serviceable Class B uniform at all times. The Class B uniform may be worn for Municipal Court appearances.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

- (a) The long or short sleeve shirt may be worn with the collar open. No tie is required.

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- (b) A white, navy blue or black crew neck t-shirt must be worn with the uniform.
- (c) Long sleeve performance/compression shirts may be worn with the Class B long or short sleeve uniform shirt. Compression shirts shall have no visible marks on the exposed portion.
- (d) All shirt buttons must remain buttoned except for the last button at the neck.
- (e) Shoes for the Class B uniform may be as described in the Class A uniform.
- (f) Navy Blue or Black socks shall be worn.
- (g) Approved all black unpolished shoes may be worn.
- (h) Boots with pointed toes are not permitted.
- (i) Jumpsuits and outer carrier vests can be considered Class B uniform.

### **1024.3.3 SPECIALIZED UNIT UNIFORMS**

The Chief of Police may authorize special uniforms to be worn by officers in specialized units such as Canine Team, SWAT, Bicycle Patrol, Motor Officers and other specialized assignments.

### **1024.3.4 FOUL WEATHER GEAR**

The Uniform and Equipment Specifications lists the authorized uniform jacket and rain gear.

### **1024.3.5 LEATHER JACKETS, JUMPSUITS AND OUTER CARRIER VESTS**

It is the policy of the Bellingham Police Department to allow its members to wear leather jackets, jumpsuits and outer carrier vests. This policy has the following conditions and reservations:

- (a) All expenses of the jacket, jumpsuits and vests, including purchase, repair, refurbishment, damage repair and replacement are borne by the individual officer.
- (b) The department has final approval as to style, color, etc., of the jackets, jumpsuits and vests.
- (c) The department reserves the authority to regulate the wearing of the jacket, jumpsuit and vest, including discontinuance of such wear.
- (d) Members are expected to maintain the issued jacket should wearing of such be ordered for uniformity on special occasions.

### **1024.4 INSIGNIA AND PATCHES**

- (a) Shoulder Patches - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, three-quarters of an inch below the shoulder seam of the shirt and be bisected by the crease in the sleeve.
- (b) Service stripes, stars, etc. - Service stripes and other indicators for length of service may be worn on long sleeved shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of one and one-

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half inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only.

- (c) The regulation nameplate, or an authorized sewn on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the employee's first initial and last name. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.
- (d) When a jacket is worn, the nameplate or an authorized sewn on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.
- (e) Assignment Insignias - Assignment insignias, (SWAT, FTO, etc.) may be worn as designated by the Chief of Police.
- (f) Flag Pin - A flag pin may be worn, centered above the nameplate.
- (g) Badge - The department issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform.
- (h) Rank Insignia - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Police may authorize exceptions.

### **1024.4.1 MOURNING BADGE**

Uniformed employees should wear a black mourning band across the uniform badge whenever a law enforcement officer / firefighter is killed in the line of duty (LODD). The following mourning periods will be observed:

- (a) An officer of this department - From the time of death until midnight on the 14th day after the death.
- (b) An officer / firefighter from Washington State and Lower British Columbia - From the time of death until midnight on the day of the funeral.
- (c) Funeral attendee - While attending the LODD funeral of an officer / firefighter outside the State of Washington. Officers or Honor Guard members who attend may wear a mourning badge cover while enroute to and while enroute back from a LODD funeral.
- (d) National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.
- (e) No other use / wearing of the mourning badge cover is authorized unless specifically ordered by the Chief of Police.

Officers / firefighters are not afforded the honor of the mourning badge cover if the officer / firefighter dies outside the line of duty (e.g. natural causes, accidents, suicide, etc.).

### **1024.5 CIVILIAN ATTIRE**

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.



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- (a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.
- (b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits that are moderate in style.
- (c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style.
- (d) The following items shall not be worn on duty:
  - 1. T-shirt alone.
  - 2. Open toed sandals or thongs.
  - 3. Swimsuit, tube tops, or halter-tops.
  - 4. Spandex type pants or see-through clothing.
  - 5. Distasteful printed slogans, buttons or pins.
- (e) Variations from this order are allowed at the discretion of the Chief of Police or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.
- (f) No item of civilian attire may be worn on duty that would adversely affect the reputation of the Bellingham Police Department or the morale of the employees.

### **1024.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS**

Unless specifically authorized by the Chief of Police, Bellingham Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify himself/herself as an employee of the Bellingham Police Department, to do any of the following:

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose, or contradict any social issue, cause or religion.
- (c) Endorse, support, or oppose, any product, service, company or other commercial entity.
- (d) Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast or any website.

### **1024.7 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT**

- (a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department issued item.
- (b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.

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- (c) Replacement of items listed in this order as optional shall be done as follows:
  - 1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
  - 2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (Policy Manual § 700).

### **1024.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES**

Bellingham Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

Bellingham Police Department employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

### **1024.9 TRADING PATCHES**

The trading, selling, exchanging and/or gifting of Bellingham Police Department insignia patches should be restricted to other law enforcement entities. Requests for insignia patches will be made through the Training Office and will require the approval of the Lieutenant of the Office of Professional Responsibility. Emphasis will be focused on determining the legitimacy of the requesting law enforcement agency/entity.

### **1024.10 USE OF BELLINGHAM POLICE LOGO, PATCH IMAGE AND BADGE IMAGE**

The use of Bellingham police logo, patch image and badge image, for non-department issued items, requires authorization from the Chief of Police.

## Police Explorers

### 1025.1 PURPOSE AND SCOPE

The Bellingham Police Department will maintain an Explorer Post to provide a comprehensive introduction to the "basics of law enforcement" for high school students who are considering a career in the field. The post will also perform public service by helping with community events and assisting the police department as needed.

Explorers will work under the direct supervision of commissioned personnel.

### 1025.2 PROGRAM ADMINISTRATION AND SUPERVISION

The Explorer program will be administered by the Outreach Services Sergeant. Routine supervision of the Post will be done by an Officer who is "lead advisor" and in his/her absence either by the Outreach Services Sergeant or one of the other Officer-advisors.

#### 1025.2.1 PROGRAM ADVISORS

Advisors for the post will be selected from among interested officers and shall be approved by the Chief of Police. The Advisors shall be responsible for providing training opportunities for the post and assuring that post members comply with the guidelines provided to them.

### 1025.3 TRAINING

Explorers should attend an in-state academy sponsored by the WLEEA during their first year in the program. Other training will be on-going at regular meetings.

### 1025.4 UNIFORMS

Explorers will be issued a set of uniform shirts, pants, and coat conforming with the standard of the post.

### 1025.5 RIDE-ALONG PROCEDURES

All explorers are authorized to participate in the Ride-Along Program on their own time and as approved by their immediate supervisor and the appropriate Shift Supervisor. Applicable waivers must be signed in advance of the ride-along. Explorers shall wear their uniform while participating on a ride-along.

# Nepotism and Conflicting Relationships

## 1026.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination, or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

See also COB Policy PER 01.00.04.

### 1026.1.1 DEFINITIONS

**Business relationship** - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder or investor in an outside business, company, partnership, corporation, venture or other transaction where the Department employee's annual interest, compensation, investment or obligation is greater than \$250.

**Conflict of interest** - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

**Nepotism** - The practice of showing favoritism to relatives in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

**Personal relationship** - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

**Public official** - A supervisor, officer or employee who is vested with authority by law, rule or regulation, or to whom authority has been delegated.

**Relative** - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

**Subordinate** - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

**Supervisor** - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

## 1026.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department does not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply:

- (a) Employees are prohibited from directly supervising or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

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1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
  2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. Examples include, but are not limited to: (1) A Sergeant will not be assigned to the Investigations or Traffic Units where a relative or personal relationship exists with a Civil Service Detective/Traffic Officer. (2) An Officer cannot sign up for any shift under the supervision of a Sergeant who is a relative or with whom the Officer is involved in a personal relationship. (3) A Lieutenant will not be assigned to a Division in which there is a relative or personal relationship between the Lieutenant and Sergeant within that Division. The Department, also reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.
- (b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.
  - (c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.
  - (d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.
  - (e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive, or registered sex offender, or who engages in serious violations of state or federal laws.

### 1026.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with

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whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

### 1026.2.2 SUPERVISORS RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations, whenever possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations through the chain of command.

# Domestic Violence Involving Law Enforcement Employees

## 1027.1 PURPOSE AND SCOPE

This policy establishes procedures, protocols and actions for investigating and reporting domestic violence involving employees of this and other law enforcement agencies. The intent of this policy is to ensure that law enforcement employees are held to the standards of the law regarding domestic violence ([RCW 10.99.090](#)).

### 1027.1.1 DEFINITIONS

**Agency** - Means a general authority Washington law enforcement agency as defined in [RCW 10.93.020](#).

**Employee** - Means any person currently employed with an agency.

**Sworn Employee** - Means a general authority Washington peace officer as defined in [RCW 10.93.020](#), any person appointed under [RCW 35.21.333](#), and any person appointed or elected to carry out the duties of the sheriff under [RCW Chapter 36.28](#).

## 1027.2 DEPARTMENT RESPONSIBILITIES

Bellingham Police Department has the following obligations ([RCW 10.99.030](#) and [10.99.090](#)):

- (a) Provide pre-hire screening procedures reasonably calculated to disclose whether an applicant for a sworn employee position has a history of domestic violence, child abuse allegations, or have been subject to protective order.
- (b) Maintain ongoing and meaningful relationships with victim advocacy groups and other domestic violence professionals in the community.
- (c) Provide education to Bellingham Police Department employees on the dynamics of interpersonal violence.
- (d) In response to observed behavior or at the request of the employee, the Bellingham Police Department may offer or recommend intervention services to employees. If domestic violence is suspected, the referral should be to a domestic violence specialist.
- (e) Any employee who becomes aware of domestic violence committed by a sworn employee must immediately report that allegation to their supervisor.
- (f) Recognize that employees who disclose that they have personally engaged in criminal acts of domestic violence are not entitled to confidentiality. Such acts shall be investigated administratively and criminally as appropriate.
- (g) Provide information to employing law enforcement agencies within 24 hours of a domestic violence or domestic dispute report involving a sworn officer.

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## *Domestic Violence Involving Law Enforcement Employees*

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- (h) Provide information on this domestic violence policy and programs under [RCW 26.50.150](#) to employees and make it available to employee families and the public.
- (i) Provide victims of domestic violence by Bellingham Police Department employees a department point of contact to assist the victim through the investigative process. Consideration should be given to selecting a point of contact at least one rank higher than the perpetrator, and would ideally be someone other than the investigator.
- (j) Provide victims of domestic violence by Bellingham Police Department employees contact information about public and private nonprofit domestic violence services and information regarding relevant confidentiality policies related to the victim's information.
- (k) Respond to Bellingham Police Department employees who are alleged victims of violence at the hands of sworn employees of the Bellingham Police Department. Safety concerns and domestic violence services information will be reviewed with the victim employee.
- (l) Provide for an impartial administrative investigation and appropriate criminal investigation of all acts of domestic violence allegedly committed by a sworn employee and appropriate sanctions when it is found that an employee has committed an act of domestic violence. Administrative investigations may be conducted by the Bellingham Police Department or through agreements with other law enforcement agencies
- (m) Consider whether to relieve a sworn employee of Department-issued weapons and suspend law enforcement powers pending resolution of an investigation.

### 1027.2.1 SUPERVISOR RESPONSIBILITIES

Supervisors are required to:

- (a) Be aware of behaviors in their subordinates that could be indicative of domestic violence and properly process observations of such behavior.
- (b) Ensure that domestic violence incidents are properly recorded and processed according to this policy.

### 1027.2.2 COMMAND DUTY OFFICER RESPONSIBILITIES

Any incidents covered by this policy require notification of the Chief of Police and:

- (a) If a BPD employee is involved the Chief of Police shall:
  - 1. Determine if the involved employee's law enforcement powers shall be suspended and if duty weapon, and other Department-owned equipment shall be removed pending investigation outcome and possible prosecutorial charging decision.
  - 2. Issue an administrative order prohibiting contact with the victim if appropriate.
  - 3. Determine if the Office of Professional Responsibility will begin a review and further action.



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## *Domestic Violence Involving Law Enforcement Employees*

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4. Respond or designate a command officer to respond to a scene if the involved employee is a sergeant or above or if the situation dictates command presence.
- (b) If an employee of another law enforcement agency is involved the Chief of Police shall:
  1. Verify command notification of the employing agency.
  2. Verify the supervisor has offered assistance with removing weapons, police powers, etc.
  3. Ensure that the Bellingham Police Department provides appropriate reports and any other requested documentation to the employing agency.

### **1027.2.3 DOMESTIC VIOLENCE SPECIALIST RESPONSIBILITIES**

- (a) In all instances of law enforcement domestic violence the Family Crimes Unit Supervisor shall:
  1. Review the report and assign the criminal investigation or coordinate with the agency of jurisdiction.
  2. Coordinate with the appropriate prosecutor's office regarding charging and prosecution.
  3. Coordinate with the appropriate domestic violence advocacy organization to assist with victim safety concerns. Victim notification of each step of the administrative process is critical to victim safety.
- (b) All completed investigations of domestic violence that reveal probable cause of a crime committed by any agency sworn employees or the agency head shall be promptly forwarded to the appropriate prosecuting authority for a charging decision.
- (c) For all situations involving an employee of this department, the Family Crimes Unit Supervisor shall:
  1. Contact the victim.
  2. Introduce the point of contact.
  3. Provide an update regarding the administrative process.

### **1027.3 EMPLOYEE ACTIONS**

Law enforcement employees have the following obligations or entitlements ( [RCW 10.99.090](#)):

- (a) Employees are entitled to seek assistance through the employee assistance program, employee peer counselors, chaplains, or psychological professionals, however, in situations where family violence is indicated a referral to a domestic violence specialist is critical.
- (b) Employees with knowledge or information about any sworn employee in violation of this policy must report in writing to their supervisor or the Office of Professional Responsibility as soon as possible, but no later than 24 hours. Failure to report may subject the employee to disciplinary action.
- (c) Employees who are victims of domestic violence are encouraged to request assistance, but are not subject to punitive measures for failing to report their abuse.

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- (d) Employees should be alert to the likelihood of victim or witness intimidation and shall immediately take appropriate action. This action will include, but is not limited to the report to their supervisor or the Office of Professional Responsibility within 24 hours.
- (e) Employees are expected to fully cooperate with the investigation of allegations under this Policy but only as requested by a supervisor, the Office of Professional Responsibility or by court subpoena.
- (f) When a law enforcement agency responds to a call in which a sworn employee is alleged to have been involved in a domestic dispute or committed an act of domestic violence, the involved employee must immediately report that police response to their supervisor. A written report must follow within 24 hours, subject to the agency's internal investigatory process.
- (g) When an employee becomes the subject of an investigation for child abuse or neglect, or becomes subject to an order under [RCW 26.44.063](#) or [RCW 26.50](#) or any equivalent order issued by another state or tribal court, that employee must immediately report the fact to his/her supervisor. A written report must follow within 24 hours to include a copy of any order and any notices of court dates, appearances, and proceedings received by the employee.

### **1027.4 INCIDENT RESPONSE**

Any notification of any incident of domestic violence involving any law enforcement officer requires a prompt response, full investigation and a complete written report by this department ( [RCW 10.99.030](#)). These incidents additionally require:

- (a) On-scene supervisory presence.
- (b) Notification through the chain of command to the Chief of Police of this department; and if the incident involves employees of another agency, notification of the agency head of the employing agency.
- (c) The Chief of Police may delegate responsibility for receiving such reports to a specialized unit and/or specific person. Anyone so designated by the Family Crimes Unit should have specialized training regarding the dynamics of violent relationships, victim safety and the role of advocacy. The point of contact or unit supervisor should review each referral for any potential conflict of interest
- (d) In the event of a report of domestic violence alleged to have been committed by the Chief of Police, prompt notification will be made to the employing entity's Chief Administrative Officer, or, in the case of an elected Sheriff, the County's Prosecutor.

#### **1027.4.1 RADIO RESPONSE**

Employees of WhatComm will ensure the following actions are taken:

- (a) Enter a call for service.
- (b) Notify the Shift Supervisor or appropriate supervisor.
- (c) Notify the Deputy Director of WhatComm (via email) so documentation of the facts of the call, including the 9-1-1 tape and CAD documentation, is preserved.

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### 1027.4.2 PATROL RESPONSE

A patrol officer responding to an incident described as domestic violence involving a law enforcement officer should, whenever possible, request a supervisory response.

- (a) The primary unit will conduct a thorough investigation, including, but not limited to:
  - 1. Photographs of the crime scene and any injuries identified.
  - 2. Statements from all witnesses, including children, if any.
  - 3. The Domestic Violence Supplemental Report Form.
  - 4. Seizure of any weapons used or referred to in the crime.
  - 5. Signed medical releases.
  - 6. Statement of the victim; statement of the suspect.
  - 7. Determine if the victim requests any guns or specific weapons be removed for safekeeping and accommodate removal or explain the process for seeking a court order for removal.
  - 8. Complete the report as soon as possible, but prior to the completion of their shift.
- (b) Patrol units responding to suspicious circumstances, compelling third party accounts of incidents, unexplained property damage, etc. or other troubling event involving law enforcement officers will complete written reports of the incident.
- (c) The Family Crimes Supervisor shall be notified of the event so appropriate actions can be taken to restrict general access to the report(s).

### 1027.4.3 PATROL SUPERVISOR RESPONSE

A patrol supervisor shall:

- (a) Respond whenever practical to the scene of any domestic violence incident involving sworn employees of this department regardless of jurisdiction. Supervisors will coordinate information and offer assistance to the agency of jurisdiction to provide a complete investigation.
- (b) Respond to the scene of all domestic violence incidents within the jurisdiction of the Bellingham Police Department involving any law enforcement officer.
- (c) Coordinate the investigation, applying appropriate resources and special units such as forensics, photography, domestic violence specialists, advocates and ensuring command notification.
- (d) Write a report on all incidents, whether deemed criminal or not and route it through the chain of command.
- (e) In the event of the arrest of a sworn employee of the Bellingham Police Department, ensure that the proper administrative notification has been made. Consideration should be given to other agency equipment and inquiries made about voluntary surrender of personal weapons that may be secured for safekeeping.

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## *Domestic Violence Involving Law Enforcement Employees*

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- (f) In the event of the arrest of a sworn employee of another agency, contact that agency prior to custody transport and request authorization to seize that employee's agency-issued weapons or arrange for the employing agency to obtain them.
- (g) Endeavor to make a good faith effort to locate the suspect if there is probable cause for an arrest.
- (h) Explain the process to the victim, including the opportunity for applicable emergency protection orders, administrative no-contact orders, and confidentiality statutes and policies.
- (i) Provide the victim with BPD contact information, and act as the point of contact until another assignment is made.

### **1027.5 VICTIM SAFETY ASSISTANCE AND NOTIFICATION**

The Bellingham Police Department will work with community resources and domestic violence advocacy agencies and shall make available to the victim ( [RCW 10.99.090](#)):

- (a) Information on how to obtain protective orders and/or removal of weapons from his/her home.
- (b) Assistance with obtaining such orders in coordination with domestic violence victim advocates.
- (c) A copy of this policy and any agency confidentiality policy.
- (d) Information about public and private domestic violence advocacy resources to include the Washington State Domestic Violence Hotline.
- (e) Information related to relevant confidentiality policies related to the victim's information and public disclosure as provided by law.
- (f) The Bellingham Police Department will coordinate victim notification regarding criminal and administrative investigative processes through the designated agency liaison in order to assist with victim safety.

## Department Badges

### 1028.1 PURPOSE AND SCOPE

The Bellingham Police Department badge and uniform patch as well as the likeness of these items and the name of the Bellingham Police Department are the property of the Department and their use shall be restricted as set forth in this policy.

### 1028.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority and the use and display of departmental badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

#### 1028.2.1 FLAT BADGE

Sworn officers, with the written approval of the Chief of Police may purchase, at his/her own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of departmental policy as the uniform badge.

- (a) An officer may sell, exchange, or transfer the flat badge he/she purchased to another officer within the Bellingham Police Department with the written approval of the Chief of Police.
- (b) Should the flat badge become lost, damaged, or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in Policy Manual 700.
- (c) An honorably retired officer may keep his/her flat badge upon retirement. If the privately purchased badge is retained by the department, the employee will be compensated at its original cost.
- (d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

#### 1028.2.2 CIVILIAN PERSONNEL

Badges and departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Parking Control, Dispatcher).

Non-sworn personnel shall not display any department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.

Non-sworn personnel shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

#### 1028.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may purchase his/her assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

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### **1028.3 UNAUTHORIZED USE**

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees and civilian uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for Department use shall be subject to approval by the Chief of Police.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

### **1028.4 PERMITTED USE BY EMPLOYEE GROUPS**

The likeness of the department badge shall not be used without the expressed authorization of the Chief of Police and shall be subject to the following:

- (a) The employee associations may use the likeness of the department badge for merchandise and official association business provided they are used in a clear representation of the association and not the Bellingham Police Department. The following modifications shall be included:
  - 1. The text on the upper and lower ribbons is replaced with the name of the employee association.
  - 2. The badge number portion displays the initials of the employee association.
- (b) The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Chief of Police.

### **1028.5 BPD CHALLENGE COINS**

The BPD Challenge Coin will be presented to department members (sworn and civilian) in recognition of commendable actions by the employee.

The Chief of Police or his designee may award a coin to a citizen in recognition of actions that support the Bellingham Police Department's community policing philosophy, contribute to the public safety efforts of our members or the safety of our members and/or community.

To maintain the coin's organizational significance, we will not offer additional coins for private purchase or non-official distribution outside of the department.

# Temporary Modified-Duty Assignments

## 1029.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules or current collective bargaining agreements or memorandums of understanding. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

## 1029.2 POLICY

Subject to operational considerations, the Bellingham Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

## 1029.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the Washington Law Against Discrimination shall be treated equally, without regard to any preference for a work-related injury.

No position in the Bellingham Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the [DepartmentOffice]. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle or engaging in outside employment, or may otherwise limit them in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

## 1029.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

Employees seeking a temporary modified-duty assignment should submit a written request to their Deputy Chief.

## *Temporary Modified-Duty Assignments*

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All medical information regarding the temporary modified-duty assignment shall go through Human Resources. Human Resources will provide the healthcare provider with a list of pre-approved modified duty tasks for the medical provider to approve, and then for the employee to sign in agreement. This medical information should, as applicable, include a certification from the treating medical professional containing:

- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Deputy Chief will make a recommendation through the chain of command to the Chief of Police regarding temporary modified-duty assignments that may be available based on the needs of the [DepartmentOffice], the limitations of the employee and suitability of the employee to work a particular assignment. The Chief of Police or the authorized designee shall confer with the Department of Human Resources or the City Attorney as appropriate.

### **1029.5 ACCOUNTABILITY**

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate [departmentoffice] operations and the employee's medical appointments, as mutually agreed upon with the Deputy Chief.

#### **1029.5.1 EMPLOYEE RESPONSIBILITIES**

The responsibilities of employees assigned to temporary modified duty shall include, but are not limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisor. Doctor visits and appointments for treatment of injuries or illnesses that are not work related should be scheduled during off-duty time or the employee may utilize sick leave in accordance with the Reporting for Duty and Sick Leave Reporting policy and applicable labor agreement if appointments are scheduled during work time.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to the Deputy Chief that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.



## *Temporary Modified-Duty Assignments*

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### **1029.6 MEDICAL EXAMINATIONS**

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

### **1029.7 PREGNANCY**

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth or a related medical condition, the employee will be treated the same as any other temporarily disabled employee ([42 USC § 2000e\(k\)](#)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment. Once a pregnant employee is placed on temporary modified-duty, they will not be required to provide updates or request extensions prior to their expected due date, unless there is a change in their restrictions or limitations as determined by their health care provider.

Nothing in this policy limits a pregnant employee's right to a temporary modified-duty assignment if required under [RCW 43.10.005](#).

#### **1029.7.1 NOTIFICATION**

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the City's policies, procedures, and regulations regarding family and medical care leave.

### **1029.8 PROBATIONARY EMPLOYEES**

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.

### **1029.9 MAINTENANCE OF CERTIFICATION AND TRAINING**

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

# Employee Speech, Expression and Social Networking

## 1030.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

### 1030.1.1 APPLICABILITY

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

## 1030.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Bellingham Police Department will carefully balance the individual employee's rights against the Department's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

## 1030.3 SAFETY

Employees should consider carefully the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of the Bellingham Police Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be expected to compromise the safety of any employee, an employee's family or associates.

## *Employee Speech, Expression and Social Networking*

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Examples of the type of information that could reasonably be expected to compromise safety include, but not limited to:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

### **1030.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT**

To meet the department's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Bellingham Police Department or its employees.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Bellingham Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Bellingham Police Department or its employees. Examples may include:
  - 1. Statements that indicate disregard for the law or the state or U.S. Constitution.
  - 2. Expression that demonstrates support for criminal activity.
  - 3. Participating in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Bellingham Police Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department

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## *Employee Speech, Expression and Social Networking*

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for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee ([RCW 9A.68.020](#)).

- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Bellingham Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.
- (h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:
  - 1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
  - 2. During authorized breaks; such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

### 1030.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the Bellingham Police Department or identify themselves in any way that could be reasonably perceived as representing the Bellingham Police Department in order to do any of the following, unless specifically authorized by the Chief of Police:

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g. bargaining group), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Bellingham Police Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized

## *Employee Speech, Expression and Social Networking*

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bargaining unit or officer associations, on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes ([5 USC § 1502](#)).

### **1030.5 PRIVACY EXPECTATION**

Members forfeit any expectation of privacy with regard to e-mails, texts or anything published or maintained through file-sharing software or any Internet site (e.g. Facebook, Instagram) that is accessed, transmitted, received or reviewed on any department technology system.

The Department reserves the right to access, audit and disclose for whatever reason any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department e-mail system, computer network or any information placed into storage on any department system or device.

This includes records of all key strokes or web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a user name or password will not create an expectation of privacy if it is accessed through department computers, electronic devices or networks. However, the Department shall not require a member to disclose a personal user name or password, or open a personal social website, except when access is reasonably believed to be relevant to the investigation of allegations of work-related misconduct ([RCW 49.44.200](#)).

### **1030.6 CONSIDERATIONS**

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Department.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

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## *Employee Speech, Expression and Social Networking*

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### **1030.7 TRAINING**

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.

# Line-of-Duty Deaths

## 1031.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Bellingham Police Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Chief of Police may also apply some or all of this policy in situations where members are injured in the line of duty and the injuries are life-threatening.

### 1031.1.1 DEFINITIONS

Definitions related to this policy include:

**Line-of-duty death** - The death of a sworn member during the course of performing law enforcement-related functions while on- or off-duty, or a civilian member during the course of performing their assigned duties.

**Survivors** - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

## 1031.2 POLICY

It is the policy of the Bellingham Police Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

## 1031.3 INITIAL ACTIONS BY COMMAND STAFF

- (a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the shift supervisor and Dispatch.
  1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).
- (b) The shift supervisor should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.
- (c) If the member has been transported to the hospital, the shift supervisor or the designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.
- (d) The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve

## *Line-of-Duty Deaths*

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the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

### **1031.4 NOTIFYING SURVIVORS**

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Chief of Police, shift supervisor or the authorized designee should select at least two members to conduct notification of survivors.

Notifying members should:

- (a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
- (b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity and current location (e.g., small children at home, children in school).
- (c) Plan for concerns such as known health concerns of survivors or language barriers.
- (d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital and should remain at the hospital while the survivors are present.
- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.
- (g) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification.
- (h) Assist the survivors with meeting childcare or other immediate needs.



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## *Line-of-Duty Deaths*

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- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
- (j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivor's names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.
- (m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other Bellingham Police Department members may be apprised that survivor notifications are complete.

### **1031.4.1 OUT-OF-AREA NOTIFICATIONS**

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

- (a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.
- (b) The Department Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief of Police.

### **1031.5 NOTIFYING DEPARTMENT MEMBERS**

Supervisors or members designated by the Chief of Police are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support group, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

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### **1031.6 LIAISONS AND COORDINATORS**

The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including, but not limited to:

- (a) Department Liaison.
- (b) Hospital Liaison.
- (c) Survivor Support Liaison.
- (d) Critical Incident Stress Management (CISM) coordinator.
- (e) Funeral Liaison.
- (f) Mutual aid coordinator.
- (g) Benefits Liaison.
- (h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

#### **1031.6.1 DEPARTMENT LIAISON**

The Department Liaison should be a Deputy Chief or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison's responsibilities include, but are not limited to:

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).
- (b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
- (d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
- (e) Coordinating all official law enforcement notifications and arrangements.
- (f) Making necessary contacts for authorization to display flags at half-mast.
- (g) Ensuring that department members are reminded of appropriate information—sharing restrictions regarding the release of information that could undermine future legal proceedings.
- (h) Coordinating security checks of the member's residence as necessary and reasonable.

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- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

### 1031.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

- (a) Arrange for appropriate and separate waiting areas for:
  - 1. The survivors and others whose presence is requested by the survivors.
  - 2. Department members and friends of the deceased member.
  - 3. Media personnel.
- (b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member's survivors or Bellingham Police Department members (except for members who may be guarding the suspect).
- (c) Ensure that survivors receive timely updates regarding the member before information is released to others.
- (d) Arrange for survivors to have private time with the member, if requested.
  - 1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
  - 2. The Hospital Liaison should accompany the survivors into the room, if requested.
- (e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.
- (f) If applicable, explain to the survivors why an autopsy may be needed.
- (g) Ensure hospital bills are directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment and that the member's residence address, insurance information and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include, but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting his/her actions at the conclusion of his/her duties.

### 1031.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Deputy Chief. The following should be considered when selecting the Survivor Support Liaison:

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- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include, but are not limited to:

- (a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes and other locations, as appropriate.
- (b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.
- (c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.
- (d) Providing assistance with travel and lodging arrangements for out-of-town survivors.
- (e) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:
  - 1. Items should not be delivered to the survivors until they are ready to receive the items.
  - 2. Items not retained as evidence should be delivered in a clean, unmarked box.
  - 3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
  - 4. The return of some personal effects may be delayed due to ongoing investigations.
- (f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.
  - 1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
- (g) Working with the CISM coordinator to ensure that survivors have access to available counseling services.
- (h) Coordinating with the department's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).
- (i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal and administrative investigations.

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- (j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (k) Introducing survivors to prosecutors, victim's assistance personnel and other involved personnel as appropriate.
- (l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (m) Inviting survivors to department activities, memorial services or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

### 1031.6.4 CRITICAL INCIDENT STRESS MANAGEMENT COORDINATOR

The CISM coordinator should work with the Chief of Police or the authorized designee, liaisons, coordinators and other resources to make CISM and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the CISM coordinator include, but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for CISM and counseling services, including:
  - 1. Members involved in the incident.
  - 2. Members who witnessed the incident.
  - 3. Members who worked closely with the deceased member but were not involved in the incident.
- (b) Ensuring that members who were involved in or witnessed the incident are relieved of department responsibilities until they can receive CISM support as appropriate and possible.
- (c) Ensuring that CISM and counseling resources (e.g., peer support, debriefing, grief counselors) are available to members as soon as reasonably practicable following the line-of-duty death.
- (d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available CISM and counseling services and assisting with arrangements as needed.

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- (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional CISM or counseling services are needed.

### 1031.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include, but are not limited to:

- (a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
- (b) Completing funeral notification to other law enforcement agencies.
- (c) Coordinating the funeral activities of the Department, including, but not limited to the following:
  - 1. Honor Guard
    - (a) Casket watch
    - (b) Color guard
    - (c) Pallbearers
    - (d) Bell/rifle salute
  - 2. Bagpipers/bugler
  - 3. Uniform for burial
  - 4. Flag presentation
  - 5. Last radio call
- (d) Briefing the Chief of Police and command staff concerning funeral arrangements.
- (e) Assigning an officer to remain at the family home during the viewing and funeral.
- (f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.

### 1031.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

- (a) Traffic control during the deceased member's funeral.
- (b) Area coverage so that as many Bellingham Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform his/her duties in accordance with the Outside Agency Assistance Policy.

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## *Line-of-Duty Deaths*

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### 1031.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and assist them in applying for benefits. Responsibilities of the Benefits Liaison include, but are not limited to:

- (a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury Reporting Policy).
- (b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:
  - 1. Public Safety Officers' Benefits (PSOB) Programs.
  - 2. Public Safety Officers' Educational Assistance (PSOEA) Program.
  - 3. Social Security Administration.
  - 4. Department of Veterans Affairs.
- (c) Researching and assisting survivors with application for state and local government survivor benefits.
  - 1. Death benefit ([RCW 41.26.510](#))
  - 2. Education benefit ([RCW 28B.10.567](#); [RCW 28B.15.380](#); [RCW 28B.15.520](#))
  - 3. Retirement benefits ([RCW 41.04.393](#))
- (d) Researching and assisting survivors with application for other survivor benefits such as:
  - 1. Private foundation survivor benefits programs.
  - 2. Survivor scholarship programs.
- (e) Researching and informing survivors of support programs sponsored by police associations and other organizations.
- (f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.
  - 1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.
- (g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.
- (h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

### 1031.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Chief of Police and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

## *Line-of-Duty Deaths*

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- (a) Establishing methods for purchasing and monitoring costs related to the incident.
- (b) Providing information on finance-related issues, such as:
  - 1. Paying survivors' travel costs if authorized.
  - 2. Transportation costs for the deceased.
  - 3. Funeral and memorial costs.
  - 4. Related funding or accounting questions and issues.
- (c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.
- (d) Providing accounting and cost information as needed.

### **1031.7 PUBLIC INFORMATION OFFICER**

In the event of a line-of-duty death, the department's PIO should be the department's contact point for the media. As such, the PIO should coordinate with the Department Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Ensure that department members are instructed to direct any media inquiries to the PIO.
- (c) Prepare necessary press releases.
  - 1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
  - 2. Ensure that important public information is disseminated, such as information on how the public can show support for the Department and deceased member's survivors.
- (d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.
- (f) If requested, assist the member's survivors with media inquiries.
  - 1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.
- (g) Release information regarding memorial services and funeral arrangements to department members, other agencies and the media as appropriate.
- (h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should ensure that media are notified when survivor notifications have been made.



## *Line-of-Duty Deaths*

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### **1031.8 INVESTIGATION OF THE INCIDENT**

The Chief of Police shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

### **1031.9 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL**

The Chief of Police may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

### **1031.10 NON-LINE-OF-DUTY DEATH**

The Chief of Police may authorize certain support services for the death of a member not occurring in the line of duty.

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# Employee Wellness and Critical Incident Stress Management

## 1032.1 PURPOSE

It is the policy of the Bellingham Police Department to provide well-being for all our members and the intent of this policy is to provide assistance to our members who are exposed to certain job-related stressors.

The purpose of this policy is to provide assistance and education for the continued physical health and mental well-being of employees of the Bellingham Police Department. It is paramount to the agency that we provide support and resources for the emotional, psychological and physiological coping behaviors that may occur in response to occupational stressors because stress does have a cumulative effect on the body. This can include responding to and being exposed to serious events. Many of these stressors can be managed by maintaining a healthy work environment and support system for those employees who are exposed to these types of events. Maintaining a balanced lifestyle with physical self-care, psychological self-care, emotional self-care and spiritual self-care is important for the well-being of our employees.

- Serious injury or violent death of a child
- Violent death of an adult
- Multiple casualty incidents
- Line of duty deaths or suicide of a department member
- Repeated exposure to child pornography and/or disturbing images and/or videos of child victims

Please note that there is a separate policy concerning critical incident stress debriefings with regards to officer-involved shootings.

## 1032.2 GOALS

The goals of the Bellingham Police Department Critical Incident Stress Management (CISM) are to:

1. Reduce the impact of traumatic events and/or cases on members of the agency.
2. Accelerate the recovery process from traumatic events and/or cases investigated by members.
3. Normalize stress responses for members; and
4. Provide stress management and coping education.

## *Employee Wellness and Critical Incident Stress Management*

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### **1032.3 METHOD OF OPERATION**

Critical incidents or traumatic events should result in critical incident debriefing. This debriefing should occur between 72 hours and 1 week after the event.

It is believed that the most effective way to minimize the negative effect of critical incident stress is through a debriefing facilitated by a trained mental health professional. It should be noted that the debriefing is an opportunity for members of a specific unit to share their thoughts but it is not intended to be a critique of the incidents or cases discussed.

**While attendance is automatic, participation is voluntary.** The reason for CISM debriefings are automatic is because studies have shown that emergency services personnel do not normally attend debriefings voluntarily, even when needed.

**The automatic debriefings are to be held in a group setting** so that experiences may be shared among unit members. Studies have shown that a key component of CISM debriefings is the sharing of experiences with colleagues and hearing how others are dealing with those experiences.

Select Peer Support officers should attend in order to support officers who need assistance.

No notes or recordings will be taken during the debrief.

Nothing in this policy limits or precludes an employee from scheduling additional meetings or sessions with an outside therapist. The agency encourages our members to seek individual sessions for assistance, as they see fit, or to follow-up on issues raised in a group debriefing or private sessions with a mental health provider. The Employee Assistance Program (EAP) can provide internal and external resources in identifying providers who are trained to deal with exposure to critical incidents.

**For detectives and forensic investigators** who are continually exposed to graphic crimes involving the sexual exploitation of children, to include traumatic cases of any kind involving children, the following workplace considerations should be given:

- A physical environment and office that should be conducive to feeling comfortable while at work. When possible an office with natural light and connection to the outside world, and temporary adjustments to work schedules reviewed on a case-by-case basis, subject to pre-approval of the Investigations lieutenant.
- Regular breaks from viewing the disturbing material. Members should not spend more than two consecutive hours viewing this material without taking a ten-minute break away from their work stations. Unit supervisors will encourage their members to take regular breaks. When practical, members should stop viewing any disturbing material up to one hour prior to the end of their work shift.
- Whenever possible, unit supervisors will vary caseloads so that investigators are not viewing disturbing images every day. On occasion, investigators may be assigned cases that do not involve the viewing of disturbing or graphic images in an effort to provide variety to the types and nature of cases they are exposed to on a regular basis.

## *Employee Wellness and Critical Incident Stress Management*

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- Unit supervisors will monitor work activities and encourage compliance with these considerations

**Detectives and forensic investigators will be required** biennially (once every two years) to attend individual meetings with a licensed mental health professional to discuss work environment, job stress level, and the amount of exposure to child pornography and/or any other related issues that may arise out of their work.

**The attendance is automatic and mandatory, participation is voluntary.**

The meetings are **confidential and not punitive** in nature. For those who are required to attend, proof of attendance will be the only information provided to the agency. All other clinical, operational, or personal information will be held in strict confidence by the mental health professional in accordance with the Health Insurance Privacy and Portability Act (HIPPA). Further, the agency will not seek out any such information. Normal exceptions to confidentiality such as a potential threat of harm to others, or abuse of a child/elder would still apply.

### **1032.4 MENTAL HEALTH PROFESSIONAL**

Mental health professionals contracted by the Bellingham Police Department to facilitate critical incident debriefings must be licensed and in good standing in Washington State. Providers must have experience working with law enforcement and a familiarity with the specific type of experiences and challenges of the law enforcement community. Providers must have at the minimum participation in basic critical incident stress management training; additional training in the area of critical incident stress management is preferred. Providers should have extensive experience and training in the area of psychological trauma, acute and post-traumatic stress disorder, and operational stress. Providers should have their own liability insurance and be able to provide proof of coverage.

Mental health providers:

- can provide recommendations of care for personnel
- have expertise and training in self-care and stress management
- can educate members
- can provide confidential one-on-one sessions for affected members
- have an understanding of the true nature and scope of critical incidents and child sexual abuse imagery
- have experience in dealing with criminal justice professional trauma
- can develop trust with criminal justice professionals

A list of mental health providers will be provided to affected members and the individual member can select the professional provider of their choice. Nothing precludes the member from identifying a qualified mental health provider of their own choosing to meet the requirements of attending.

# Bellingham Police Department

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## *Employee Wellness and Critical Incident Stress Management*

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The office of the Chief of Police will maintain a list of qualified and identified providers for the employee to choose from if they do not have a qualified mental health provider.

## **Attachments**

## **AmberAlertGraphic.JPG**



## AMBER or EMPA?



**Incident been reported to and being investigated by law enforcement**

**NO**  
→

**STOP!**  
**Neither AMBER**  
**nor EMPA**

**YES** ↓

**Is the person in danger due to age, health, mental or physical disability?**

**NO**  
→

**STOP!**  
**Neither AMBER**  
**nor EMPA**

**YES** ↓

**Enough descriptive information to assist in recovery**

**NO**  
→

**STOP!**  
**Neither AMBER**  
**nor EMPA**

**YES** ↓

**Is missing person a child 17 or under?**

**NO**  
→

**EMPA**

**YES** ↓

**Is missing child KNOWN to have been abducted?**

**NO**  
→

**EMPA**

**YES** ↓

**Activation within 4 hours?**

**NO**  
→

**EMPA**

**YES** ↓

**AMBER ALERT**

**For assistance, contact the WSP AMBER Alert  
Coordinator at (360) 704-2404**



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