

# Aberdeen Police Department

Aberdeen PD WA Policy Manual

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## **BLANK FOR CHIEF'S PREFACE**

# Aberdeen Police Department

Aberdeen PD WA Policy Manual

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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.

**BLANK FOR MISSION STATEMENT**

# Aberdeen Police Department Mission Statement

As Guardians of our community,  
we are committed to achieving  
trusted problem solving partnerships,  
always ready to serve, with pride and excellence.

## **CORE VALUES:**

### **– APPROACHABLE**

- We are engaged in the community we serve
- We seek partnerships with our community to solve problems
- We welcome interaction opportunities with the public

### **– COMMITTED**

- We aim for continuous improvement in serving the people in our community
- We are dedicated to a strong work ethic and dependable police service
- We are well trained and proficient in dealing with police matters
- We Obey and support the letter and the spirit of the law

### **– TEAMWORK**

- We are dedicated to our police department and each other
- We are responsible and creative in the management of our resources
- We focus our individual efforts toward teamwork
- We value each member's unique and diverse contributions and individual skill sets

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## *Blank for Mission Statement*

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### **– INTEGRITY**

- We carry ourselves in the highest of ethical standards
- We are professional in our delivery of police service
- We value the respect entrusted to us by the public
- We are accountable to each other and the public we serve

### **– OBJECTIVE**

- We recognize and respect the constitutional rights of all people
- We believe in treating people with courtesy, dignity, and respect
- We value innovation and support creativity

### **– NOBLE**

- We are the guardians and protectors in our community
- We exist to preserve human life and prevent harm
- We work to anticipate, prevent, and resolve problems
- We believe in doing the right thing, for the right reason, at the right time

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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. This department does not tolerate abuse of law enforcement authority.

## 100.2 PEACE OFFICER POWERS

Sworn members of this Department shall be considered peace officers as defined by RCW 9A.04.110(13) and 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 the officer, except as provided in RCW 10.31.100, subsections (1) through (10).

### 100.2.1 OTHER AUTHORITY

Sworn members of this department have Oregon peace officer authority whenever the officer enters Oregon in order to provide or attempt to provide specific law enforcement assistance and such assistance occurs no more than 50 miles from the Washington border.

Pursuant to Oregon law, such authority shall only apply when the officer has entered Oregon:

- (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.
- (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, an Oregon law enforcement official is present at the scene of the incident.

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.

Officers who enter Oregon to assist in such situations have no authority to enforce Oregon traffic or motor vehicle laws.

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## *Law Enforcement Authority*

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### 100.2.2 CITY AUTHORITY

The Aberdeen Police Department is established by the act of the City Council and Section 37 (31) of the Charter of the City of Aberdeen.

### 100.2.3 RESPONSIBILITY

Commissioned Police Officers are responsible for law enforcement, public safety, and other assigned duties within the City of Aberdeen. The authority of all officers is derived from their commission issued by the Chief of Police in accordance with Section 18 and 28 of the City Charter and City Ordinance 2.68.010.

### 100.2.4 ACCOUNTABILITY

Each Aberdeen Police Department employee is accountable for the use of delegated authority empowered to him/her by virtue of position, Police Commission, and/or rank.

### 100.2.5 DISMISSED OR SUSPENDED MEMBERS

Any member of this department who resigns, is dismissed or who is under suspension without pay shall forthwith be deprived of all police powers and privileges, except as a private citizen, and shall not continue to represent him/her self as a member of this department.

## **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 JURISDICTION**

The jurisdiction of Aberdeen Police Department personnel is that area, along with the properties and persons contained therein, within the corporate limits of the City of Aberdeen. All personnel are authorized to enforce the laws of the State of Washington and City of Aberdeen within said city limits

### 100.4.1 AGENCY JURISDICTION

On-duty officers of the Aberdeen Police Department may exercise their authority when on duty anywhere outside the City of Aberdeen and in the State of Washington when any of the following conditions exist:

- (a) With the written consent of the Sheriff or Chief of Police whose primary jurisdiction the exercise of authority occurs;
- (b) In response to an emergency involving the immediate threat to human life and property;
- (c) In response to a request for assistance pursuant to a mutual law enforcement assistance agreement with that agency of primary territorial jurisdiction or in response to the request of a peace officer with enforcement authority; Except vehicle pursuits as in policy §340.
- (d) When the officer is transporting a prisoner;

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- (e) When the officer is executing an arrest or search warrant;
- (f) When the officer is in fresh pursuit. Any peace officer who has statutory authority under Washington law to make an arrest may proceed in fresh pursuit of a person. The officer in fresh pursuit shall have the authority to arrest and to hold such person in custody anywhere in the state. The term fresh pursuit includes, without limitations, fresh pursuit as defined by the common law. Fresh pursuit does not imply immediate pursuit, but pursuit without unreasonable delay of a person:
  - 1. Who is reasonably believed to have committed a violation of traffic or criminal law; or
  - 2. For whom such officer holds a warrant of arrest.

### 100.4.2 OFF DUTY JURISDICTION

- (a) An officer of the Aberdeen Police Department may exercise his/her authority when off duty anywhere outside the City of Aberdeen and in the State of Washington when the following circumstances exist:
  - 1. In response to an emergency involving the immediate threat to human life, or serious threat to property; or
  - 2. In response to the request of a peace officer with enforcement authority.

## Law Enforcement Certification

### 101.1 PURPOSE AND SCOPE

All sworn officers employed by the Aberdeen Police Department shall receive certification by 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)).

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## Oath of Office

### 102.1 PURPOSE AND SCOPE

Officers of this department are sworn to uphold the federal and state constitutions and to enforce federal, state and local laws.

#### 102.1.1 OATH OF OFFICE

Upon employment, all sworn employees shall be required to affirm the oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of a law enforcement officer.

All sworn employees shall comply with the oath of office and agency policies, including the duty to be truthful and honest in the conduct of official business.

#### 102.1.2 OFFICIAL OATH OF OFFICE

I, \_\_\_\_\_ DO SOLEMNLY SWEAR THAT I WILL UPHOLD

THE CONSTITUTION OF THE UNITED STATES AND THE STATE OF WASHINGTON;

ABIDE BY THE CODE, THE STANDARDS OF ETHICAL CONDUCT, AND POLICY ADOPTED BY THE

ABERDEEN POLICE DEPARTMENT; AND THAT I WILL FAITHFULLY AND

IMPARTIALLY PERFORM AND DISCHARGE THE DUTIES OF A POLICE OFFICER OF

THIS CITY, TO THE BEST OF MY ABILITY.

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# Policy Manual

## 103.1 PURPOSE AND SCOPE

The manual of the Aberdeen Police Department is hereby established and shall be referred to as "The Policy Manual." The Policy Manual is a statement of the current policies, procedures, rules, and guidelines of this department. All employees are to conform to the provisions of this manual. All prior and existing manuals, orders, and regulations which are in conflict with this manual are revoked, except to the extent that portions of existing manuals, orders, and other regulations which have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized, however, that police work 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.

These policies, procedures, and regulations are for use within the Aberdeen Police Department only. They are not intended to expand an employee's civil or criminal liability in any way. They should not be construed as the creation of a higher standard of safety or care in the evidentiary sense with respect to third party claims. Violations of policy, procedure, or regulation, if substantiated, may form the basis of a complaint of this department in an administrative setting.

All directives or memorandums, not in conflict with these policies, procedures, and regulations, shall have the same authority as policies, procedures, or regulations.

Employees will, at all times, execute their duties in accordance with the policies, procedures, and regulations contained in this manual. Failure of an employee, either willfully or through negligence or incompetence, to perform the duties of his/her rank or assignment, or violations by an employee of any policy, procedure, or regulation, or memorandum having the effect of a policy, procedure, or regulation, may be considered sufficient cause for disciplinary action.

### 103.1.1 DISCLAIMER

The provisions contained in this 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 Aberdeen 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 employees. Violations of any provision of any policy contained within this manual shall only form the basis for departmental administrative action, training or discipline. The Aberdeen Police Department reserves the right to revise any policy content, in whole or in part.

## *Policy Manual*

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### **103.2 RESPONSIBILITIES**

The ultimate responsibility for the contents of the manual rests with the Chief of Police. Since it is not practical for the Chief of Police to prepare and maintain the manual, the following delegations have been made:

#### **103.2.1 CHIEF OF POLICE**

The Chief of Police shall be considered the ultimate authority for the provisions of this manual and shall continue to issue Departmental Orders which shall modify those provisions of the manual to which they pertain. Departmental Orders shall remain in effect until such time as they may be permanently incorporated into the manual.

Policy, procedures, and regulations will, in all instances, be issued exclusively with the authorization of the Chief of Police.

#### **103.2.2 STAFF**

Staff shall consist of the following:

- Chief of Police
- Deputy Chief of Police
- Section Commanders
- Lieutenants

The staff shall review all recommendations regarding proposed changes to the manual at staff meetings.

#### **103.2.3 OTHER PERSONNEL**

All department employees suggesting revision of the contents of the Policy Manual shall forward their suggestion, in writing, to their immediate supervisor who will consider the recommendation and forward to staff.

### **103.3 FORMATTING CONVENTIONS FOR THE POLICY MANUAL**

The purpose of this section is to provide examples of abbreviations and definitions used in this manual.

#### **103.3.1 ACCEPTABLE ABBREVIATIONS**

The following abbreviations are acceptable substitutions in the manual:

- Department Orders may be abbreviated as "DO" .
- Policy Manual sections may be abbreviated as "Section 106.X" or "§ 106.X".

#### **103.3.2 DEFINITIONS**

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



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## *Policy Manual*

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**Policy** - Policy consists of principles and values which generally guide the performance of the department in a particular situation. It is a statement of guiding principles that should be followed in activities which are directed toward the attainment of departmental objectives. Policy statements guide the actions of personnel in situations which require them to exercise discretionary judgment. Policy is based upon police ethics and experience, the desires of the community and the intent of the law.

**Procedure** - A procedure is a method of performing a particular activity or a way of proceeding under particular circumstances. It differs from policy in that it directs action in a particular situation to perform a specific task within the guidelines of policy. Both policy and procedures are objective oriented; however, policy establishes limits of action while procedure directs response within those limits.

**Regulations** - Regulations set specific requirements or specific limits on behavior. Regulations allow little deviation other than for stated exceptions.

**Adult** - Shall mean any person 18 years of age or older.

**Chain of Command** - The relative order of authority or responsibility, in ascending or descending order or rank.

**City** - Shall mean the City of Aberdeen.

**Civilian Employee** - All personnel of the department, or such city employees who are assigned to the department, who have not taken the oath of office and who have no enforcement responsibilities.

**CJTC** - Shall refer to the Criminal Justice Training Commission.

**Commanding Officer** - A superior officer having command, either temporarily or permanently, of a division or section.

**Commissioned Employee** - All personnel of the department who are certified by the Aberdeen Civil Service Commission in any class specification, and are commissioned with enforcement powers.

**Department /APD** - Shall mean the Aberdeen Police Department.

**DOL** - Shall mean the Department of Licensing.

**Employee/Personnel** - Shall apply to any person employed by the Department.

**Juvenile** - Shall mean any person under the age of 18 years.

**Manual** - Shall refer to the Aberdeen Police Department Policy Manual.

**Member** - Term applied to all persons who are employed by the Police Department and shall include sworn officers and non-sworn employees. This includes reserve officers and volunteers.

**Officer/Sworn** - Applies to those employees, regardless of rank, who are sworn employees of the Aberdeen Police Department.

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**OIC** - Officer in Charge.

**On-Duty** - Employee status during the period when he/she is actually engaged in the performance of his/her assigned duties.

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

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

**RCW** - Shall mean the Revised Code of Washington.

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

**Should (or may)** - Indicates a permissive or discretionary action.

**WAC** - Shall refer to the Washington Administrative Code.

**WSP** - Shall refer to the Washington State Patrol.

### 103.3.3 DISTRIBUTION OF MANUAL

Copies of the Policy Manual shall be distributed to the following:

- Chief of Police
- Deputy Chief of Police
- Patrol Section Commander
- Investigation Section Commander
- Special Assignments Division Commander
- Lieutenant's Office (2)
- Sergeant's Office
- Patrol Office
- Administrative Secretary
- Records Section
- City Corporation Counsel

A digital version of the Policy Manual will be made available on the Department network for access by all employees. The digital version will be limited to viewing and printing of specific sections. No changes shall be made to the digital version without authorization from Staff.

### 103.4 POLICY MANUAL ACCEPTANCE

As a condition of employment, all employees are required to read and obtain necessary clarification of this department's policies. Each member is required to sign a Statement of Receipt acknowledging that they have access to a copy of the Policy Manual and understand they are responsible to read and become familiar with its contents.

## *Policy Manual*

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### 103.4.1 REVISIONS TO POLICIES

All employees are responsible for keeping abreast of all Policy Manual revisions. All changes to the Policy Manual will be posted in the Department Intranet Home Page under the title Recent Policy Manual Revisions. The Special Assignments Officer will forward revisions to the Policy Manual each quarter to the Department Communications Log (Black Book). Each employee shall acknowledge receipt by dating and initialing the employee review log for each revised policy(s), review the revisions and seek clarification as needed.

Each section commander will ensure that employees under his/her command are made aware of any Policy Manual revisions in a timely manner.

### 103.4.2 CORRECTION OF GRAMMAR, SPELLING AND PUNCTUATION

As is true with all working manuals, this manual is continually revised and updated. All written documents no matter how well written and edited have grammatical, spelling and punctuation errors. The member utilizing the manual is often the first to detect these errors. In order to make this type of correction the member need only make a photocopy of the page on which the error occurs, make the correction and submit the page(s) through the chain of command.

### 103.4.3 DELETION

Another area of policy which is commonly overlooked is deletion of out of date or discontinued policy and procedure. If the employee encounters policy and procedure which they know to be obsolete they need only photocopy the parts which are obsolete and submit the page(s) up the chain of command. This would occur only if the policy or procedure was no longer in effect and no change is necessary.

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

# 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

The Chief of Police is responsible for administering and managing the Aberdeen Police Department. There are three divisions in the Police Department as follows:

- Administration Division
- Operations Division
- Special Assignments Division

### 200.2.1 ADMINISTRATION DIVISION

The Administration Division is commanded by the Chief of Police and is responsible for setting goals and objectives for the Department; coordinate planning; develop policies, procedures and regulations; provide for staffing, equipping and organizing the Department on an ongoing basis; coordinate efforts and relationships; report on Departmental accomplishments; maintain good employee and community relations; develop and administer the Departmental budget; and, provide overall administration of the entire Department.

### 200.2.2 OPERATIONS DIVISION

The Investigation Division is commanded by the Deputy Chief of Police who is responsible to the Chief of Police and who is assisted by Captains, Lieutenants, and Sergeants as assigned.

The Investigation Division includes the following Sections:

- (a) Patrol Section Responsibilities: To patrol the streets of the City; observe and investigate persons, situations or things which require attention and which affect enforcement of law or prevention of crime; preserve the peace; protect life and property; control public gatherings; perform miscellaneous services relative to public health and safety; examine doors and windows of commercial establishments; receive and process complaints by citizens; arrest offenders; prepare reports and testify in court; respond to the public's request for services in both criminal and non-criminal matters
  1. Traffic Unit Responsibilities: Assigned to the Patrol Section, the Traffic Unit is responsible to enforce traffic regulations in conjunction with the Patrol Section; investigate traffic hazards and initiate remedial measures; analyze collision reports; prepare and maintain charts and summaries for use by the Investigation Division in maintaining a selective enforcement program; in conjunction with the Aberdeen School District, train and supervise the school traffic patrol

## *Organizational Structure and Responsibility*

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in cooperation with the Washington State Patrol; cooperate with the public schools and other agencies or organizations in Traffic Safety Education; conduct specialized traffic surveys and studies and prepare reports as directed; furnish traffic control at special functions when beyond the scope of regular patrol officers.

2. School Resource Officer (SRO): The S.R.O. Program: When staffed and funded the SRO program will be actively promoted by the Aberdeen Police Department and supported by the Aberdeen School District. An officer appointed by the Chief of Police shall be assigned to those duties listed below:
    - (a) The S.R.O. is assigned to the Aberdeen School District to present educational programs; to provide mentoring to students and parents when needed; and to provide a positive law enforcement presence on campus. The S.R.O. promotes a better understanding of city, state, and federal laws, and their purpose and benefit. The S.R.O. provides for a visible and positive law enforcement image and serves as a source for students who request counseling/monitoring.
  3. Jail Section Responsibilities: To maintain custody, security and control of inmates legally committed or confined in the Aberdeen City Jail; maintain clean and sanitary facilities for all inmates, including clean bedding, towels and personal clothing; provide wholesome food, adequate heat and necessary medical aids; segregate hardened criminals from first offenders, and the potential security risk from the material witness; maintain a vigilance over inmates with mental disorders for their protection and the protection of other inmates.
  4. Animal Control Section: Responsible for the apprehension, transportation, custody, care, release and/or disposition of animals referred to the agency by complaint or investigation. To staff the municipal animal shelter, issue citations for violation of animal ordinances, conduct inspections of commercial animal dealers, refer wild animals to other agencies, and facilitate the control and protection of animals within the pertinent laws and policies of the city.
  5. Parking Enforcement: To provide downtown parking enforcement, other parking enforcement as required, and enforcement of abandoned and hulk vehicles.
- (b) Detective Section Responsibilities: To evaluate, assume and conduct certain criminal investigations for the purpose of apprehending, interrogating and prosecuting offenders, and recovering stolen property; interview persons and examine evidence referred by the Patrol and Traffic sections; direct crime scene operations at unusual incidents; investigate or arrest persons wanted for crimes by other jurisdictions; maintain investigative liaison with outside police departments; study material for

## *Organizational Structure and Responsibility*

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warning citizens of criminal activities and supply information necessary for effective Departmental operations.

- (a) Training Section: To compile and prepare instructive material and coordinate departmental in-service training; coordinate the activities of the Training Coordinator; maintain liaison with other police agencies on matters of personnel and training, and arrange for the interchange of teaching material and instructors; collect pertinent information for police training files and be responsible for the control and maintenance of the police library
- (b) Property Section Responsibilities: To provide for the safekeeping of all evidence and property that is held in custody by the Department.

### **200.2.3 SPECIAL ASSIGNMENTS DIVISION**

The Special Assignments Division is administered by an Officer or above whose primary responsibility is to provide general management direction and control for the Special Assignments Division under the supervision of the Deputy Chief. The Special Assignments Division consists of the records section, facility, information technology, and other assignments assigned by the Chief of Police. The Training Coordinator is the agency's designated 'Public Records Officer' and has responsibility for all records.

The Special Assignments Division include the following Sections:

- (a) Records Section Responsibilities: To maintain reports and files of the Department; receive complaints and reports made at the business office of the Department, and furnish information and answer inquiries as outlined in Departmental Orders; handle departmental correspondence not otherwise assigned by order or practice; account for monies received by the records section; and perform all other duties as related or assigned.
- (b) Personnel Health and Injuries: coordinate the investigation and preparation of reports on injuries to personnel received in the line of duty; develop, compile, and disseminate information relating to health and fitness of police personnel.
- (c) Building Maintenance and Facility Responsibilities: Include overseeing building maintenance and repair, purchasing supplies, planning building safety and security issues, proposing annual facility budgets, and provide for a safe and efficient environment for all agency staff.

## **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.

## Department orders

### 201.1 PURPOSE AND SCOPE

Department Orders establish an intradepartmental communication that may be used by the Chief of Police to make immediate changes to policy and procedure consistent with any collective bargaining agreement (s). Department Orders will immediately modify or change and supersede sections of this manual to which they pertain.

- (a) Department orders which revise, add to, or rescind, temporarily or permanently, policies or procedures currently in force will be issued over the Chief's or, in his absence, the Deputy Chief's signature.
- (b) Division Commanders may issue Department Orders dealing with matters of lesser importance than policies and procedures, subject to the approval of, and modification by, the Chief of Police.

#### 201.1.1 DEPARTMENT ORDERS PROTOCOL

- (a) Department Orders will be incorporated into the manual as required upon approval of Staff. Department Orders will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual.
- (b) All existing Department Orders have now been incorporated in the updated Policy Manual as of the below revision date.
- (c) Any Department Orders 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, 08-01 signifies the first [Department Orders ] for the year 2008.
- (d) Department Orders will be typed by the Administrative Secretary on a standard department form.
- (e) Employees will review every new Department Order which shall be placed in the Department Communications Log (Black Book). Prior to the end of the employees duty week the employee shall have read and been afforded the opportunity to discuss the meaning of the order with their supervisor. The employee shall then date and sign the review and receipt log for that department order to signify that they have reviewed the order and understand the material and will seek clarification if needed.
- (f) The Special Assignments Officer shall ensure a copy of each current Department Order is placed in the back of the Policy Manuals distributed through out the department until the order is added as a policy, expires, or is rescinded.

### 201.2 RESPONSIBILITIES



# Aberdeen Police Department

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## *Department orders*

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### 201.2.1 STAFF

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

### 201.2.2 CHIEF OF POLICE

The Chief of Police, or in his absence the Deputy Chief, shall issue all Department Orders.

### **201.3 ACCEPTANCE OF DEPARTMENTAL DIRECTIVES**

All employees are required to read and obtain any necessary clarification of all Departmental Directives. All employees are required to acknowledge in writing the receipt and review of any new Departmental Directive. Signed acknowledgement forms and/or e-mail receipts showing an employee's acknowledgement will be maintained by the Administrative Assistant.

# Disaster 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 Grays Harbor Comprehensive Management Plan and Disaster Preparedness 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 ABERDEEN CODES

An emergency management structure has been established and the Grays Harbor Comprehensive Management Plan and Disaster Preparedness Plan has been adopted by City of Aberdeen.

### 202.1.2 COORDINATE PLANNING

The Deputy Chief of Police is appointed Emergency Management Coordinator and will coordinate planning the Department response to disaster and unusual occurrences. This will include an annual review of the agency's policies and procedures dealing with unusual occurrences, the Department's role in the city-wide Disaster Management plan, and any lists for personnel notifications, designations and command and control

### 202.1.3 PRE-EVENT/INCIDENT PLANNING MANUAL

Once a significant incident occurs, or significant event is anticipated, where a substantial and concerted public safety and/or multi-agency/jurisdiction response is required, the use of the department Pre-Event/Incident Planning Manual is suggested. The manual is designed to assist in the organization of the departments response and provides the general responsibilities of the positions within, and requirement of, the ICS system.

## 202.2 ACTIVATING THE EMERGENCY PLAN

The Emergency Management Plan may be activated by the Chief of Police, the highest ranking official on-duty or a responder who is at the scene of a major emergency.

Upon activation of the plan, the Chief of Police or the authorized designee should, if the need is anticipated, contact the State Emergency Operations Center to assist with a mutual aid response in which local, state and federal law enforcement agencies provide resources to this department.

### 202.2.1 RECALL OF PERSONNEL

In the event that the Emergency Management Plan is activated, all employees of the Aberdeen Police Department are subject to immediate recall. Employees may also be subject to recall

## *Disaster Plan*

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during extraordinary circumstances as deemed necessary by the Chief of Police or the authorized designee.

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

### **202.3 LOCATION OF EMERGENCY MANAGEMENT PLAN**

The manual for the employees is available in the conference room, department intranet, Patrol Lieutenant's and Sergeant's offices. 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).

### **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 TRAINING**

All staff and supervisors should familiarize themselves with the Emergency Management Plan and the roles police personnel will play when the plan is implemented. Training when possible should incorporate a full or partial exercise, tabletop or command staff discussion.

## Electronic Mail

### 203.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of electronic mail (e-mail) by employees and volunteers 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 Records 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.

Nothing in this section should be interpreted to circumvent City Personnel Policies. See Section 13, Miscellaneous, Computer, Electronic Mail and Internet Use.

### 203.2 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.

### 203.3 PROHIBITED USE OF E-MAIL

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

E-mail messages addressed to the entire department are only to be used for official business and are of particular interest to all

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 prevent the misuse of an individual's e-mail, name and/or password by others.

## *Electronic Mail*

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### **203.4 MANAGEMENT OF E-MAIL**

All e-mail, both inbound and outbound, is captured and retained for ten (10) years. This is an administrative system setting and does not require any input from the user. Any e-mail requiring special retention or archiving should be stored in another database or storage device. This is the responsibility of the user. Printed copies of email are not an acceptable method of retaining or archiving e-mail records.

Refer to RCW 40.14. and the Washington State Archives website at <http://sos.wa.gov/archives/recordsretentionchedules.aspx> for current retention schedules.

It is the responsibility of the user to maintain their mailbox for both organizational purposes and to ensure the user's mailbox does not exceed the maximum allowed storage limit. Exceeding storage limits could affect the proper operation of the e-mail system.

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.

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# Administrative Communications

## 204.1 PURPOSE AND SCOPE

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

## 204.2 PERSONNEL ORDERS

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.

## 204.3 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. Personnel should use department letterhead only for official business and with approval of their supervisor. A copy of all correspondence pertinent to department business will be furnished to the Chief's office.

Correspondence relating to controversial matters, opinions, criticism of the agency's personnel, commitments made for the department, written on Aberdeen Police Department letterhead and/or signed by a member of this department representing their employment by the Aberdeen Police Department, shall, prior to being mailed, be approved by the Chief of Police or his designated representative.

### 204.3.1 PUBLIC STATEMENTS AND APPEARANCES

Officers shall not publicly criticize or ridicule the department, its policies, or other officers by speech, writing, or other expression, when such speech, writing, or other expression is defamatory, obscene, unlawful, undermines the effectiveness of the department, interferes with the maintenance of discipline, or is made with reckless disregard for truth or falsity.

### 204.3.2 PUBLIC APPEARANCE REQUESTS

Public appearances, speeches and demonstrations by members of the department shall be approved by the section commander, division commander, or the Chief of Police.

### 204.3.3 CLAIMS FOR DAMAGES AND LEGAL COMPROMISE

In matters arising out of his/her position in the department, a member of the department shall not file claims for damages or make any legal compromise with any person that might be binding of the City or Department, without notification and approval through the Chief of Police.

### 204.3.4 SUBPOENA BY DEFENDANT IN A CRIMINAL CASE

A member of the department who has been subpoenaed by any agent for the defense in a police case pending before a Court, shall notify his superior officer in the department and the appropriate City Attorney or Deputy Prosecuting Attorney involved.

# Aberdeen Police Department

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## *Administrative Communications*

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### **204.3.5 CONTACT OR INTERVIEW BY THE DEFENSE**

Interviews with defense attorneys or private investigators hired by the defense in cases arising out of the member's employment shall be handled as follows:

- (a) Interviews will be by appointment and only after the Department member has thoroughly reviewed the case and his involvement.
- (b) Appointments for interviews will be set between the hours of 0900 and 1600, Monday through Friday.
- (c) If applicable, and prior to the interview, the Department member shall notify the appropriate Detective, City Attorney or Deputy Prosecuting Attorney involved with the case.

### **204.4 SURVEYS**

All surveys made in the name of the Department shall be authorized by the Chief of Police or his/her designee.

## Staffing Levels

### **205.1 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.

### **205.2 MINIMUM STAFFING LEVELS**

Minimum staffing levels should result in the scheduling of at least one regular or acting supervisor on duty. Patrol Lieutenants will ensure that at least one patrol supervisor is deployed at all times.

#### **205.2.1 SUPERVISION DEPLOYMENTS**

In order to accommodate training and other unforeseen circumstances where patrol supervision is reduced, the Chief of Police, or his/her designee may temporally appoint an acting patrol Officer in Charge (OIC). The officer(s) selected shall be taken from the most recent promotional eligibility list.



# Concealed Pistol License

## 206.1 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.

### 206.1.1 APPLICATION OF POLICY

Nothing in this policy shall preclude the Chief of Police from entering into an agreement with the Sheriff to process all applications and permits for the carrying of a concealed pistol.

## 206.2 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:

- (a) The applicant is ineligible to possess a firearm under the provisions of RCW 9.41.040.
- (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).

## 206.3 APPLICATION PROCESS AND RENEWAL

The Chief of Police has thirty 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 ninety days, the Chief of Police has sixty days to issue a license. The Chief of Police must

## *Concealed Pistol License*

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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 Crime Information Center, the Washington State Patrol electronic data base, the Department of Social and Health Services electronic data base, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess a firearm and therefore ineligible for a concealed pistol license. This subsection applies for a new concealed pistol license or to renew a concealed pistol license.

The license application shall bear the full name, residential address, telephone number 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's 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.

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. The license may be in triplicate or in a form to be prescribed by the Department of Licensing.

The application for an original license shall include one complete set of fingerprints to be forwarded to the Washington State Patrol (RCW 9.41.070 (4)).

### 206.3.1 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. 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.

### 206.3.2 DOCUMENTATION AND FEES

The Chief of Police shall deliver the original copy of the application to the licensee, within seven days send the duplicate to the Director of Licensing and shall preserve the triplicate for six years.

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

## *Concealed Pistol License*

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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.

### **206.4 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 within 90 days after returning to Washington State. Verification for this CPL renewal exception is subject to the requirements of RCW 9.41.070(14).

### **206.5 TEMPORARY EMERGENCY LICENSE**

The Chief of Police may issue a temporary emergency license for good cause to an applicant who resides within his/her jurisdiction pending review. However, a temporary emergency license issued under this subsection shall not exempt the holder of the license from any records check requirement. The Chief of Police shall ensure temporary emergency licenses are easily distinguishable from regular licenses.

### **206.6 REVOCATION OF LICENSES**

The Chief of Police shall revoke any license issued pursuant to this policy immediately upon:

- (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.

## *Concealed Pistol License*

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### **206.6.1 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.

### **206.6.2 FIREARM FORFEITURE**

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

- (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.

### **206.7 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.

### **206.8 RESIDENCY**

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

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## *Concealed Pistol License*

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### **206.9 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.

## Retired Officer CPL Endorsements

### 207.1 PURPOSE AND SCOPE

The purpose of this policy is to outline the process and conditions associated with the issuance of identification cards and firearms certificates to retired officers of this department.

Retirees from the Aberdeen Police Department who meet the qualifications of RCW 9.41.060 or RCW 36.28A.090 are authorized carry a concealed handgun.

### 207.2 QUALIFIED RETIREES UNDER RCW 9.41.060

Officers retired for service or physical disabilities, except for those officers retired because of mental or stress-related disabilities are exempt from the provisions of RCW 9.41.050 (RCW 9.41.060). This exemption only applies to a retired officer who meets the following criteria:

- (a) Has obtained an identification card from this department that has been signed by the Chief of Police and states that the officer was retired for service or physical disability.
- (b) Has not been convicted or found not guilty by reason of insanity of a crime making him/her ineligible for a concealed pistol license.

The above exemption applies only to the carrying of a concealed weapon within the State of Washington.

### 207.3 QUALIFIED RETIREES UNDER 18 USC 926C

Subject to 18 USC 926C and Policy Manual § 312.8, qualified retired officers of this department may be authorized to carry a concealed weapon in Washington and other states.

Qualified retired officers who are residents of Washington and wish to transport or carry a concealed weapon under this authority must obtain a dated and signed firearms certificate form once each year. The certificate must show that either a law enforcement agency or an individual or entity certified to provide firearms training acknowledges that the bearer has been found qualified or otherwise meets the standards established by the Criminal Justice Training Commission for firearms qualification for the basic law enforcement training academy in the state (RCW 36.28A.090).

### 207.4 ISSUANCE OF RETIREE IDENTIFICATION CARD

The Administration Supervisor 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) The retiree's name and date of birth.
- (c) The date of retirement.

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## *Retired Officer CPL Endorsements*

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- (d) The name, address and phone number of the Aberdeen Police Department.
- (e) If applicable, a notation that: "This person qualifies as an honorably retired law enforcement officer under RCW 9.41.060(10)."

### **207.5 ISSUANCE OF FIREARMS CERTIFICATE**

Retired officers from the Aberdeen Police Department may, at the discretion of the Chief of Police, utilize department range facilities for the purpose of a yearly weapons qualification. The Rangemaster should sign and date the firearms certificate if the retiree successfully completes the required firearms qualification. The use of department range facilities by retirees is subject to additional restrictions and fees as established by the Chief of Police or authorized designee.

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.

## Petty Cash

### 208.1 PURPOSE AND SCOPE

- (a) The Police Department Petty Cash fund is created and operated in accordance with City Ordinance 3.24.010. The amount designated for the police department petty cash fund is \$200. Reimbursements and expenditures from this fund are limited to items under \$30.00 dollars. Dispersing of cash from the fund will be through the Administrative Coordinator. Cash advances are not authorized.
- (b) Replenishment of the fund will be handled by the voucher process, signed by the Chief of Police, with corresponding receipts attached. An internal audit will be conducted by the Administrative Coordinator each time the fund is replenished. Replenishment checks are issued by the Finance Department, in the name of and endorsed by the Administrative Coordinator. The petty cash fund is kept in a safe file by the Administrative Coordinator, who will maintain a record of all petty cash activity.



## Purchasing Procedure

### 209.1 PURPOSE AND SCOPE

Section and Division commanders are authorized to initiate a request for purchase, or order equipment and supplies within their individual section budget. All purchases shall conform to the City of Aberdeen purchasing policy.

- (a) Except for supplies ordered under State Contract, or medical and professional services, all purchases in excess of \$100 from one vendor will be made by purchase order.
- (b) If the cost is not known at the time the purchase order is prepared, an estimate amount will be written in, with a note that this is an estimated cost.
- (c) Item description should be complete including sizes, color, model numbers and identifying information as appropriate. This can be accomplished with an attachment to the purchase order.
- (d) Purchase orders will be completed by the Section or Division commander and submitted to the Administrative Coordinator for review and final approval by the Chief of Police.
- (e) In situations where an order for merchandise or services is placed by phone, the following statement will be written on the purchase order: "CONFIRMING ORDER - DO NOT DUPLICATE. Order placed on \_\_\_\_\_ by \_\_\_\_\_." (date) (name of individual)
- (f) In all cases when ordering by telephone, the person placing the order may give the vendor a purchase order number.
- (g) The original copy of the purchase order is the vendor's copy, the yellow copy is attached to the voucher and the pink copy remains in the purchase order book.
- (h) Vendors will be selected by price, quality and reputability. Local buying is encourage and desirable, if vendors meet the above criteria.
- (i) Three quotes should be obtained prior to ordering any single item costing in excess of \$1,000. The quotes must be submitted with the purchase order prior to purchase. The department may reject the quote of any supplier who has failed to perform satisfactorily in a previous contract with the Police Department or any other City department.
- (j) Specifications for items requiring standardized purchases, such as supplies from State contract, automobiles form State contract, uniforms and weapons are maintained by the Administrative Coordinator.
- (k) Inventory: The Special Assignments Division Officer, with the assistance of the Administrative Coordinator, shall conduct an annual inventory of Department property,

# Aberdeen Police Department

Aberdeen PD WA Policy Manual

## *Purchasing Procedure*

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equipment, and other assets, in accordance with the City of Aberdeen Policy and Procedures on Fixed Assets.

## **Chapter 3 - General Operations**

# Use of Force

## 300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force 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

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

### 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.

## 300.3 USE OF FORCE

Officers shall use only that amount of force 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 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 that reasonably

## *Use of Force*

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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 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.

### 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 DEATH AND SERIOUS INJURY FELONIES

- (a) Murder, or manslaughter in the 1st or 2nd degree;
- (b) Kidnapping or attempted kidnapping;
- (c) Rape or attempted rape in the 1st or 2nd degree;
- (d) Attempted or actual bombing or arson which creates or causes a potential threat to life;
- (e) Aggravated assault;
- (f) Robbery;
- (g) Burglary in which the suspect(s) is armed with a deadly weapon or assault any person therein.

### 300.3.3 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, 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.

## *Use of Force*

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- (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.
- (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.

### **300.3.4 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.
- (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.

### **300.4 DEADLY FORCE APPLICATIONS**

Use of deadly force is justified in the following circumstances:

## *Use of Force*

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- (a) An officer may use deadly force 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 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, 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 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

- (c) See Policy 300.1 for BARC felonies.

### **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**

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable 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.

A copy of any report documenting an application of force by a department members shall be forwarded to the Force Training Unit Supervisor for training purposes.

#### **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:

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- (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 Conducted Energy Device (CED) 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.
- (i) An individual alleges any of the above has occurred.

### **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 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.



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### **300.7 SUPERVISOR RESPONSIBILITY**

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, 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.

#### **300.7.1 PATROL LIEUTENANT RESPONSIBILITY**

The Patrol Lieutenant shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

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# Deadly Use of Force Review Boards

## 301.1 PURPOSE AND SCOPE

This policy establishes a process for the Aberdeen Police Department to review the use of force by its employees.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or evaluation of the use of deadly force.

Only the Chief of Police may call for the convening of the Use of Force Review Board.

## 301.2 POLICY

The Aberdeen Police Department will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately and is consistent with training and policy.

### 301.2.1 CONVENING THE BOARD

- (a) The Use of Deadly Force Review Board should be convened as soon as reasonable after the incident, and as frequently as necessary until the Board has reached a conclusion. The Board shall be authorized to review all reports concerning the incident and to interview witnesses. At the conclusion of the investigation the Board shall submit a written report to the Chief of Police
  - 1. In those instances where the evidence at hand indicates that an inquest, criminal and/or internal investigation will be held as a result of a discharge of firearms, the Use of Deadly Force Review Board may delay final recommendations until after such court actions are concluded.
  - 2. In the event the incident is in litigation, announcement of the Board's conclusion may be postponed until the litigation has ended

## 301.3 REMOVAL FROM LINE DUTY ASSIGNMENT

Generally, whenever an employee's actions or use of force in an official capacity, or while using department equipment, results in death or very serious injury to another, that employee will be placed in a temporary administrative assignment pending an administrative review. The Chief of Police may exercise discretion and choose not to place an employee in an administrative assignment in any case.

## 301.4 REVIEW BOARD

The Use of Deadly Force Review Board will be convened when the use of force by a member results in very serious injury or death to another.

## *Deadly Use of Force Review Boards*

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The Use of Deadly Force Review Board will also investigate and review the circumstances surrounding every discharge of a firearm, whether the employee was on- or off-duty, excluding training, dispatching an injured animal, or recreational use.

The Chief of Police may request the Use of Force Review Board to investigate the circumstances surrounding any use of force incident.

The Deputy Chief will convene the Use of Deadly Force Review Board as directed by the Chief of Police. It will be the responsibility of the Section Commander or supervisor of the involved employee to notify the Deputy Chief of any incidents that may require board review. The involved employee's Division Commander or supervisor will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

### 301.4.1 COMPOSITION OF THE BOARD

The Use of Deadly Force Review Board shall be comprised of the following persons selected by the Deputy Chief:

- A command officer.
- Department Range Master or his/her designee.
- Non-administrative supervisor.
- One member selected by the involved officer.
- Highest ranking member of the Detective Section who has not been directly involved in the investigation.

The Deputy Chief will serve as the chairperson.

### 301.4.2 RESPONSIBILITIES OF THE BOARD

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information and request the involved employee to appear. The involved employee will be notified of the meeting of the board and may choose to have a representative through all phases of the review process.

The board does not have the authority to recommend discipline.

The Chief of Police will determine whether the board should delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges, the decision not to file criminal charges, or any other action. The board should be provided all relevant available material from these proceedings for its consideration.

The review shall be based upon those facts which were reasonably believed or known by the officer at the time of the incident, applying any legal requirements, department policies, procedures

## *Deadly Use of Force Review Boards*

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and approved training to those facts. Facts later discovered but unknown to the officer at the time shall neither justify nor call into question an officer's decision regarding the use of force.

Any questioning of the involved employee conducted by the board will be in accordance with the department's disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement and any applicable state or federal law.

The board shall make one of the following recommended findings:

- (a) The employee's actions were within department policy and procedure.
- (b) The employee's actions were in violation of department policy and procedure.

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Chief of Police.

The Chief of Police shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional actions, investigations or reviews are appropriate. The Chief of Police's final findings will be forwarded to the involved employee's Section Commander for review and appropriate action. If the Chief of Police concludes that discipline should be considered, a disciplinary process will be initiated.

At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Chief of Police.

## Restraint Device

### 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 Aberdeen 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 Aberdeen 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 an individual 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 assure 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 that is effective for officer safety.

No person who is in labor shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary to prevent escape or injury (RCW 70.48.500).

## *Restraint Device*

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### 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 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.

### 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 subject (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during transportation to the jail.

### 302.3.5 PRISONER TRANSPORT SECURITY

In order to ensure the highest possible level of security involving inmates/prisoners of the Aberdeen City Jail the following procedures should be followed:

Any prisoner escorted or transported from the jail facility itself to points of destination as described in 04.070.02 of the Aberdeen Police Department Jail Facility Policies and Procedures Manual shall be handcuffed and/or secured with leg irons.

Use of belly chains or other means of security may be used as necessary at the discretion of the transporting officer.

Removal of such restraint devices will be in accordance with 04.070.02 of the Aberdeen Police Department Jail Facility Policies and Procedures Manual.

## **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 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 individual 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.

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### **302.5 APPLICATION OF SPIT HOODS/MASKS/SOCKS**

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

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 restrained individuals due to the potential for impaired or distorted vision on the part of the individual. Officers should avoid comingling individuals wearing spit hoods with other 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**

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility.

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 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 suspect.
- (b) Whether it is reasonably necessary to protect the suspect from his/her own actions (e.g., hitting his/her head against the interior of the patrol unit, running away from the arresting officer while handcuffed, kicking at objects or officers).

## *Restraint Device*

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- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol unit).

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

When applying leg restraints the following guidelines should be followed:

- (a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.
- (b) 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.
- (c) 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.
- (d) 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.
- (e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) 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 an individual 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 an individual is arrested, the use of restraints other than handcuffs shall be documented in the related report. The officer should include, as appropriate:

- (a) The amount of time the suspect was restrained.
- (b) How the suspect was transported and the position of the suspect.
- (c) Observations of the suspect's behavior and any signs of physiological problems.
- (d) Any known or suspected drug use or other medical problems.



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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 Aberdeen Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

### 303.3 ISSUANCE AND CARRYING 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 officers who have successfully completed department-approved training 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 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.

### 303.4 RESPONSIBILITIES

#### 303.4.1 PATROL LIEUTENANT RESPONSIBILITIES

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

#### 303.4.2 RANGEMASTER RESPONSIBILITIES

The Rangemaster, or his/her designee 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.

Every control device will be periodically inspected by the Rangemaster or the designated instructor for a particular control device. The inspection shall be documented.

#### 303.4.3 USER RESPONSIBILITIES

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

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Rangemaster for

## *Control Devices and Techniques*

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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.

#### **303.5.1 MEDICAL ATTENTION FOR INJURED SUSPECTS**

Suspects who are struck by a less-lethal round shall be transported to a medical facility for examination.

### **303.6 TEAR GAS GUIDELINES**

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Patrol Lieutenant, Incident Commander or Crisis Response Unit Commander may authorize the delivery and use of 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 tear gas to control any fires and to assist in providing medical aid or gas evacuation if needed.

### **303.7 OLEORESIN CAPSICUM (OC) GUIDELINES**

#### **303.7.1 OC SPRAY**

Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field 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 PEPPER PROJECTILE SYSTEMS**

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel deploying a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

The use of a pepper projectile system is subject to the following requirements:

## *Control Devices and Techniques*

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- (a) Officers encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system deployments where the suspect has been hit. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.
- (b) Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Accidental discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident deployments, such as training and product demonstrations, are exempt from the reporting requirement.

### **303.7.3 TREATMENT FOR OC SPRAY EXPOSURE**

Persons who have been sprayed with or otherwise affected by the use of OC 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 KINETIC ENERGY PROJECTILE GUIDELINES**

This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, 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**

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

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer determines that deployment of these 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 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.

#### **303.8.2 DEPLOYMENT CONSIDERATIONS**

Before discharging projectiles, the officer should consider such factors as:

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- (a) Distance and angle to target.
- (b) Type of munitions employed.
- (c) Type and thickness of subject's clothing.
- (d) The subject's proximity to others.
- (e) The location of the subject.
- (f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the 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 give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

Officers should keep in mind the manufacturer's recommendations and their training regarding deployment distances and target areas. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head, neck, and spine 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.

### 303.8.3 SAFETY PROCEDURES

Shotguns designated for the use of kinetic energy projectiles will be specially marked as such.

Absent compelling circumstances, officers who are certified and are loading kinetic energy projectiles ammunition will employ the two-person rule for loading. The two-person rule is a safety measure achieved by having a second officer watch the loading process to ensure that the weapon is completely emptied of conventional ammunition.

When the certified officer loads the shotgun with less-lethal ammunition the following procedures shall be performed. The officer is solely responsible for the condition of the weapon.

- (a) The officer will visually and physically inspect the chamber and magazine to ensure that all lethal ammunition has been removed from the shotgun.
- (b) The officer will then load the less-lethal rounds into the shotgun, visually inspecting each round prior to insertion, ensuring that each round is in fact a less-lethal round.
- (c) The second officer should also physically and visually check each round prior to being loaded into the firearm to ensure it is the correct projectile.

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

The Range Master or his/her designee 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 are retrained or recertified on an annual basis.

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the officer's training file.
- (c) 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.

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# Conducted Energy Device

## 304.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of Conducted Energy Device (CED)s.

## 304.2 POLICY

The CED is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to officers and suspects.

## 304.3 ISSUANCE AND CARRYING CEDS

Only members who have successfully completed department-approved training may be issued and carry the CED.

CEDs are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the department's inventory.

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

Members carrying the CED should perform a spark test on the unit prior to every shift.

When carried while in uniform officers shall carry the CED in a weak-side holster on the side opposite the duty weapon.

- (a) All CEDs shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Whenever practicable, officers should carry two or more cartridges on their person when carrying the CED.
- (c) Officers shall be responsible for ensuring that their issued CED is properly maintained and in good working order.
- (d) Officers should not hold both a firearm and the CED at the same time.

## 304.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the CED 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 CED may be deployed.

## *Conducted Energy Device*

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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 CED. 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 CED in the related report.

### **304.5 USE OF THE CED**

The CED has limitations and restrictions requiring consideration before its use. The CED should only be used when its operator can safely approach the subject within the operational range of the device. Although the CED 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.

#### **304.5.1 APPLICATION OF THE CED**

The CED 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 CED to apprehend an individual.

#### **304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS**

The use of the CED 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 CED 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 CED shall not be used to psychologically torment, elicit statements or to punish any individual.

### 304.5.3 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 CED 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.

### 304.5.4 MULTIPLE APPLICATIONS OF THE CED

Officers should apply the CED for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the CED 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 CED appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the CED, 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 CED at a time against a single subject.

### 304.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers shall notify a supervisor of all CED 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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### 304.5.6 DANGEROUS ANIMALS

The CED 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.

### 304.5.7 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department CEDs while off-duty.

Officers shall ensure that CEDs are secured while in their homes, vehicles or any other area under their control, in a manner that will keep the device inaccessible to others.

## 304.6 DOCUMENTATION

Officers shall document all CED discharges in the related arrest/crime report and the CED 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 report form.

### 304.6.1 CED FORM

Items that shall be included in the CED report form are:

- (a) The type and brand of CED and cartridge and cartridge serial number.
- (b) Date, time and location of the incident.
- (c) Whether any display, laser or arc deterred a subject and gained compliance.
- (d) The number of CED activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (e) The range at which the CED was used.
- (f) The type of mode used (probe or drive-stun).
- (g) Location of any probe impact.
- (h) Location of contact in drive-stun mode.
- (i) Description of where missed probes went.
- (j) Whether medical care was provided to the subject.
- (k) Whether the subject sustained any injuries.
- (l) Whether any officers sustained any injuries.

The Training Coordinator should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Coordinator should also conduct audits of data downloads and reconcile CED report forms with recorded activations. CED information and statistics, with identifying information removed, should periodically be made available to the public.

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### 304.6.2 REPORTS

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

- (a) Identification of all personnel firing CEDs
- (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

### 304.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel should remove CED probes from a person's body. Used CED probes shall be treated as a sharps biohazard, similar to a used hypodermic needle and handled appropriately. Universal precautions should be taken.

All persons who have been struck by CED probes or who have been subjected to the electric discharge of the device shall be medically assessed prior to booking. Additionally, any such 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 and/or alcohol.
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The CED probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated 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 providing medical care or receiving custody that the individual has been subjected to the application of the CED.

### 304.8 SUPERVISOR RESPONSIBILITIES

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

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

### **304.9 TRAINING**

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

Proficiency training for personnel who have been issued CEDs should occur every year. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Coordinator. All training and proficiency for CEDs will be documented in the officer's training file.

Command staff, supervisors and investigators should receive CED training as appropriate for the investigations they conduct and review.

Officers who do not carry CEDs should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

The Training Coordinator is responsible for ensuring that all members who carry CEDs have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of CEDs during training could result in injury to personnel and should not be mandatory for certification.

The Training Coordinator 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 accidentally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the accidental application of probes near the head, neck, chest and groin.
- (e) Handcuffing a subject during the application of the CED and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the CED.

# Officer-Involved Shooting

## 305.1 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 as the result of an officer-involved shooting. The intent of this policy is to ensure that such incidents be investigated in a fair and impartial manner.

## 305.2 INVESTIGATION RESPONSIBILITY

The investigation section commander, or his/her designee, will coordinate an investigation into the OIS.. The assigned OIS Investigation Team will commence a complete administrative investigation with direct access to the Chief of Police.

## 305.3 TYPES OF INVESTIGATIONS

Officer-involved shootings involve several separate investigations. The investigations may include:

- (a) A criminal investigation of the incident by the agency having jurisdiction where the incident occurred. This department may relinquish its criminal investigation to an outside agency with the approval of the Chief of Police.
- (b) A criminal investigation of the shooting officer(s) conducted by an outside agency.
- (c) A civil investigation to determine potential liability conducted by the shooting officer's agency.
- (d) An administrative investigation conducted by the shooting officer's agency, to determine if there were any violations of department policy.

## 305.4 JURISDICTION

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

### 305.4.1 ABERDEEN POLICE DEPARTMENT OFFICER/DEPUTY WITHIN THIS JURISDICTION

The Aberdeen Police Department Grays Harbor County Drug Task Force is responsible for the civil investigation and the administrative investigation. The criminal investigation of the shooting officer(s) will be conducted by the Washington State Patrol.

### 305.4.2 ALLIED AGENCY'S OFFICER WITHIN THIS JURISDICTION

The Aberdeen Police Department is responsible for the criminal investigation of the suspect's actions. The criminal investigation of the officer-involved shooting will be conducted by the Aberdeen Police Department. The officer's employing agency will be responsible for any civil and/or administrative investigation(s).

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### 305.4.3 ABERDEEN POLICE DEPARTMENT OFFICER\_DEPUTY IN ANOTHER JURISDICTION

The agency where the incident occurred has criminal jurisdiction and is responsible for the criminal investigation of the incident. That agency may relinquish its criminal investigation of the suspect(s) to another agency. The Aberdeen Police Department will conduct timely civil and/or administrative investigations.

### 305.4.4 INVESTIGATION RESPONSIBILITY MATRIX

The following table identifies the possible scenarios and responsibilities for the investigation of officer-involved shootings:

	<b>Criminal Investigation of Suspect(s)</b>	<b>Criminal Investigation of Officer(s)</b>	<b>Civil Investigation</b>	<b>Administrative Investigation</b>
<b>APD Officer in This Jurisdiction</b>	WSP	WSP	APD Civil Liability Team	APD Deputy Chief
<b>Allied Agency's Officer in This Jurisdiction</b>	APD Investigators	APD Investigators	Involved Officer's Department	Involved Officer's Department
<b>APD Officer in Another Jurisdiction</b>	Agency where incident occurred	Decision made by agency where incident occurred	APD Civil Liability Team	APD Deputy Chief

## 305.5 THE INVESTIGATION PROCESS

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

### 305.5.1 DUTIES OF INITIAL ON SCENE SUPERVISOR

Upon arrival at the scene of an officer-involved shooting, the first uninvolved supervisor should refer to the First Line Supervisor OIS Check list along with:

- (a) Take all reasonable steps to obtain emergency medical attention for all apparently injured individuals.
- (b) Attempt to obtain a brief overview of the situation from any non-shooter officer(s).
  1. In the event that there are no non-shooter officers, the supervisor should attempt to obtain a brief voluntary public safety overview from one shooter officer.
- (c) If necessary, the Grays Harbor County Drug Task Force Commander, Patrol Lieutenant, or on-duty supervisor may administratively order any officer from this department to immediately provide publicsafetyinformation necessary to secure the scene and pursue suspects.
  1. It shall be limited to such things as injuries requiring immediate medical intervention, location of offenders and witnesses, outstanding suspect information, evidence identified so it can be protected from loss, contamination,

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or destruction, parameters of the incident scene, identity of known witnesses and similar information so they can be isolated and questioned.

- (d) Absent a voluntary statement from any officer(s), the initial on scene supervisor should not attempt to order any officer to provide other than public safety information.
- (e) Provide all available information to the Grays Harbor County Drug Task Force Commander and Patrol Lieutenant with suspect information being provided to Grays Harbor Communications. If feasible, sensitive information should be communicated over secure networks.
- (f) Take command of and secure the incident scene(s) with additional personnel until relieved by a detective supervisor or other assigned personnel.
- (g) As soon as practical, the shooter officer(s) should be transported (separately, if feasible) to the station for further direction. The weapons of all officers at the scene should be examined whether or not they think they had a weapon discharge or not.
  - 1. Each involved officer should be given an administrative order not to discuss the incident with other involved officers pending further direction from a supervisor.
  - 2. When an officer's weapon is taken or left at the scene (e.g., evidence), the officer will be provided with a comparable replacement weapon. The transfer of the involved officer(s) weapon(s) should be done in private and at the station if possible.
  - 3. Each involved officer should have a driver transport them away from the scene.
  - 4. Do not isolate any of the involved officers. Ensure that all the involved officers are ordered to not discuss the details of the event with other involved officers, peers, and other support personnel.

### 305.5.2 PATROL LIEUTENANT DUTIES

Upon learning of an officer-involved shooting, the Patrol Lieutenant or on duty supervisor if the Lieutenant is not on duty, shall be responsible for coordinating all aspects of the incident until verbally relieved by the Chief of Police or Detective Section Commander.

### 305.5.3 NOTIFICATIONS

The following person(s) shall be notified as soon as practical and in the following order;

- Chief of Police
- Deputy Chief
- Detective Section Commander
- Patrol Section Commander
- GH Prosecuting Attorney
- City Attorney

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- Psychological/Peer support personnel
- Coroner (By Detective Commander)
- Shooting Officer(s) representative (if requested)

All outside inquiries about the incident shall be directed to the Grays Harbor County Drug Task Force Commander.

### 305.5.4 MEDIA RELATIONS

A single press release shall be prepared with input and concurrence from the Chief of Police, Grays Harbor County Drug Task Force Commander, supervisor and agency representative responsible for each phase of the investigation. This release will be available to the Grays Harbor County Drug Task Force Commander in the event of inquiries from the media.

It will be the policy of this department to not release the identities of involved officers absent their consent or as required by law. Moreover, no involved officer shall be subjected to contact from the media and no involved officer shall make any comments to the press unless authorized by the Chief of Police or Grays Harbor County Drug Task Force Commander.

Law enforcement officials receiving inquiries regarding incidents occurring in other agency jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

### 305.5.5 INVOLVED OFFICERS

Once the shooting officer(s) have arrived at the station, the Patrol Lieutenant should advise each officer that the incident shall not be discussed except with authorized personnel or representatives. The following shall be considered for the shooting officer(s):

- (a) Any request for department or legal representation will be accommodated. However, no involved officer shall be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report. Do not isolate the shooting officer(s).
- (b) Opportunity to contact family members.
- (c) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (d) Discussions with department representatives (e.g., employee bargaining unit) will be privileged only as to the discussion of non-criminal information.
- (e) A psychotherapist shall be provided by the Department to each shooting officer(s), or any other witness officer(s), upon request.
  1. Interviews with a licensed psychotherapist will be considered privileged and will not be disclosed except to the extent that the officer is or is not fit for return to duty.

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2. An interview or session with a licensed psychotherapist may take place prior to the shooting officer(s) providing a formal interview or report, but the shooting officers shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
- (f) The Department will consider communications between qualified peer counselors and shooting officers to be privileged (RCW 5.60.060).

Care should be taken to preserve the integrity of any physical evidence present on the officer(s), equipment or clothing (e.g., blood, fingerprints, etc.) until investigators or lab personnel can properly retrieve it.

Detectives shall make reasonable accommodations to the officer's physical and emotional needs.

Each involved officer shall be given reasonable paid administrative leave following an officer-involved shooting. It shall be the responsibility of the relevant section commander to make schedule adjustments to accommodate such leave.

### **305.6 THE SHOOTING INCIDENT CRIMINAL INVESTIGATION**

#### **305.6.1 DETECTIVE PERSONNEL**

Once notified of an officer-involved shooting, it shall be the responsibility of the Grays Harbor County Drug Task Force Commander to assign appropriate detective personnel to handle the investigation of related crimes. Detectives will be assigned to work with the WSP Shooting Investigation Team and may be assigned to separately handle the investigation of any related crimes.

All related departmental reports except administrative and/or privileged reports will be forwarded to the designated detective supervisor for approval. Privileged reports shall be maintained exclusively by those personnel authorized such access. Administrative reports will be forwarded to the Deputy Chief of Police.

#### **305.6.2 CRIMINAL INVESTIGATION**

It shall be the policy of this department to utilize the Washington State Patrol Shooting Investigation Team to conduct an independent criminal investigation into the circumstances of any officer-involved shooting involving injury or death.

If available, detective personnel from this department may be assigned to "partner" with investigators from the Washington State Patrol Shooting Investigation Team so as to not duplicate efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators will be given the next opportunity to interview involved officers in order to provide them with an opportunity to give a voluntary statement. The following shall be considered for the involved officer:



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- (a) Supervisors and Deputy Chief personnel should not participate directly in any voluntary interview of officers. This will not prohibit such personnel from monitoring such interviews or indirectly providing areas for inquiry.
- (b) If requested, any shooting officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney, prior to speaking with criminal investigators. However, in order to maintain the integrity of each individual officer's statement, the shooting officer(s) shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (c) Shooting officer(s) will not have statements taken until 72 hours after the incident occurred.
- (d) Investigators may conduct a walk-through of the entire scene with the shooting officer(s). The walk-through should not be conducted any earlier than 24 hours, and no later than 72 hours, after the incident occurred. Statements will not be taken from the involved officer(s) at the walk-through.
- (e) Any voluntary statement provided by the officer(s) will be made available for inclusion in the administrative or other related investigations.
- (f) Absent consent from the shooting officer(s) or as required by law, no administratively compelled statement(s) will be provided to any criminal investigators.

### 305.6.3 REPORTS BY INVOLVED OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require shooting and witness 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 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 involved 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 a shooting officer of the right to consult with legal counsel prior to completing 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 investigation of the officer-involved shooting.

### 305.6.4 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or other major incident may be lost or the integrity of their statements compromised with the passage of time, a supervisor should take

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reasonable steps to promptly coordinate with 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, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Available personnel should be assigned to promptly contact the suspect's family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to contact with officers.

### **305.7 ADMINISTRATIVE INVESTIGATION**

In addition to all other investigations associated with an officer-involved shooting, this department will conduct an internal administrative investigation to determine conformance with department policy. This investigation will be conducted under the supervision of the Deputy Chief and will be considered a confidential peace officer personnel file while the investigation is active. At the completion of the investigation the report may be subject to public disclosure per RCW 42.56.

- (a) Drug testing is prohibited unless a supervisory employee of the Department has reasonable suspicion to believe that an employee is currently or has recently been engaged in the illegal use of drugs, or is under the influence of alcohol. The employee in question will be asked to submit to discovery testing that may include breath tests, urinalysis and/or a blood screen to identify any involvement with alcohol or illegal drugs. An employee who refuses to submit to discovery testing for alcohol and/or illegal drugs when requested to do so under the circumstances described above, may be disciplined for such refusal. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency. See policy § 1012.5.2 for alcohol and drug testing procedures.

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- (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 interview(s).
- (c) In the event that a shooting 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.
  - 1. 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. The interview of any shooting officer(s) shall not take place until a minimum of 72 hours have passed from the time the incident took place.
  - 2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
  - 3. Administrative interview(s) should be recorded by the investigator (the officer may also record the interview).
  - 4. The officer shall be informed of all constitutional "Miranda" rights and, assuming no voluntary waiver, will then be given an administrative order to provide full and truthful answers to all questions. The officer shall be informed, however, that the interview will be for administrative purposes only and that the statement cannot be used criminally (The Garrity admonishment).
  - 5. The administrative interview shall be considered part of the officer's confidential personnel file.
  - 6. Compelled statements will not be provided to the criminal investigation.
  - 7. The Deputy Chief shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
  - 8. The completed administrative investigation shall be submitted to the Use of Deadly Force Review Board, which will restrict its findings as to whether there was compliance with the Department use of deadly force policy.

## *Officer-Involved Shooting*

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9. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

### **305.7.1 CIVIL LIABILITY RESPONSE**

A member of this department may be assigned to work exclusively under the direction of the legal counsel for the Department to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation, but shall be given reasonable access to all other investigations.

### **305.7.2 OFFICER INVOLVED GUIDELINES**

- (a) Calm down and ensure that all threats to yours and the public's safety are over. Place your weapon in your holster and secure it. Place the rifle back in the rack, safety on. Request an ambulance and render first aid when appropriate.
- (b) Secure any part of the crime scene that may be destroyed or damaged in the first few seconds for example, evidence blowing away or rain washing away physical evidence.
- (c) Notify communications and request the lieutenant or if absent, the on-duty patrol supervisor. Ask for assistance: units to protect you and the crime scene.
- (d) Note the time. Look at the entire area from your position. Absorb what you see, who you see, and write down what is important in your notebook.
- (e) Don't be insulted by tough questions. They have to be asked.

### **305.8 AUDIO AND VIDEO RECORDINGS**

Any officer involved in an incident may be permitted to review available Mobile Audio Video (MAV) or other video or audio recordings prior to providing a recorded statement or completing reports.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV or other video or audio recordings with approval of assigned investigators or a supervisor.

Any MAV and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecutor's office or the City Attorney's Office as appropriate.

## Excited Delirium

### 306.1 PURPOSE AND SCOPE

Officers periodically come into contact with subjects exhibiting bizarre behavior. This behavior is often a result of alcohol intoxication, the influence of drugs, mental illness, uncontrolled anger, or a combination of these factors. However, in some cases bizarre behavior may be associated with a serious medical condition called excited delirium, which in some instances may be fatal.

The purpose of this policy is to assist officers to (1) identify subjects who are possibly in a state of excited delirium, (2) manage the situation in a manner that minimizes the risks to all those involved and (3) facilitate medical care for the subject as soon as practical.

#### 306.1.1 DEFINITIONS

For the purpose of this policy:

"Excited Delirium" means a sudden, abrupt display of exaggerated behavior. The subject becomes very agitated, possibly to the point of extreme violence. The affected subject often, but not always, engages others in a vigorous struggle and may end up dying suddenly regardless of intervention efforts by law enforcement or medical personnel.

#### 306.1.2 RECOGNIZING EXCITED DELIRIUM

- (a) Excited delirium may be caused by several factors including:
  - 1. Chronic drug use (particularly cocaine or methamphetamine abuse).
  - 2. Substance withdrawal.
  - 3. And/or mental illness.
- (b) The subject's ability to focus, sustain, or shift attention is impaired, and he/she is easily distracted.
- (c) The subject's speech may be rambling and incoherent, and it may be difficult or impossible to engage the subject in conversation.
- (d) The subject may also be disoriented, misinterpret perceptions, be delusional, and/or experience hallucinations.
- (e) Due to an elevated body temperature, many of these subjects remove one or more items of clothing, and they often appear impervious to pain.
- (f) A subject in an excited delirium state may exhibit one or more of the following:
  - 1. Physical characteristics.
    - Dilated pupils.
    - High body temperature (hyperthermia).
    - Sweating profusely.

## *Excited Delirium*

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- Skin discoloration.
- Extremely agitated.
- 2. Behavioral cues.
  - Seemingly unlimited stamina.
  - Impervious to pain.
  - Intense paranoia.
  - Violent and/or bizarre behavior.
  - Attraction to glass, water or shiny objects.
  - Removing clothing.
  - Violently resists during control attempts.
  - Continues to resist after being restrained.
  - 1,000 yard stare.
  - Muscle rigidity.
  - Incoherent speech - guttural noises.
- (g) Persons exhibiting these symptoms may be at an increased risk of sudden death and should be examined by qualified medical personnel as soon as practicable.
- (h) Officers have neither the expertise nor the opportunity in these situations to diagnose the underlying cause of these symptoms and behaviors. However, recognition of these symptoms and behaviors may aid officers in deciding how to respond to the subject exhibiting them.

### 306.1.3 MANAGING EXCITED DELIRIUM

Once a dispatcher or officer concludes that a subject may be in an excited delirium state, the incident should be managed as a medical emergency, in addition to whatever other law enforcement response may be required under the circumstances, including the use of reasonable force.

### 306.1.4 COMMUNICATION CENTER'S ROLE

- (a) If a dispatcher believes, based upon information provided by the reporting party, that a subject involved in an incident may be in an excited delirium state, the dispatcher should forward that information as soon as possible to the responding officers.
- (b) When a dispatcher receives information that a subject involved in an incident may be in an excited delirium state the dispatcher:
  - 1. Should relay the information to the officers responding to the incident as soon as possible.

## *Excited Delirium*

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2. Should request EMS when advised by the responding officers, whether or not they have arrived.
  3. Shall use the term "excited delirium" when requesting an EMS response from their dispatching authority
  4. Should advise EMS personnel to stage at a location a safe distance from the scene until notified by the officer that the scene is secure.
  5. Should inform responding officers that EMS is en-route and where they will be staged.
- (c) If possible, a minimum of three officers should be dispatched to the incident.

### 306.1.5 OFFICER'S ROLE

- (a) If officers responding to an incident conclude that a subject may be in an excited delirium state, officers should, as soon as practical, request EMS to respond.
- (b) If the subject involved or others at the scene pose a potential threat, officers should advise EMS to stage until the scene is secure.
- (c) If the subject does not appear to pose an immediate threat to the physical safety of officers or to other persons, or to him or herself, or pose an immediate threat of escape, officers should consider:
  1. containing the subject while maintaining a safe distance.
  2. remove others who might be harmed by the subject from the immediate area.
  3. gaining the subject's voluntary cooperation.
- (d) If the subject to be taken into custody is armed or combative, is attempting to escape custody or otherwise poses a threat to the physical safety of officers or to other persons, or to him or herself, officers may employ that amount of force that is reasonable and necessary to protect themselves and others at the scene and to take the subject into custody.
- (e) To the extent practical, efforts should be made to minimize the intensity and duration of the subject's resistance and to avoid engaging in a potentially prolonged struggle.
- (f) If circumstances allow, it may also be possible to limit the subject's resistance by employing an EMDT, and /or several officers simultaneously restraining the subject quickly.
- (g) Once the subject is in custody and the scene is safe, EMS personnel should be called to the scene.
- (h) The subject's breathing should be monitored and the person's position adjusted to maximize the ability to breathe until EMS assumes control of medical treatment.

## *Excited Delirium*

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- (i) The subject should be transported by ambulance to an emergency medical facility.

### 306.1.6 EMS'S ROLE

As soon as they are notified at the staging area that the scene is secure. EMS personnel will respond to the scene, evaluate the individual involved, administer appropriate care, and monitor the individual until he/she is delivered to an emergency medical facility.



## Firearms and Qualification

### 307.1 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.

### 307.2 AUTHORIZED WEAPONS

No firearms will be carried that have not been thoroughly inspected by the Rangemaster, or his/her designee, during a regularly scheduled range date. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that weapon at an authorized department range.

All other weapons, including but not limited to, edged weapons, 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 Division Commander. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

#### 307.2.1 DUTY WEAPONS

The authorized departmental issued handgun is the Glock.

The following issued handguns are approved for on-duty use:

MAKE	MODEL	CALIBER
Glock	22, 23, 27	.40 S&W

- (a) Each employee is responsible for the care and cleaning of their weapons and will, at all times, maintain the weapon in a clean and serviceable manner.
- (b) Employees shall immediately report the loss or theft of any department firearm to the Chief of Police through the Chain of Command. The report will be in writing and will detail all facts concerning the incident.

#### 307.2.2 AUTHORIZED SECONDARY FIREARM

Officers desiring to carry a secondary firearm are subject to the following:

- (a) The weapon shall be of good quality and workmanship (e.g., Colt, Smith & Wesson, Browning, Sig-Sauer, etc.).
- (b) Calibers are limited to, .357 magnum, .45, .40 S & W, 9mm or .380. Only factory-loaded and department-approved ammunition shall be used.
- (c) All secondary firearms will be inspected and fired by the FTU to ensure the weapon is operating properly prior to its use. All secondary firearms must comply with State and

## *Firearms and Qualification*

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Federal firearms laws. No automatic firearms are authorized. Secondary firearms will not be modified in any way that alters the manufacturer's safety mechanisms.

- (d) Only one secondary weapon may be carried at a time.
- (e) The purchase of the weapon, ammunition, magazines, and holster(s) shall be the responsibility of the officer.
- (f) The weapon shall be carried in an approved holster out of sight at all times and in such a manner as to prevent accidental cocking, discharge, or loss of physical control.
- (g) The weapon shall be subject to inspection whenever deemed necessary.
- (h) Ammunition shall be the same as Department issue. If the caliber of the weapon is other than Department issue, the Chief of Police shall approve the ammunition.
- (i) Application must be made in writing to the Chief of Police or his designee, requesting the use of a secondary firearm prior to its use. The make, caliber, serial number and type of holster must be noted in the application. The application shall be made through the Range Master
- (j) Personnel shall qualify annually with the secondary weapon under range supervision as determined by the Range Master. Officers must demonstrate their proficiency, safe handling and serviceability of the weapon.
- (k) Use of an optional secondary firearm shall not replace the department issued Glock pistol as the primary firearm. Secondary weapons shall only be used during exigent circumstances.
- (l) Use of secondary firearms are subject to all Federal and State laws and department policy and procedures.
- (m) All optional secondary firearms shall be entered in a log kept by the FTU.
- (n) Officers who choose to carry an optional secondary firearm shall qualify at the convenience of the FTU and are not eligible for any type of compensation.
- (o) Officers who choose to carry approved optional secondary firearms are not required to obtain a Concealed Pistol License, per RCW 9.41.060.
- (p) If a secondary firearms is fired other than at the range, or removed from its holster in preparation for use, a report shall be filed with the Range Master who will forward a copy to the Chief of Police. The report shall be submitted by the respective officer prior to going off shift.

### 307.2.3 AUTHORIZED OFF-DUTY WEAPONS

- (a) All officers will be armed with the department issued Glock pistol while on duty. Officers who carry a weapon off duty, by virtue of their commissioned authority, will only carry the department-issued Glock pistol, or their authorized secondary firearm per

## *Firearms and Qualification*

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312.2.2. No other firearm is authorized under their commissioned authority without the expressed consent of the Chief of Police.

- (b) The carrying of an off-duty weapon, police identification and handcuffs are optional but not mandated. An employee who elects not to carry a weapon while off duty shall not be subjected to disciplinary action if an occasion should arise in which the employee could have taken law enforcement action if armed.
- (c) All officers will carry their commission cards anytime they are armed while off-duty.

### 307.2.4 AMMUNITION

Officers shall carry only department-authorized ammunition. Officers shall be issued fresh duty ammunition in the specified quantity for all department issued firearms on a bi-annual basis. Officers carrying personally owned authorized secondary firearms of a caliber differing from department issued firearms shall be responsible for obtaining fresh 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 Rangemaster when needed in accordance with established policy.

### 307.2.5 ALCOHOL AND DRUGS

Weapons 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.

## **307.3 SAFE HANDLING OF FIREARMS**

The intent of this policy is to promote proper firearm safety on and off-duty. Employees shall maintain the highest level of safety when handling firearms and shall consider the following:

### 307.3.1 SAFETY CONSIDERATIONS

- (a) Officers shall not unnecessarily display or handle any firearm.
- (b) Officers shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster or firearms instructor. Officers shall not dry fire or practice quick draws except under Rangemaster or firearms instructor supervision.
- (c) Any member who discharges his/her department or back-up weapon accidentally or intentionally, on or off-duty, except during training or recreational use, shall make a verbal report to his/her supervisor as soon as circumstances permit and, if the occurrence was on-duty, shall file a written report with their section commander prior to the end of shift. If off-duty, as directed by the supervisor. A copy of the report shall be provided to the range master.
- (d) Officers shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.

## *Firearms and Qualification*

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- (e) Shotguns or rifles removed from vehicles or equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle.
- (f) Officers shall not place or store any firearm or other weapon on Department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing a prisoner, but shall place all firearms in a secured location. It shall be the responsibility of the releasing officer to make sure that persons from outside agencies do not enter the jail section with any firearm.
- (g) Officers shall not use any automatic weapon, heavy caliber rifles, gas or other types of chemical weapon (from the armory), except with approval of a command level officer.
- (h) Any weapon authorized by the department to be carried on or off-duty that is found by the officer to be malfunctioning or needing service shall not be carried and shall be promptly presented to the department or Rangemaster for inspection. Any weapon determined to be in need of service or repair during an inspection by the department Rangemaster, will be immediately removed from service. If the weapon is the officer's primary duty weapon, a replacement weapon will be issued to the officer until the duty weapon is again rendered serviceable.
- (i) Employees shall keep issued weapons on their persons, in a gun locker, in a locked changing room locker or other secure place whether on duty or off duty.

### **307.3.2 STORAGE OF FIREARMS AT HOME**

Officers shall ensure that all department issued or authorized firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control in a manner that will keep them inaccessible to children and irresponsible adults.

Officers are encouraged to keep their personally owned firearms and ammunition secured consistent with this policy.

### **307.4 FIREARMS QUALIFICATIONS**

All sworn personnel are required to qualify two (2) times a year with their duty weapon(s) on an approved range course. The Range Master shall keep accurate records of quarterly qualifications, repairs, maintenance, training or as directed by the Deputy Chief. In addition to regular qualification schedules, the Range Master 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.

#### **307.4.1 NON QUALIFICATION**

- (a) If any officer is unable to qualify for any reason, including injury, illness, duty status, or scheduling conflict, that officer shall submit a memorandum to his/her immediate supervisor prior to the end of the required shooting period.

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- (b) Members who repeatedly fail to qualify will be relieved from field assignment and appropriate disciplinary action may follow.
- (c) Each officer will attend at least two (2) training sessions a year. The sessions may include two tactical or combat, night shoot, and one scored weapon qualification. Officers on disability leave or physically unable to perform, as determined by the Range Master, may be excused from attending. A passing score or a minimum score of 80% (93% for SWAT) must be attained on the scored weapon qualification course. If this minimum is not met, the officer will be allowed other opportunities to qualify immediately. Poor pistol manipulation skills or unsafe gun handling can result in a failure, even with a score above 80%. If the officer still fails to qualify, his supervisor will be notified and the officer will be scheduled for remedial firearms training as soon as possible.
- (d) Once the officer has completed his remedial training and has met the minimum qualification score the officer may be required to attend additional range assignments until consistent weapon proficiency is demonstrated.
- (e) If, after completion of the remedial training, the officer still fails to meet minimum standards, the Chief of Police shall make a determination as to further training or removal from duty.
- (f) The officer shall not be allowed to continue carrying a firearm until he meets the minimum standards for qualification.
- (g) Officers shall qualify with the weapon(s) commensurate with their assignment.

### **307.5 WARNING AND OTHER SHOTS**

Generally, warning shots or shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the officer reasonably believes that they appear necessary, effective and reasonably safe.

### **307.6 DESTRUCTION OF ANIMALS**

Officers 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 in which officers have sufficient advance notice that a potentially dangerous animal may be encountered, officers should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, CED, oleoresin capicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any officer from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

#### **307.6.1 INJURED ANIMALS**

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

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impractical. Injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made. Injured dogs and cats found without their owners shall be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed.

### **307.7 REPORT OF 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 Shooting 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 Division Commander 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.

### **307.8 RANGEMASTER DUTIES**

The Range Master is an appointive position in the training section. The Range Master is in charge of the police firing range; directs the Force Training unit; acts as or designates a departmental armorer. This position evaluates and proposes weapons and related equipment for departmental use; evaluates and implements training programs; records individual firearms training; and coordinates range use by other agencies and groups.

The range will be under the exclusive control of the Range Master, or his/her designee. All members attending will follow the directions of the Range Master, or his/her designee. The Range Master, or his/her designee, will maintain a roster of all members attending the range and will submit the roster to the Training Coordinator after each range date. Failure of any officer to sign in and out with the Range Master, or his/her designee, may result in non-qualification.

The range shall remain operational and accessible to department members during hours established by the Department.

The Range Master, or his/her designee, 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 master has the authority to deem any privately owned weapon unfit for service. The officer will be responsible for all repairs to his or her personal weapon and it will not be returned to service until inspected by the Range Master.

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The Range Master shall advise the Chief of Police, and receive approval, regarding the selection, use and training methods appropriate for the department needs. Range instructors must be trained and certified by the State Training Commission, National Rifle Association, or other approved course of instruction as approved by the Range Master.

(a) As determined by the Range Master, the Force Training Unit personnel will be responsible for:

1. A department armory
2. The firing range facility
3. Qualification programs
4. Firearms training
5. Maintenance and annual inspection of agency firearms
6. Maintaining a supply of duty and practice ammunition and supplies needed for their responsibilities
7. Unarmed self defense
8. Expandable baton training
9. Chemical weapons training
10. Kinetic energy projectile training
11. Electro-muscular disruption technology training

### **307.9 MAINTENANCE AND REPAIR**

Firearms carried on-duty shall be maintained in a clean, serviceable condition. Since the use of personally owned weapons is at the option of the individual officer, that officer will be responsible for the furnishing, maintenance and repair of such weapon.

#### **307.9.1 REPAIR OR MODIFICATIONS OF DUTY WEAPONS**

The Rangemaster shall be the only person authorized to repair or modify any department-owned weapon. All repairs and/or modifications of department-issued weapons not performed by the Rangemaster must be approved in advance by the Rangemaster and accomplished by a department-approved gunsmith.

Any repairs or modifications to the officer's personally owned weapon shall be done at his/her expense and must be approved by the Rangemaster.

### **307.10 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 personnel who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

## *Firearms and Qualification*

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- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure purposes.
- (b) Officers must carry their Department identification card, which must contain a full-face picture, 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) In accordance with TSA procedures, the Department will obtain a message containing a unique alphanumeric identifier from TSA through the National Law Enforcement Telecommunications System (NLETS) prior to the officer's travel. The officer must present the message to airport personnel as authorization to travel while armed on the day of travel.
- (d) An official letter signed by the Chief of Police authorizing armed travel must accompany the officer. The letter must outline the officer's need to fly armed, must detail his/her itinerary and should include that the officer has completed the mandatory TSA training for law enforcement officers 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.
- (f) It is the officer's responsibility to notify the air carrier in advance. This notification can be accomplished by early check-in at the carrier's check-in counter.
- (g) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officers 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.
- (h) Officers should not surrender their firearm, but should try to resolve any problems through the flight captain, ground security manager, or other management representative of the air carrier.
- (i) Officers shall not consume alcoholic beverages while aboard an aircraft or within eight hours prior to boarding an aircraft.

### **307.11 CARRYING FIREARMS OUT OF STATE**

Qualified active full-time officers and qualified retired officers (see Retired Officer Firearms Certificate Policy) of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC 926B; 18 USC 926C):

- (a) The officer shall carry his/her Department identification whenever carrying such weapon.



## *Firearms and Qualification*

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- (b) Qualified retired officers shall also carry certification of having met firearms qualification within the past 12 months.
- (c) The officer is not the subject of any current disciplinary action.
- (d) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (e) 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.

Visiting active and retired peace officers from other states are subject to all requirements set forth in 18 USC 926B and 18 USC 926C.

## Vehicle Pursuit Policy

### 308.1 PURPOSE AND SCOPE

Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The primary purpose of this policy is to provide officers with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Another purpose of this policy is to minimize the potential for pursuit-related collisions. Vehicular pursuits require officers to exhibit a high degree of common sense and sound judgment. Officers must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing officers.

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the potential risk to public safety created by vehicular pursuits, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a vehicular pursuit because of the risk involved. This includes circumstances where department policy would permit the initiation or continuation of the pursuit. It is recognized that vehicular pursuit situations are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Officers must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Officers' conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable officer would do under the circumstances. An unreasonable individual's desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement (RCW 43.101.225).

#### 308.1.1 VEHICLE PURSUIT DEFINED

A vehicle pursuit is an event involving one or more law enforcement officers attempting to apprehend a suspect who is attempting to avoid apprehension while operating a motor vehicle by using high speed driving or other evasive tactics such as driving off a highway, turning suddenly, or driving in a legal manner but willfully failing to yield to an officer's signal to stop.

#### 308.1.2 ATTEMPTING TO ELUDE

Refers to the actions of a vehicle operator who after being given a visual or audible signal to bring the vehicle to a stop fails or refuses to immediately stop the vehicle and drives in a reckless manner while attempting to elude a uniformed officer operating a pursuing police vehicle that is equipped with emergency lights and siren (RCW 46.61.024).

### 308.2 OFFICER RESPONSIBILITIES

It shall be the policy of this department that a vehicle pursuit shall be conducted only with red light and siren as required by RCW 46.61.035 for exemption from compliance with the rules of the road. The following policy is established to provide officers with guidelines for driving with due regard and caution for the safety of all persons using the highway as required by RCW 46.61.035(4).

## *Vehicle Pursuit Policy*

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### 308.2.1 WHEN TO INITIATE A PURSUIT

Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect is attempting to evade arrest or detention by fleeing in a vehicle.

The following factors individually and collectively shall be considered in deciding whether to initiate a pursuit:

- (a) Seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others.
- (c) Apparent nature of the fleeing suspect(s) (e.g., whether the suspect(s) represent a serious threat to public safety).
- (d) The identity of the suspect(s) has been verified and there is comparatively minimal risk in allowing the suspect(s) to be apprehended at a later time.
- (e) Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic and the speed of the pursuit relative to these factors.
- (f) Pursuing officer(s) familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- (g) Weather, traffic and road conditions that substantially increase the danger of the pursuit beyond the worth of apprehending the suspect.
- (h) Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
- (i) Vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- (k) The police unit is carrying passengers other than police officers. Pursuits should not be undertaken with a prisoner(s) in the police vehicle.

### 308.2.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be discontinued whenever the totality of objective circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect(s)' escape.

The factors listed in Policy Manual § 314.2.1 are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Officers and supervisors

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must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists and themselves when electing to continue a pursuit. In the context of this policy, the term "terminate" shall be construed to mean all involved police vehicles will be pulled to the side of the roadway, the emergency lights and sirens will be turned off, and dispatch will be notified of the termination of the pursuit..

In addition to the factors listed in Policy Manual § 314.2.1 the following factors should also be considered in deciding whether to terminate a pursuit:

- (a) Distance between the pursuing officers and the fleeing vehicle(s) is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance.
- (b) Pursued vehicle's location is no longer definitely known.
- (c) Officer's pursuit vehicle sustains any type of damage that renders it unsafe to drive.
- (d) Extended pursuits of violators for misdemeanors not involving violence or risk of serious harm (independent of the pursuit) are discouraged.
- (e) Hazards to uninvolved bystanders or motorists.
- (f) If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, officers should strongly consider discontinuing the pursuit and apprehending the offender at a later time.
- (g) Directed by a supervisor.

### 308.2.3 SPEED LIMITS

The speed of a pursuit is a factor that should be evaluated on a continuing basis by the officer and supervisor. Evaluation of vehicle speeds shall take into consideration public safety, officer safety and the safety of the occupants of the fleeing vehicle.

Should high vehicle speeds be reached during a pursuit, officers and supervisors shall also consider these factors when determining the reasonableness of the speed of the pursuit:

- (a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.
- (b) Pursuit speeds have exceeded the driving ability of the officer.
- (c) Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation unsafe.

### 308.3 PURSUIT UNITS

Pursuit units should be limited to two vehicles; however, the number of units involved will vary with the circumstances. An officer or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the suspect(s). All other officers should stay out of the pursuit, but

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should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

### 308.3.1 MOTORCYCLE OFFICERS

A distinctively marked patrol vehicle equipped with emergency overhead lighting should replace a police motorcycle as primary and/or secondary pursuit unit as soon as practical.

### 308.3.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

A standard marked patrol vehicle should be utilized for the primary and secondary position in any pursuit. Any other police vehicle which initiated a pursuit or is directly involved in a pursuit should relinquish their involvement to a standard marked patrol vehicle as soon as practical.

Vehicles not equipped with red light and siren are prohibited from initiating or joining in any pursuit. The exemptions provided by RCW 46.61.035 do not apply to officers using vehicles without emergency equipment.

### 308.3.3 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing unit will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close enough to the violator's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect(s) without unreasonable danger to themselves or other persons.

Notify Grays Harbor Communications that a vehicle pursuit has been initiated and as soon as practical provide information including, but not limited to:

- (a) Reason for the pursuit.
- (b) Location and direction of travel.
- (c) Speed of the fleeing vehicle.
- (d) Description of the fleeing vehicle and license number, if known.
- (e) Number of known occupants.
- (f) The identity or description of the known occupants.
- (g) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.

The officer in the primary unit shall be responsible for the broadcasting of the progress of the pursuit unless relieved by a supervisor or when practical circumstances indicate otherwise. Whenever possible, the primary unit should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or aircraft in order to concentrate on pursuit driving.

### 308.3.4 SECONDARY UNIT(S) RESPONSIBILITIES

The second officer in the pursuit is responsible for the following:

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- (a) The officer in the secondary unit should immediately notify the dispatcher of entry into the pursuit.
- (b) Remain a safe distance behind the primary unit unless directed to assume the role of primary officer, or if the primary unit is unable to continue the pursuit.
- (c) The secondary officer should be responsible for broadcasting the progress of the pursuit unless the situation indicates otherwise.

### 308.3.5 PURSUIT DRIVING TACTICS

The decision to use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:

- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles so that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.
- (b) Because intersections can present increased risks, the following tactics should be considered:
  - 1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
  - 2. Pursuing units should exercise due caution when proceeding through controlled intersections.
- (c) As a general rule, officers should not pursue a vehicle driving left of center (wrong way) on a freeway. In the event the pursued vehicle does so, the following tactics should be considered:
  - 1. Requesting assistance from an air unit.
  - 2. Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
  - 3. Requesting other units to observe exits available to the suspect(s).
- (d) Notifying the Washington State Patrol and/or other jurisdictional agency if it appears that the pursuit may enter their jurisdiction.
- (e) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or requested to do so by the primary unit.

### 308.3.6 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

There should be no paralleling of the pursuit route. Officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Officers should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.

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Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road.

The primary and secondary units should be the only units operating under emergency conditions (red light and siren) unless other units are assigned to the pursuit.

### **308.3.7 PURSUIT TRAILING**

In the event the initiating unit from this agency either relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of supervisor, trail the pursuit to the termination point in order to provide necessary information and assistance for the arrest of the suspect(s).

The term trail means to follow the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing unit will maintain sufficient distance from the pursuit units so as to clearly indicate an absence of participation in the pursuit.

### **308.4 SUPERVISORY CONTROL AND RESPONSIBILITY**

It is the policy of this department that available supervisory and management control will be exercised over all motor vehicle pursuits involving officers from this department.

The Patrol Lieutenant, or if absent, the nearest on-duty Patrol Supervisor will be responsible for the following:

- (a) Upon becoming aware of a pursuit, immediately ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established department guidelines.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the number of required police units needed are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in his/her judgment, it is unjustified to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that the proper radio channel is being used.
- (g) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.
- (h) Control and manage APD units when a pursuit enters another jurisdiction.
- (i) Preparing post-pursuit critique and analysis of the pursuit for training purposes.

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### 308.4.1 PATROL LIEUTENANT RESPONSIBILITY

Upon becoming aware that a pursuit has been initiated, the Patrol Lieutenant, or other on-duty patrol supervisor, should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Patrol Lieutenant, or other on-duty patrol supervisor, has the final responsibility for the coordination, control and termination of a motor vehicle pursuit and shall be in overall command.

The Patrol Lieutenant shall review all pertinent reports for content and forward them to the Deputy Chief of Police.

### 308.5 COMMUNICATIONS

If the pursuit is confined within the City limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or communications dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent, involved units should switch radio communications, whenever available, to an emergency channel most accessible by participating agencies and units.

#### 308.5.1 COMMUNICATION CENTER RESPONSIBILITIES

**Refusing to Stop** is defined by Grays Harbor Communications as meaning a driver is aware of officer's presence and is willfully refusing to stop.

**Pursuit** is defined by Grays Harbor Communications as meaning the driver is driving in an evasive manner, such as traveling at a high rate of speed, disregarding concern for public safety, and trying to elude the pursuing police vehicle. A charge of "Felony Eluding" may result.

Upon notification that a driver is refusing to stop or that a pursuit has been initiated, Grays Harbor Communications will:

- (a) Restricted traffic will be initiated by HARBOR at the refusing-to-stop stage of pursuit, or when requested by the field unit.
- (b) Restricted traffic will automatically be initiated in incidents involving foot/subject pursuit, boat pursuit, and bike patrol pursuits.
- (c) Field units will advise HARBOR of their location, direction of travel, and as much vehicle/suspect information as possible. When speeds exceed the posted limit, the field unit will advise of speeds. Changes in direction, speed and status will be reported. All changes in direction of travel, roads, weather, speeds and other pertinent information broadcast by the officer will be recorded in the CAD record if possible.
- (d) HARBOR shall acknowledge the field units initial transmission reference refusing to stop and restricted traffic will automatically be initiated. HARBOR will announce the unit ID and initial location of the pursuit.
- (e) HARBOR will confirm that the pursuing officer's OIC, or next closest unit in lieu of OIC, copied the information. Thereafter, HARBOR will remain silent on the restricted frequency, unless a repeat or additional information is requested.



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- (f) Whenever an agency is running a pursuit into another county's jurisdiction, notify the jurisdiction's dispatch center, i.e. into Pacific County notify PACCOM.
- (g) If an agency is running a pursuit that crosses into another frequency coverage area, the dispatcher shall move the pursuit to the frequency that provides the best coverage. This may be an alternate local frequency or LERN.

### 308.5.2 LOSS OF PURSUED VEHICLE

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

### 308.6 INTER-JURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area, and other pertinent facts, should determine whether or not to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether or not such jurisdiction is expected to assist.

Aberdeen Officers shall operate under APD Policies at all times no matter which jurisdiction they may be operating within.

#### 308.6.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Units originally involved will discontinue the pursuit when advised that another agency has assumed the pursuit and assistance of the Aberdeen Police Department is no longer needed. Upon discontinuing the pursuit, the primary unit may proceed upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation.

The role and responsibilities of officers at the termination of a pursuit initiated by this department shall be coordinated with appropriate consideration of the units from 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.

#### 308.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this department should not join a pursuit unless specifically requested to do so by the agency whose officers are in pursuit. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a unit from this department may join the pursuit until sufficient units from the initiating agency join the pursuit.

When a request is made for this department to assist or take over a pursuit from another agency that has entered this jurisdiction, the supervisor should consider these additional following factors:

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- (a) Ability to maintain the pursuit.
- (b) Circumstances serious enough to continue the pursuit.
- (c) Adequate staffing to continue the pursuit.
- (d) The public's safety within this jurisdiction.
- (e) Safety of the pursuing officers.

As soon as practical, a supervisor or the Patrol Lieutenant should review a request for assistance from another agency. The Patrol Lieutenant or supervisor, after consideration of the above factors, may decline to assist in, or assume the other agency's pursuit.

Assistance to a pursuing allied agency by officers of this department will terminate at the City limits provided that the pursuing officers have sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present.

In the event that a pursuit from another agency terminates within this jurisdiction, officers shall provide appropriate assistance to officers from the allied agency including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

### **308.7 PURSUIT INTERVENTION**

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, road spikes, blocking, boxing, PIT (Pursuit Intervention Technique), ramming or roadblock procedures. In this context, ramming shall be construed to mean maneuvering the police unit into contact with the pursued vehicle to mechanically disable or forcibly position it such that further flight is not possible or practical.

#### **308.7.1 WHEN USE AUTHORIZED**

Use of pursuit intervention tactics should be employed only after approval of a supervisor. In deciding whether to use intervention tactics, officers/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers and persons in or on the pursued vehicle. With these risks in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances confronting the officer at the time of the decision.

It is imperative that officers act within the bounds of legality, good judgment and accepted practices.

#### **308.7.2 DEFINITIONS**

**Blocking or Vehicle Intercept** - A slow speed coordinated maneuver where two or more patrol vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop, with the goal of containment and preventing a pursuit. Blocking is not a moving or stationary road block.

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**Boxing-in** - A tactic designed to stop a violator's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

**Pursuit Intervention Technique (PIT)** - A coordinated maneuver designed to cause the non-compliant suspect vehicle to spin out and terminate the pursuit. PIT is NOT a ramming technique and shall be considered to be a lower use of force method of pursuit termination.

**Ramming** - The deliberate act of impacting a violator's vehicle with another vehicle to functionally damage or otherwise force the violator's vehicle to stop.

**Roadblocks** - A tactic designed to stop a violator's vehicle by intentionally placing an emergency vehicle or other immovable object in the path of the violator's vehicle.

**Spikes or Tack Strips** - A device that extends across the roadway designed to puncture the tires of the pursued vehicle.

### 308.7.3 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 dictate that such use reasonably appears necessary to protect life. 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.

### 308.7.4 INTERVENTION STANDARDS

Any pursuit intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public, or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of deadly force and subject to the requirements for such use. Officers who have not received certified departmental training in the application and use of any intervention tactic or equipment shall consider these facts and requirements prior to deciding how, when, where, and if an intervention tactic should be employed.

- (a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to public safety when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved this technique should only be employed by officers who have received training in such tactics, obtained the approval of the Lieutenant or on-duty supervisor, and after giving consideration to the following:
  - 1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
  - 2. All other reasonable intervention techniques have failed or reasonably appear ineffective.

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3. Employing the blocking maneuver does not unreasonably increase the risk to officer safety.
  4. The target vehicle is stopped or traveling at a low speed.
  5. At no time should civilian vehicles be used to deploy this technique.
- (b) Only those officers trained in the use of the Pursuit Intervention Technique (PIT) will be authorized to use this procedure and only then with approval of a supervisor upon consideration of the circumstances and conditions presented at the time, including the potential for risk of injury to officers, the public and occupants of the pursued vehicle. A standard marked patrol vehicle should be utilized when applying the PIT maneuver.
1. The following factors should be considered before the application of PIT.
    - (a) Fleeing driver's actions exhibiting recklessness or progressively reckless actions as the pursuit continues.
    - (b) Speed of the fleeing vehicle.
    - (c) Pursuits toward areas of high population density, traffic congestions, or active school zones.
    - (d) Fleeing vehicle that contains multiple adult or juvenile occupants.
    - (e) Whether or not there will be an opportunity to contact the fleeing vehicle at any speed.
    - (f) The likelihood of serious injury or death to others should the suspect escape apprehension.
    - (g) The presence of other stationary objects that could be struck by the police and or suspect vehicle.
    - (h) The time of day.
    - (i) Supervisory instructions.
    - (j) Any other pertinent factors.
  2. Due to the possibility of rollover, vehicles with "higher" suspensions, over-sized tires, and utility-type construction, may have the PIT maneuver employed on them only after other methods of pursuit control have been considered.
  3. Initiating a PIT maneuver on a fleeing motorcycle shall only be used if deadly force is authorized. Motorcycles will not have the PIT maneuver applied under any other circumstances.
  4. Special purpose vehicles (Administrative, Investigations, pickups, sport utility type vehicles) should avoid utilizing the PIT maneuver unless the totality of the circumstances dictates otherwise.

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5. Prior to applying the PIT maneuver officers shall ensure that all emergency equipment (lights and siren) are in operation.
- (c) **PIT maneuvers under 40 miles per hour** may be applied with the patrol Lieutenant, or on-duty patrol supervisor in his/her absence, authorization. The officer must ensure that Harbor Communications and assisting patrol units that the PIT maneuver is going to be attempted. The PIT maneuver shall only be applied when attempting to apprehend felony offenders whose actions indicate a disregard for the safety of the officer(s) or public. Felony Eluding may be the only felony present precipitating the need for the PIT maneuver.
- (d) **PIT maneuvers over 40 miles per hour** may be used after less intrusive intervention techniques have been tried or considered and have been judged to be ineffective **and** when the totality of the circumstances requires immediate intervention to stop a fleeing suspects vehicle. Those circumstances may include but are not limited to:
  - (a) Armed or dangerous felon whose escape poses a danger to the community
  - (b) A suspect whose driving poses a danger to the community or;
  - (c) Any situation where deadly force would be justified.
- (e) Sight assessment is crucial when considering the use of PIT. Prior to executing a PIT maneuver, officers should consider features in the surrounding area, such as but not limited to:
  - (a) Blind curves (PIT works best in curves, but should not be executed when the officers believes that visibility is significantly compromised.)
  - (b) Bridge abutments
  - (c) Major obstacles on roadsides
  - (d) Oncoming traffic
  - (e) Pedestrians
  - (f) Curbing
- (f) Officers shall be trained in the PIT maneuver prior to using the technique in any incident. Officers shall receive update training in the technique once a year. Aberdeen Police Department EVOC instructors will receive PIT instructor certification. The department training manger will maintain a list of those officers who have successfully completed the training and are certified to employ the PIT maneuver.
- (g) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable and alternative method. This policy is an administrative guide to direct officers in their decision-making process before the fact of ramming another vehicle. It is not a standard for civil or

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criminal litigation to judge the propriety of the act; that is a matter for the courts to determine by established law. As with all intervention techniques, pursuing officers should obtain supervisor approval before attempting to ram a suspect vehicle during a pursuit. When ramming is to be employed as a means with which to stop a fleeing vehicle, one or more of the following factors should be present:

- (a) The suspect is an actual or suspected felon who reasonably appears to represent a serious threat to society if not apprehended.
- (b) The suspect is driving in willful or wanton disregard for the safety of persons; or, driving in a reckless and life-endangering manner.
- (c) If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.
- (h) As with all intervention techniques, pursuing officers should obtain supervisor approval before attempting to box a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions presented at the time as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle. If the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.
- (i) The use of spike strips should be approved in advance by a supervisor and deployed only when it is reasonably certain that only the pursued vehicle will be affected by their use. Officers should carefully consider the limitations of such devices as well as the potential risks to officers, the public and occupants of the pursued vehicle.
- (j) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, officers or other members of the public.

### 308.7.5 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force, which reasonably appears necessary under the circumstances, to properly perform their lawful duties.

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Unless relieved by a supervisor the primary officer should coordinate efforts to apprehend the suspect(s) following the pursuit. Officers should consider safety of the public and the involved officers when formulating plans to contain and capture the suspect.

### 308.7.6 SPIKE STRIP

Use of the spike strip gives officers an alternative method of stopping fleeing felons without using deadly force. It assists in eliminating potentially long distance and dangerous pursuits while providing a safe and effective manner of minimizing risk to other motorists and law enforcement.

### 308.7.7 UTILIZATION

- (a) Familiarization training is mandatory before an officer is authorized to utilize the spike strip.
- (b) Heavy leather gloves or better should be worn while handling the spike strip.
- (c) The spike strip WILL NOT be used on motorcycles unless the circumstances of the situation would constitute the use of deadly force as specified in policy §.
- (d) The spoke strip should not be used in an area which increases the risk of serious injury to the strip operator, the public, or the violator (heavy traffic area, steep embankments, roadways next to rivers with no separation between them).
- (e) If deployed on two-way roadways, the spike strip should only be used after oncoming traffic has been stopped a safe distance from the actual spike strip deployment site.
- (f) The spike strip will only be utilized upon approval of the shift supervisor or higher ranking officer.
- (g) The utilizing officer will make every effort to ensure the safety of any citizens or other law enforcement personnel that may be in the area or assisting in the apprehension.

### **Use of Hollow Spike Strip System:**

- (a) If time permits, a coordinated decision as to where the spike strip will be utilized should occur between the shift OIC, spike strip operator and pursuing units.
- (b) The officer operating the spike strip must have radio contact with the pursuing officers.
- (c) If needed, patrol vehicles, traffic cones, fuses or similar devices should be used to direct the fleeing vehicle toward the desired direction of travel.
- (d) At no time will the fleeing vehicle be denied avenues of escape other than through the spike strip system. There will be no full roadblocks forcing the fleeing vehicle to make contact with other vehicles or stationary objects thereby enhancing the chance of injury to all involved.
- (e) The operator should lay the spike strip out on the ground in such a manner that the spikes are directed toward the fleeing vehicle.

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- (f) Through radio communications, the pursuing officer will keep personnel informed of the following:
  - 1. The fleeing vehicles location and direction of travel by milepost cross streets, block number, etc.
  - 2. The fleeing vehicles speed and erratic driving habits.
  - 3. The number of occupants in the fleeing vehicle and whether weapons are involved.
  - 4. Exits or escape routes that need to be blocked.
  - 5. Other pertinent information related to the pursuit.
- (g) Approaching the spike strip, pursuing officers and the spike strip operator must communicate. Pursuing officers must be made aware of when to decelerate the pursuit in order to allow the spike strip to be removed from the roadway so as not to damage their vehicles.
- (h) When the fleeing vehicle approaches, the operator will pull the spike strip onto the roadway surface and let go of the rope in case the rope jumps when the suspect vehicles passes over it.
- (i) If a situation arises whereby a citizen's vehicle is involved within the pursuit and it appears the citizen vehicle and the suspect vehicle will make imminent contact with the spike strip once the strip is deployed, you are authorized to activate the strip. The shift OIC will be notified as soon as practical with information identifying the citizen vehicle. An officer will be assigned immediately to make contact with the citizen to determine their welfare and explain the situation. The officer will assist in caring for the disabled vehicle (towing, tire repair or replacement). The citizen will be provided with the Police Chief's name and information on how to contact the Chief's office.
- (j) Request by another agency to use the Aberdeen Police Department spike strip system within the cities jurisdiction will be authorized by the shift OIC or higher ranking officer.
- (k) If used within the Aberdeen Police Department's jurisdiction for an outside agency, Aberdeen officers will be in charge of its use and adhere to this policy while coordinating with the requesting agency. The Aberdeen Police Department's spike strip will not be loaned to officers from another agency. If another agency requests the use of the Aberdeen Police Department's spike strip outside our jurisdiction, the OIC or higher must determine if its use is warranted. If authorized, the shift OIC will assign an Aberdeen officer to conduct the spike strip utilization using Aberdeen Police Department guidelines and policy for use.
- (l) Whenever the spike strip is deployed, an action report from the senior officer authorizing the use of the strip will be completed and forwarded to the deputy Chief of Police through the Patrol Commander.



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### **308.8 REPORTING REQUIREMENTS**

The following reports should be completed:

- (a) The primary officer shall complete appropriate crime/arrest reports.
- (b) The primary officer shall complete a Pursuit Report to be reviewed by the Patrol Lieutenant, which shall minimally contain the following information.
  - 1. Whether any person involved in the pursuit or subsequent arrest was injured, specifying the nature of that injury and differentiating between the suspect driver, a suspect passenger and the officers involved.
  - 2. The violation(s) that caused the pursuit to be initiated.
  - 3. The identity of the officers involved in the pursuit.
  - 4. The means or methods used to stop the suspect being pursued.
  - 5. The charges filed with the court by the County Prosecutor.
  - 6. The conditions of the pursuit, including, but not limited to, all of the following:
    - (a) Duration.
    - (b) Mileage.
    - (c) Number of officers involved.
    - (d) Maximum number of units involved.
    - (e) Time of day.
    - (f) Weather conditions.
    - (g) Maximum speeds.
  - 7. Whether the pursuit resulted in a collision and a resulting injury or fatality to an uninvolved third party, and the corresponding number of persons involved.
  - 8. Whether the pursuit involved multiple agencies.
  - 9. How the pursuit was terminated.
- (c) After first obtaining available information, a field supervisor shall promptly complete a Supervisor's report, briefly summarizing the pursuit to the Deputy Chief through the chain of command. This memo should minimally contain the following information:
  - (a) Date and time of pursuit.
  - (b) Length of pursuit.
  - (c) Involved units and officers.
  - (d) Initial reason for pursuit.
  - (e) Starting and termination points.

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- (f) Disposition: arrest, citation, etc. Arrestee information should be provided if applicable.
- (g) Injuries and/or property damage.
- (h) Medical treatment.
- (i) Name of supervisor at scene.
- (j) A preliminary determination, simply stating whether or not the pursuit appears to be in compliance with this policy.
- (k) Determine the need for any additional review and/or follow up.

### 308.8.1 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary CJTC training on pursuits, all sworn members of this department will participate no less than annually in regular and periodic department training addressing this policy and the importance of vehicle safety and protecting the public at all times.

### 308.8.2 POLICY REVIEW

Each sworn member of this department shall certify in writing that they have received, read and understand this policy initially and upon any amendments.

# 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 dispatched to an emergency "Code-3" type call should consider the call an emergency response and proceed immediately. Officers responding Code-3 shall continuously operate emergency lighting equipment and shall sound the siren as reasonably necessary pursuant to RCW 46.61.035.

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 emergency lights and siren does not provide any exemption from the RCW 46.61.035; WAC 204-21-130.

Any call that is not an emergency Code-3 type call, Officers should respond in a manner consistent with state law and department policy. See §316.2.2(b).

### 309.2.1 EMERGENCY CODE-3 CALLS DEFINITION

Emergency Code-3 type calls should be considered emergency response calls where the request for immediate police assistance is needed to save a life or to prevent a victim from sustaining serious injuries and are classified as a felony in progress, serious auto accident, an officer's call for emergency assistance, and all other situations in which human life is in peril and the police have the prime responsibility.

### 309.2.2 AUTHORIZED EMERGENCY VEHICLE OPERATION

- (a) When responding to Code-3 emergency calls, the officer shall proceed with the use of emergency lights and siren and shall be governed by RCW 46.61.035.
- (b) RCW 46.61.035:
  - 1. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.
  - 2. The driver of an authorized emergency vehicle may:
  - 3. Park or stand, irrespective of the provisions of this chapter.
  - 4. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.

## *Officer Response to Calls*

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5. Exceed the maximum speed limits so long as he does not endanger life or property.
6. Disregard regulations governing direction of movement turning in specified directions.
7. The exemptions herein granted to an authorized emergency vehicle shall apply only when such vehicle is making use of visual signals meeting the requirements of RCW 46.37.190, except that
  - (a) An authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.
  - (b) Authorized emergency vehicles shall use audible signals when necessary to warn others of the emergency nature of the situation, but in no case shall they be required to use audible signals while parked or standing.
8. The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of this reckless disregard for the safety of others.

### 309.2.3 USE OF EMERGENCY EQUIPMENT

Such police vehicles, authorized by statute as an "Emergency Vehicle", shall be operated in a manner that does not endanger lives and property when responding to calls of an emergency nature. When responding to an emergency call, or when in pursuit of a fleeing vehicle, the member shall have in operation his blue lights and siren.

- (a) When use off the siren may alarm suspects engaging in the commission of a crime, it is not required. However, particular note must be made of Policy §316.2.2.B(8).

### 309.3 REQUESTING EMERGENCY ASSISTANCE

Requests for emergency assistance should be limited to those situations where the involved personnel reasonably believe that there is an immediate threat to the safety of officers, or assistance is needed to prevent imminent serious harm to a citizen. In any event, where a situation has stabilized and emergency response is not required, the requesting officer shall immediately notify Grays Harbor Communications.

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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### **309.3.1 NUMBER OF UNITS ASSIGNED**

Normally, only one unit should respond to an emergency call in an emergency Code-3 fashion, and in a manner outlined in § 316.2, unless the Patrol Lieutenant or on-duty patrol supervisor authorizes or assigns additional unit(s).

### **309.4 INITIATING CODE 3 RESPONSE**

If an officer believes an emergency Code-3 response to any call is appropriate, the officer shall immediately notify Grays Harbor Communications. Generally, only one unit should respond in an emergency Code-3 manner to any situation. Should another officer believe an emergency Code-3 response is appropriate, Grays Harbor Communications shall be notified and the Patrol Lieutenant or on-duty patrol supervisor will make a determination as to whether one or more officers driving in an emergency Code-3 manner is appropriate.

### **309.5 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 Code-3 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 Grays Harbor Communications. An officer shall also discontinue the emergency Code-3 response when directed by a supervisor.

Upon receiving authorization or determining an emergency Code-3 response is appropriate, an officer should immediately give the location from which he/she is responding.

### **309.6 COMMUNICATIONS RESPONSIBILITIES**

It shall be an emergency Code-3 response when an officer requests emergency assistance by generally stating, "officer needs help," or available information reasonably indicates that the public is threatened with serious injury or death and immediate police response is needed.

The dispatcher should:

- (a) Dispatch the closest available unit to the location requiring assistance.
- (b) If a unit from the requesting agency is not the nearest available resource, the nearest field unit from any other agency will be dispatched.
- (c) Simulcast the back up dispatch on primary and secondary frequencies.
- (d) Make the appropriate restricted traffic announcement.
- (e) Notify any requested emergency services (e.g., fire and ambulance).

## *Officer Response to Calls*

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- (f) Continue to obtain and broadcast information as necessary concerning the response and monitor the situation until it is stabilized or terminated.
- (g) Control all radio communications during the emergency and coordinate assistance as requested by the Patrol Lieutenant or on-duty patrol supervisor.

### **309.7 SUPERVISORY RESPONSIBILITIES**

Upon becoming aware or being notified that an emergency Code-3 response has been initiated, the Patrol Lieutenant or the on-duty patrol supervisor should 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.

The supervisor should 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 an emergency Code-3 response, the supervisor may do so.

It is the supervisor's responsibility to terminate an emergency Code-3 response that, in his/her judgment is inappropriate due to the circumstances.

When making the decision to authorize an emergency Code-3 response, the Patrol Lieutenant or the on-duty patrol 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.

### **309.8 FAILURE OF EMERGENCY EQUIPMENT**

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the emergency Code-3 response and respond accordingly. In all cases, the officer shall notify the Patrol Lieutenant, field supervisor, or Grays Harbor Communications of the equipment failure so that another unit may be assigned to the emergency response.

## Canine Program

### 310.1 PURPOSE AND SCOPE

The Canine Program was established to augment police services to the community. Highly skilled and trained teams of handlers and canines have evolved from the program and are used to supplement police operations to locate individuals, contraband and to apprehend 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 the individual has either committed or threatened to commit any serious offense and if any of the following conditions exist:

- (a) There is a reasonable belief that 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 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. 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.

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

Once the individual has been located and no longer reasonably appears to represent a threat or risk of escape, the canine should be placed in a down-stay or otherwise secured as soon as it becomes reasonably practical.

#### 310.2.1 PREPARATIONS FOR UTILIZING A CANINE

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

- (a) The individual's age or estimate thereof.
- (b) The nature of the suspected offense.
- (c) Any potential danger to the public and/or other officers at the scene if the canine is released.
- (d) The degree of resistance or threatened resistance, if any, the subject has shown.

## *Canine Program*

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- (e) The potential for escape or flight if the canine is not utilized.
- (f) The potential for injury to officers or the public caused by the suspect if the canine is not utilized.

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

A canine handler shall have the ultimate authority not to deploy the canine. The handler will evaluate each situation and determine if the use of a canine is technically feasible. Generally, the decision to deploy the canine shall remain with the handler. However, a supervisor sufficiently apprised of the situation may decide not to deploy the canine.

### 310.2.2 WARNINGS GIVEN TO ANNOUNCE THE USE OF A CANINE

Unless it would otherwise increase the risk of injury or escape, a clearly audible warning to announce that a canine will be released if the person does not come forth, shall be made prior to releasing a canine. The canine handler, when practical, shall first advise the supervisor of his/her decision if a verbal warning is not given prior to releasing the canine. In the event of an apprehension, the handler shall document in any related report whether or not a verbal warning was given and, if none was given, the reasons why.

### 310.2.3 GUIDELINES FOR NON-APPREHENSION USE

Because police service dogs have senses far superior to those of humans, they may be effectively utilized to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention) or even suspects wanted for minor criminal offenses. In such circumstances, it will be necessary for the handler to evaluate the conditions and ability of the canine to determine the feasibility of such an application.

As a general rule, the K-9 team should not be used in search and rescue operations but may be used in those situations where time is of the essence and no other reasonable or effective alternative is available. The K-9 team may be used in those situations with the approval of a command level officer and in the following manner.

- (a) Absent a change in circumstances which presents an immediate threat to officers, the canine or the public, such applications should be conducted on leash or under such conditions that the police service dog will not bite or otherwise injure the individual, if located.
- (b) Throughout the deployment of the canine in such circumstances, the handler should give periodic verbal assurances that the police service dog will not bite or hurt the person.
- (c) Unless otherwise directed by a supervisor, assisting personnel should take direction from the handler in order to minimize interference with the canine.
- (d) Once the individual has been located, the canine should be placed in a down stay or otherwise secured as soon as it becomes reasonably practical.



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### **310.2.4 REPORTING CANINE USE, BITES AND INJURIES**

Whenever the canine is deployed, a Canine Use Report shall be completed by the handler and turned in to the Unit Coordinator before going off duty.

If a bite or injury results from the use of the canine, that information shall be documented on a Canine Use Report form and included in the case narrative/supplemental report. The report should include, at a minimum, the following:

- (a) In all cases of bites or injury resulting from the use of a canine, photographs shall be taken of the bite or injury after first tending to the immediate needs of the injured party. The photographs will be taken and will be labeled "Canine Incident - Do Not Destroy," and placed on the department server. If the injury requires medical attention aid will be called as soon as practical. In the event an in-custody suspect requires medical attention, an officer should standby with the suspect until treatment has been rendered.
- (b) If a subject alleges an injury that is not visible, notification shall be made to a supervisor and the location of the alleged injury should be photographed.

### **310.2.5 REPORTING CANINE INJURIES**

In the event that a canine is injured, the injury will be immediately reported to the Patrol Lieutenant or on-duty patrol supervisor.

Depending on the severity of the injury, the canine shall either be treated by the designated veterinarian or transported to a designated emergency medical facility for treatment. If the handler and dog are out of the area, the handler may use the nearest available veterinarian.

The injury will be documented in the dog activity log.

### **310.2.6 ASSIGNMENT OF CANINES**

The canine teams shall be assigned to the Investigation Division to supplement and assist the Patrol Section. Canine teams should function primarily as cover units however; they may be assigned by the Patrol Lieutenant or on-duty patrol supervisor to other functions based on the needs of the watch at the time.

Canine teams should not be assigned to handle matters that will take them out of service for extended periods of time unless absolutely necessary and only with the approval of the Patrol Lieutenant or on duty patrol supervisor.

## **310.3 REQUEST FOR USE OF CANINE TEAMS**

Personnel within the Department are encouraged to freely solicit the use of the canines. Requests for a canine team from outside of the Patrol Section shall go through the Patrol Lieutenant or on duty patrol supervisor.

### **310.3.1 REQUEST FOR ASSISTANCE FROM OTHER AGENCIES**

The Lieutenant or the on duty supervisor must approve all requests for canine assistance from outside agencies subject to the following provisions:

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- (a) Canine teams shall not be used for any assignment that is not consistent with this policy.
- (b) The handler has the ultimate authority to decide whether the canine should be used for any specific assignment.
- (c) Canine teams shall not be called out while off-duty or used outside the boundaries of the City of Aberdeen unless authorized by the Patrol Lieutenant or On-Duty Supervisor.
- (d) It shall be the responsibility of the canine handler to coordinate with outside agency personnel in order to minimize the risk of unintended injury.

### 310.3.2 REQUEST FOR PUBLIC DEMONSTRATIONS

All public requests for a canine team shall be approved by the Section Commander, Patrol Lieutenant, or on-duty patrol supervisor prior to making any commitment.

Handlers shall not demonstrate any apprehension work to the public unless authorized to do so by the Section Commander.

### 310.4 SELECTION OF CANINE HANDLERS

The following are the minimum qualifications for the assignment of canine handler:

- (a) Aberdeen Police Department officer (currently off probation).
- (b) Reside in an adequately fenced, single-family, residence (minimum five-foot high fence with locking gates), or suitable dog kennel.
- (c) Live within 30 minutes travel time from the Aberdeen City limits.
- (d) Agree to be assigned to the position for a minimum of three years.

### 310.5 CANINE HANDLER RESPONSIBILITIES

#### 310.5.1 AVAILABILITY

The handler shall be available for call-out under conditions specified by the Division Commander.

#### 310.5.2 CARE FOR THE CANINE AND EQUIPMENT

The 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 handler will be responsible for the following:

- (a) Unless required by a particular application, 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.

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- (c) When a handler takes a vacation or extended number of days off, the canine vehicle shall be maintained at the Police Department facility.
- (d) Handlers shall permit the Section Commander, or his/her designee, to conduct spontaneous on-site inspections of affected areas of their residence as well as the canine unit, to verify that conditions and equipment conform to this policy.
- (e) Any changes in the living status of the handler which may affect the lodging or environment of the canine shall be reported to the Section Commander as soon as possible.
- (f) When off-duty, canines should be maintained in kennels, provided by the City, at the homes of their handlers. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, canines may be let out of their kennels while under the direct control of their handlers. Off-duty canines may be allowed access to the inside of the handlers home at his or her discretion.
- (g) The canine should be permitted to socialize in the home with the handler's family for periods of time and under the supervision of the handler.
- (h) Under no circumstances will the canine be lodged at another location unless approved by the Section Commander or Lieutenant.
- (i) When off-duty, handlers shall not involve their canines in any activity or conduct unless approved in advance by the Section Commander or Lieutenant.
- (j) Whenever a canine handler anticipates taking a vacation or an extended number of days off, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the Section Commander so that appropriate arrangements can be made.

### 310.5.3 CANINE IN PUBLIC AREAS

All canines will be kept under control and supervision when in areas that allow access to the public. Exceptions would include specific police operations for which the canines are trained.

- (a) Canines shall not be left unattended in any area to which the public may have access.
- (b) When the canine unit 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 unit remains inhabitable for the canine.

### 310.5.4 HANDLER COMPENSATION

The canine handler shall be compensated for time spent in the care, feeding, grooming and other needs of the dog as provided in the Fair Labor Standards Act. The compensation shall be prescribed in the employee's Collective Bargaining Agreement.

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### **310.6 MEDICAL CARE OF THE CANINE**

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency as provided in Policy Manual § 318.6.2.

#### **310.6.1 NON-EMERGENCY MEDICAL CARE**

Non-emergency medical care will be coordinated by the handler.

Any indication that a canine is not in good physical condition shall be reported to the Section Commander or the Patrol Lieutenant as soon as practical.

All records of medical treatment shall be maintained by the handler.

#### **310.6.2 EMERGENCY MEDICAL CARE**

The designated emergency medical treatment center or canine veterinarian shall render emergency medical treatment. The handler shall notify the Section Commander as soon as practicable when emergency medical care is required.

### **310.7 TRAINING**

Before assignment in the field, each canine team shall be trained and certified to meet current CJTC standards. Cross trained dog teams or those dog teams trained exclusively for the detection of narcotics and/or explosives shall be trained and certified to meet established standards.

#### **310.7.1 CONTINUED TRAINING**

Each police service dog team shall thereafter receive training similar to CJTC police service dog standards on an annual basis. Additional training considerations are as follows:

- (a) Canine teams should receive in-service training as identified on an annual basis.
- (b) Canine handlers are encouraged to engage in additional training with the recommendation of the Section Commander or Patrol Lieutenant, and approval of the Chief of Police.
- (c) In order to ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is contrary to the policies of the Aberdeen Police Department.
- (d) All canine training shall be conducted while on-duty unless otherwise approved by the Section Commander or Patrol Lieutenant .

#### **310.7.2 FAILURE TO SUCCESSFULLY COMPLETE CJTC TRAINING**

No police service dog team failing CJTC police service dog certification shall be deployed in the field until certification is achieved. When practical, pending successful certification, the police service dog handler shall temporarily assume regular patrol duties and shall not deploy the canine.

#### **310.7.3 TRAINING RECORDS**

All canine training records shall be maintained in the canine handler's training file.

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### **310.8 CANINE UNIT COORDINATOR RESPONSIBILITIES**

The Section Commander shall supervise the Canine Program. The Section Commander is directly responsible to the Operations Division Commander. The Section Commander shall be responsible for, but not limited to, the following:

- (a) Reviewing all Canine Use Reports to ensure compliance with policy, identify training issues and other needs of the program.
- (b) Maintain liaison with administrative staff and functional supervisors.
- (c) Maintain liaison with other agency canine coordinators.
- (d) Ensure that accurate records are kept to document canine activities.
- (e) Recommend and oversee the procurement of needed equipment and services for the unit.
- (f) Work with the Patrol Lieutenant and handler in scheduling all canine related activities.
- (g) Ensure the canine teams are scheduled for continuous training to maximize the capabilities of the teams.

### **310.9 CONTROLLED SUBSTANCE TRAINING AIDS**

Controlled substance training aids are required to effectively train and maintain drug detecting dogs. Further, controlled substances can also be an effective training aid during training sessions for law enforcement personnel and the public.

The Chief of Police or his/her designee may provide controlled substances for training purposes under the following conditions:

- (a) To any duly authorized peace officer or civilian drug detection canine trainer working under the direction of an Aberdeen Police Department handler.
- (b) Provided the controlled substances are no longer needed as criminal evidence.
- (c) Provided the person receiving the controlled substances, if required by the Drug Enforcement Administration, possesses a current and valid Drug Enforcement Administration registration that specifically authorizes the recipient to possess controlled substances while providing substance abuse training to law enforcement or the community or while providing canine drug detection training.

#### **310.9.1 PROCEDURES**

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

- (a) All necessary controlled substance training samples shall be acquired from the Aberdeen Police Department's evidence personnel or from allied agencies to provide

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controlled substance training samples. All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler.

- (b) The weight and test results shall be recorded and maintained by this department.
- (c) Any person receiving controlled substance training samples 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 boxes at all times, except during training. The locked boxes shall be secured in the trunk of the canine handler's assigned patrol unit, or stored in a locked evidence locker. There are no exceptions to this procedure.
- (f) The Section Commander 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 Room 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.

### 310.9.2 IMMUNITY

Aberdeen Police Department officers and any person working under their immediate direction, supervision or instruction, may possess controlled substances and paraphernalia only when such possession is in conjunction with the performance of their official duties, while providing substance abuse training to law enforcement or the community or while providing police canine drug detection training.

## 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 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

The Aberdeen Police Department Domestic Violence policy is drafted in compliance with guidelines established and approved by the Criminal Justice Training Commission. Except where otherwise noted, the following definitions are provided per RCW 10.99.020:

**Agency** - Means a general authority Washington law enforcement agency as defined in RCW 10.93.020.

**Bodily Injury** - Means physical pain, illness, or an impairment of physical condition.

**Dating Relationship** - Means a social relationship of a romantic nature RCW 26.50.010.

**Domestic Violence** - Means assaultive behavior committed by one family member against another and includes, but is not limited to any of the following crimes:

- (a) Assault in the first, second, third and fourth degree (RCW 9A.36.011 to RCW 9A.36.041).
- (b) Drive-by shooting (RCW 9A.36.045).
- (c) Reckless endangerment (RCW 9A.36.050).
- (d) Coercion (RCW 9A.36.070).
- (e) Burglary in the first and second degree (RCW 9A.52.020 and .030).
- (f) Criminal trespass in the first and second degree (RCW 9A.52.070 and .080).
- (g) Malicious mischief in the first, second and third degree (RCW 9A.48.070 to .090).
- (h) Kidnapping in the first and second degree (RCW 9A.40.020 and .030).
- (i) Unlawful imprisonment (RCW 9A.40.040).
- (j) Violation of the provisions of a restraining order, no-contact order, or protection order restraining or enjoining the person or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.44.063, 26.44.150, 26.50.060, 26.50.070, 26.50.130, 26.52.070, or 74.34.145).
- (k) Rape in the first and second degree (RCW 9A.44.040 and .050).

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- (l) Residential burglary (RCW 9A.52.025).
- (m) Stalking (RCW 9A.46.110).
- (n) Interference with the reporting of domestic violence (RCW 9A.36.150).

### **Employee -**

Means any person currently employed with an agency.

**Family or Household Members -** Means spouses, former spouses, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren (RCW 10.99.020 (3)).

**Foreign Protection Order -** Means an injunction or other order related to domestic or family violence, harassment, sexual abuse, or stalking, for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to another person issued by a court of another state, territory, or possession of the United States, the Commonwealth of Puerto Rico, or the District of Columbia, or any United States military tribunal, or a tribal court, in a civil or criminal action (RCW 26.52.010).

**Harassment -** Includes, but is not limited to, conduct that is classified in the jurisdiction where the conduct occurred as harassment or a crime committed in another jurisdiction that under the laws of this state would be classified as harassment under RCW 9A.46.040 (RCW 26.52.010).

**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.

**Victim -** Means a family or household member who has been subjected to domestic violence.

### **311.2 POLICY**

The Aberdeen Police Department's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

### **311.3 OFFICER SAFETY**

The investigation of domestic violence cases often places officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede



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the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

### **311.4 INVESTIGATIONS**

The following guidelines should be followed by officers when investigating 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 response 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 not have been in the house at that particular 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 police department 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 with an opportunity to make a statement and make an arrest or seek an arrest warrant if appropriate.
- (h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.
- (i) When completing an incident 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.

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- (j) 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:
  - 1. Marital status of suspect and victim.
  - 2. Whether the suspect lives on the premises with the victim.
  - 3. Claims by the suspect that the victim provoked or perpetuated the violence.
  - 4. The potential financial or child custody consequences of arrest.
  - 5. The physical or emotional state of either party.
  - 6. Use of drugs or alcohol by either party.
  - 7. Denial that the abuse occurred where evidence indicates otherwise.
  - 8. A request by the victim not to arrest the suspect.
  - 9. Location of the incident (public/private).
  - 10. Speculation that the complainant may not follow through with the prosecution.
  - 11. The racial, cultural, social, professional position or sexual orientation of the victim or suspect.

### **311.4.1 IF A SUSPECT IS ARRESTED**

If a suspect is arrested, officers should:

- (a) Advise the victim that there is no guarantee the suspect will remain in custody.
- (b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.
- (c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

### **311.4.2 IF NO ARREST IS MADE**

If no arrest is made, the officer should:

- (a) Advise the parties of any options, including but not limited to:
  - 1. Voluntary separation of the parties.
  - 2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).
- (b) Document the resolution in a report.

### **311.5 VICTIM ASSISTANCE**

Victims may be traumatized or confused. Officers should:

- (a) Recognize that a victim's behavior and actions may be affected.

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- (b) Provide the victim with the department's domestic violence information handout, even if the incident may not rise to the level of a crime.
- (c) Alert the victim to any available victim advocates, shelters and community resources.
- (d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.
- (e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.
- (f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.
- (g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (h) Seek or assist the victim in obtaining an emergency order if appropriate.

### **311.6 DISPATCH ASSISTANCE**

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Officers should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

### **311.7 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.

### **311.8 VERIFICATION AND SERVICE OF COURT ORDERS**

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available, and, where appropriate and practicable:

- (a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.

## *Domestic Violence*

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- (b) Check available records or databases that may show the status or conditions of the order.
- (c) Contact the issuing court to verify the validity of the order.
- (d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

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.

### **311.9 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; 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(a)(b)). Whenever a member of this department serves or assists in serving a court order and that service is completed, a Return of Service Form shall be completed and submitted to the Washington Crime Information Center (WACIC).

### **311.10 REPORTS AND RECORDS**

- (a) 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)).
- (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)).
- (c) Whenever there is probable cause to believe that a crime has been committed and unless the case is under active investigation, the Investigation Supervisor shall ensure that all domestic violence crime reports are forwarded to the County Prosecutor's Office within 10 days of the date the incident was reported (RCW 10.99.030(9)).
- (d) The Special Assignments Officer shall ensure that accurate records of domestic violence incidents are maintained and submitted to the Washington Association

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of Sheriffs and Police Chiefs (WASPC), in accordance with state law (RCW 10.99.030(12)).

## Search & Seizure

### 312.1 PURPOSE AND SCOPE

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Aberdeen Police Department personnel to consider when dealing with search and seizure issues.

### 312.2 POLICY

It is the policy of the Aberdeen Police Department to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

In accordance with the Training Policy, the Department will provide relevant and current training to officers as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

#### 312.2.1 INFECTIOUS DISEASE CONTROL PROCEDURES (SEARCHES)

- (a) As accidental needle sticks represent the most common potentially infectious exposure in law enforcement, officers should use the utmost caution in searching persons and property.
- (b) Assume that every subject to be searched may possess a hypodermic needle, razor blade, file, or similar small sharp object.
- (c) Officers should tell the subject to remove all items from pockets, to turn pockets inside out and, when appropriate, to remove bulky external clothing for closer inspection. Officers should inquire specifically about needles and sharp items before a search of a subject is conducted.
- (d) If a subject admits possession of a needle or sharp item, the officer should instruct the subject to remove the item. If the subject refuses, the subject should be physically restrained before the officer attempts to remove the item.
- (e) Officers should conduct a light pat-type search of areas where needles or sharp items may be located before employing a groping-type search of the area.
- (f) A visual inspection of property should be made before officers search the property. Purses, bags, eyeglass cases, or other containers should be emptied and the contents visibly examined before the property is handled.
- (g) Officers should not insert their hands between or under vehicle seats, or into any other area before visually examining the area.

## Search & Seizure

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- (h) Broken glassware, which may be contaminated, must be picked up only by using mechanical means such as tongs, brush/dust pan, or forceps, and never with bare or gloved hands.

### 312.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Exigent circumstances

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

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

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

### 312.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

- (a) Members of this department will strive to conduct searches with dignity and courtesy.
- (b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.
- (c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- (d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
- (e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject

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to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:

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

### **312.5 DOCUMENTATION**

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

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer

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



# Temporary Custody of Juveniles

## 313.1 PURPOSE AND SCOPE

This policy provides guidelines and requirements for the detention and disposition of juveniles taken into temporary custody by members of the Aberdeen Police Department.

## 313.2 JUVENILE OFFENDERS

Juveniles may be taken into custody (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.

### 313.2.1 CONSTITUTIONAL RIGHTS ADVISEMENT

In any case where a juvenile is taken into temporary custody, the juvenile should be promptly advised of his/her constitutional rights to ensure the admissibility of any spontaneous statements, whether or not questioning is intended.

## 313.3 DETENTION

No juvenile may be held in temporary custody at the Aberdeen Police Department without authorization of the arresting officer's supervisor or the Patrol Lieutenant. An individual taken into custody shall be processed as soon as practical. Juveniles detained may not be held at this facility for more than six hours from the time of arrival at the Aberdeen Police Department (RCW 13.04.116). When a juvenile is taken into custody, the following steps shall be taken by the arresting officer or the arresting detective if assigned to the case:

- (a) Once the detention begins document the custody of the juvenile in the Juvenile Detention Log.
- (b) 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.
- (c) Submit a completed report to the on-duty supervisor for approval.

Status offenders, including those returned on a court order for contempt (or a probation violation) and dependents that are taken into custody may not be detained in police jails or lockups. They may be taken to a DSHS approved facility or location but may not be held in a detention environment or come into contact with adults in custody in the station.

### 313.3.1 DETENTION REQUIREMENTS

All juveniles held in temporary custody shall have the following made available to them:

- (a) Access to toilets and washing facilities

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- (b) Access to drinking water
- (c) Food, if the juvenile has not eaten within the past four hours or is otherwise in need of nourishment. All food given to a juvenile in custody should be provided from the jail food supply, if such is available
- (d) As soon as practicable after being taken to a place of temporary confinement, and except where physically impossible, advise and provide the juvenile an opportunity to make a reasonable number of phone calls to a parent, guardian, responsible relative, employer, or attorney. A reasonable number of phone calls is generally three.
- (e) Privacy during visits with family, guardian, or lawyer
- (f) Blankets and clothing necessary to assure the comfort of the juvenile shall be provided if the juvenile's clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

### **313.3.2 NON-CONTACT REQUIREMENTS**

There shall be no contact, including visual or audible, between juveniles held in temporary custody (either non-secure or secure detention) and adult prisoners who are detained in the jail or any other secure holding area.

Contact between juveniles in temporary custody, both secure and non-secure, and adult prisoners shall be restricted as follows:

- (a) There will be no communication between the juvenile and adult prisoners allowed.
- (b) If an adult prisoner, including an inmate worker, is present with the juvenile in the same room or area, an Aberdeen Police Department employee trained in the supervision of inmates shall maintain a constant side-by-side presence with either the juvenile or adult prisoner to ensure there is no communication between the juvenile and adult prisoner.
- (c) Situations in which a juvenile and adult prisoner may be in the same room or corridor shall be limited to:
  - 1. Booking.
  - 2. Medical screening.
  - 3. Inmate worker presence while performing work necessary for the operation of the Aberdeen Police Department such as meal service and janitorial service.
  - 4. Movement of persons in custody within the Aberdeen Police Department.

### **313.4 REQUIREMENTS FOR DETENTION**

Detention of juveniles at the Aberdeen Police Department in a locked room or secured detention room may occur under the following conditions:

- (a) Juvenile is taken into custody on the basis of having committed a criminal law violation.

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- (b) Detention in a locked or secured room does not exceed a total of six (6) hours.
- (c) Detention is for the purpose of giving the officer time to investigate the case, facilitate the release of the juvenile to parents, or arrange transfer to Juvenile Detention.
- (d) The officer apprehending the juvenile has reasonable belief that the juvenile presents a serious security risk of harm to self or others. Factors to consider include:
  - 1. Age, maturity, and delinquent history of the juvenile.
  - 2. Severity of offense for which taken into custody.
  - 3. Juvenile's behavior.
  - 4. Availability of staff to provide adequate supervision or protection of the juvenile.
  - 5. Age, type, and number of other individuals detained at the facility.

### 313.4.1 SUPERVISION AND SECURITY OF JUVENILES IN SECURE DETENTION

While in secure detention, minors may be locked in a room or other secure enclosure, secured to a cuffing rail, or otherwise reasonably restrained as necessary to prevent escape and protect the minor and others from harm.

- (a) Minors held in secure detention outside of a locked enclosure should not be secured to a stationary object for more than 30 minutes unless no other locked enclosure is available. If a juvenile is secured, the following conditions should be followed:
  - 1. A department employee should be present at all times to assure the juvenile's safety while secured to a stationary object.
  - 2. Juveniles who are secured to a stationary object are moved to a detention room as soon as one becomes available.
  - 3. Juveniles secured to a stationary object for longer than 30 minutes, and every 30 minutes thereafter, shall be approved by the Sergeant or the designated supervisor and the reason for continued secure detention shall be documented.
- (b) In the event a minor is held inside a locked enclosure, the minor shall receive adequate supervision which, at a minimum, includes:
  - 1. Constant auditory access to staff by the minor.
  - 2. Unscheduled personal visual supervision of the minor by Department staff, no less than every 30 minutes. These jail checks shall be documented.
- (c) Males and females shall not be placed in the same locked room unless under direct visual supervision.

### 313.4.2 JUVENILE DETENTION ROOMS

Whenever any juvenile is confined in a detention room at the Aberdeen Police Department the handling officer or detective shall comply with the following:

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- (a) It is the officer's responsibility to notify the Patrol Lieutenant or on-duty patrol supervisor, and correction officer that a detention has begun. The juvenile must be told the reason for incarceration, the length of time secure detention will last and that it may not exceed a total of 6 hours.
- (b) Any juvenile placed in a locked detention room shall be separated according to sex and the severity of the crime (felony or misdemeanor) unless emergency circumstances will not allow for this type of segregation. When such separation is not possible, the Patrol Lieutenant or on duty patrol supervisor, shall be consulted for directions on how to proceed with the detention of the multiple juveniles involved.
- (c) A written record will be maintained on the detention log. This log will include the charges for which the juvenile is being detained, the circumstances that warrant a secured detention, the time the detention began, and the time it ended. There will also be a place for the Patrol Lieutenant or on-duty patrol supervisor to initial the log approving the detention to occur and to initial the log when the juvenile is released.
- (d) It is the responsibility of the handling officer, or a detective (when available) to monitor the custody of the juvenile and to prepare the necessary paperwork to process the juvenile for release to a parent, guardian, or the appropriate juvenile custody facility. When an officer or a detective is not available, the Patrol Lieutenant, or his/her designee, shall be responsible for monitoring the detention of the juvenile, and ensure that appropriate paperwork is prepared to process the juvenile out of the custody of this department. In all cases of a juvenile detention, the Patrol Lieutenant or on-duty patrol supervisor, shall be notified of the detention, and, when applicable, the name of the detective taking responsibility for the detention and processing of the juvenile.
- (e) A thorough inspection of the detention room shall be conducted before placing a juvenile into the room. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room shall be photographed and documented in the crime report.

### 313.4.3 JUVENILE'S PERSONAL PROPERTY

The officer placing a juvenile into a detention room must ensure a thorough search of the juvenile's property is conducted. This will ensure all items likely to cause injury to the juvenile or the facility are confiscated and placed in a property bag. The property shall be inventoried in the juvenile's presence and sealed into the bag. The property will be maintained by the responsible officer or detective or locked in a juvenile property locker until the juvenile is released from the custody of the Aberdeen Police Department.

### 313.4.4 MONITORING OF JUVENILES

The juvenile shall constantly be monitored by the audio/video system during the entire detention. An in-person visual inspection shall be done to ensure the welfare of the juvenile and shall be conducted at least once each half-hour, on an unscheduled basis, until the juvenile is released. This inspection shall not be replaced by video monitoring. This inspection shall be conducted by

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a designee of the Lieutenant or On-Duty Supervisor, and the visual inspection shall be logged on the Inspection Log in the juvenile detention room .

More frequent visual inspections should be made as circumstances dictate as in the case of an injured or ill juvenile being detained, or if specific circumstances exist such as a disciplinary problem or suicide risk. In such instances the Lieutenant or On-Duty Supervisor shall be fully informed about the special circumstances in order to evaluate continued detention of such a juvenile. Juvenile Security Report Logs and Confinements of Juvenile Logs shall be turned into the Section Commander or his/her designee at the end of each month.

### 313.4.5 FORMAL BOOKING

No juvenile shall be formally booked without the authorization of the arresting officer's supervisor, or in his/her or her absence, the Patrol Lieutenant.

All juveniles arrested for a felony offense or gross misdemeanor, or any juvenile whose acts amount to a sex crime, shall be booked, fingerprinted, and photographed.

For all other acts defined as crimes, juveniles may be booked, fingerprinted, or photographed upon the approval from the Patrol Lieutenant or Detective Supervisor, giving due consideration to the following:

- (a) The gravity of the offense.
- (b) The past record of the offender.
- (c) The age of the offender.

### 313.4.6 DISPOSITIONS

- (a) Any juvenile not transferred to a juvenile facility shall be released to one of the following:
  - 1. Parent or legal guardian.
  - 2. An adult member of his/her immediate family.
  - 3. An adult person specified by the parent/guardian.
  - 4. An adult person willing to accept responsibility, when the juvenile's parents are unavailable as approved by the Lieutenant, or on-duty patrol supervisor.
  - 5. Released pending later notification of the parent/guardian, as approved by the Lieutenant, or on-duty patrol supervisor.
- (b) If the six hour time limit has expired, the juvenile should be transported to Grays Harbor Juvenile Detention.
- (c) After an officer has taken a juvenile into temporary custody for a violation of law, the following dispositions are authorized:

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1. The arresting officer may counsel or admonish the juvenile and recommend no further action be taken.
  2. If the arresting officer, the Lieutenant, or the on-duty Patrol Supervisor believes that further action is needed, the juvenile will be released to a responsible person as listed above, and such juvenile will be advised that follow-up action will be taken by a detective if arrested on a felony, or reporting officer if arrested for a gross misdemeanor or misdemeanor. The detective or officer assigned to the case will then determine the best course of action, such as diversion or referral to court. The detective or officer will contact the parents and advise them of the course of action.
  3. The arresting officer should complete all required reports and forward them to the appropriate supervisor for processing to records.
  4. The juvenile may be transferred to Juvenile Detention with authorization of the appropriate supervisor or the Lieutenant.
- (d) If a juvenile is to be transported to Juvenile Detention, the following forms shall accompany the juvenile:
1. Copies of all associated incident/crime reports.
  2. Any other forms as required by Juvenile Detention.
  3. Any personal property taken from the juvenile at the time of detention.

### **313.5 JUVENILE CONTACTS AT SCHOOL FACILITIES**

Absent exigent circumstances, officers should make every reasonable effort to notify responsible school officials prior to contacting a student on campus while school is in session.

- (a) Reasonable efforts should be taken to coordinate with school officials to minimize disruption of school functions and maintain a low profile police presence when contacting a student.
- (b) Whenever circumstances warrant the temporary detention or interview of a juvenile student on campus, the officer should:
  1. When practical and when it would not unreasonably interfere with the investigation, take reasonable steps to notify a parent, guardian, or responsible adult, including those phone numbers listed on any contact card on file with the school or provided by the student. All efforts to make contact with parents and/or reasons contact was not attempted should be documented.
  2. If efforts to contact a parent, guardian, or responsible adult are unsuccessful or not attempted, a formal interview with the juvenile may proceed without them. Upon the request of the juvenile, a school official may be present during the interview in lieu of a parent.

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3. If contacted, the selected parent, other responsible adult, or school official may be permitted to be present during any interview.
  - (a) An adult suspected of child abuse or other criminal activity involving the juvenile, or an adult, who in the opinion of the officer appears to be under the influence or otherwise unable or incompetent to exercise parental rights on behalf of the juvenile, will not be permitted to be present.
  - (b) If the officer reasonably believes that exigent circumstances exist which would materially interfere with the officer's ability to immediately interview the juvenile, the interview may proceed without the parent or other responsible adult. In such circumstances, the exigent circumstances should be set forth in a related report.
  - (c) Any juvenile student who is a suspected victim of child abuse shall be afforded the option of being interviewed in private or selecting any qualified available adult member of school staff to be present. The purpose of the staff member's presence is to provide comfort and support and such staff member shall not participate in the interview. The selection of a staff member should be such that it does not burden the school with costs or hardship.
    - (a) To ensure that each case is investigated thoroughly while minimizing the trauma to child victims and to facilitate collaborative and thorough investigations of child sexual abuse cases, the County Child Sexual Abuse Investigation Protocol should be adhered to (RCW 26.44.180).

Absent exigent circumstances or authority of a court order, officers should not involuntarily detain a juvenile 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. In all such cases officers should adhere to guidelines and requirements set forth in Policy 330 Child Abuse Reporting.

### **313.6 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.

#### **313.6.1 RELEASE OF INFORMATION BY SUPERIOR COURT ORDER**

A copy of the current policy of the Superior Court concerning authorized release of information and appropriate acknowledgment forms shall be kept with copies of this procedure in the Policy Manual.

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### 313.6.2 RELEASE OF INFORMATION TO OTHER AGENCIES

It shall be the responsibility of the Special Assignments Officer and the appropriate Division and Section Supervisors to ensure that personnel of those divisions and sections act within legal guidelines.

### **313.7 ADDITIONAL CONSIDERATIONS PERTAINING TO JUVENILES**

#### 313.7.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY

When emergency medical attention is required for a juvenile who is either in secure or non-secure custody, the paramedics will be called. The Patrol Lieutenant or on-duty patrol supervisor shall be notified of the need for medical attention for the juvenile.

In cases where injury or illness is life threatening and where lost minutes may be the deciding factor, the arresting officer or the discovering officer should administer first aid prior to the arrival of the paramedics. The juvenile will then be transported to a medical facility.

In the event of a serious illness, suicide attempt, injury or death of a juvenile, the following persons shall be notified as soon as possible:

- (a) The parent, guardian, or person standing in loco parentis, of the juvenile.
- (b) Chief of Police
- (c) Deputy Chief of Police
- (d) Patrol Section Commander
- (e) Corrections Section Supervisor
- (f) Detective Section Commander

#### 313.7.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

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 Patrol Lieutenant or on-duty supervisory if he/she believes the juvenile may be a suicide risk. The Patrol Lieutenant or on-duty supervisor will then arrange to contact a mental health team for evaluation, or to contact Juvenile Detention and arrange for the transfer of the juvenile, providing the juvenile meets the intake criteria. The juvenile shall be under constant personal supervision until the transfer is completed.

#### 313.7.3 USE OF RESTRAINT DEVICES

Policy Manual § 306 refers to the only authorized leg restraint device. It is the policy of this department leg that restraints will not be used for inmates retained in custody. This policy also applies to juveniles held in temporary custody. The use of a restraint is an extreme measure and



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only for a temporary measure pending transportation to another facility or until other custodial arrangements can be made. The use of restraints shall only be used when the juvenile:

- (a) Displays bizarre behavior that results in the destruction of property or shows intent to cause physical harm to self or others.
- (b) Is a serious and immediate danger to himself/herself or others.

Restraint devices include devices which immobilize a juvenile's extremities and/or prevent the juvenile from being ambulatory. Restraints shall only be used after less restrictive measures have failed and with the approval of the Patrol Lieutenant or on-duty supervisor.

Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Direct visual observation shall be conducted at least twice every 30 minutes to ensure that the restraints are properly employed, and to ensure the safety and well-being of the juvenile.

A juvenile who as a result of a mental disorder presents a likelihood of serious harm or is gravely disabled shall be evaluated by a mental health professional as soon as practical.

Juveniles who have been placed in leg restraint devices shall be isolated to protect them from abuse. Restraints shall not be used as a punishment, or as a substitute for treatment.

### **313.7.4 DISCIPLINE OF JUVENILES**

Police personnel are prohibited from administering discipline to any juvenile.

### **313.8 INTOXICATED AND SUBSTANCE ABUSING MINORS**

Juveniles who are arrested while intoxicated may be at risk for serious medical consequences, including death. Examples include acute alcohol poisoning, seizures and cardiac complications of cocaine, markedly disordered behavior related to amphetamines or hallucinogenic drugs, and others.

A medical clearance shall be obtained prior to detention of juveniles at the Aberdeen Police Department when the juvenile displays outward signs of intoxication or is known or suspected to have ingested any substance that could result in a medical emergency. In addition to displaying outward signs of intoxication, the following circumstances require a medical evaluation:

- Known history of ingestion or sequestration of a balloon containing drugs in a body cavity.
- Minor is known or suspected to have ingested any substance that could result in a medical emergency.
- A juvenile who is intoxicated to the level of being unable to care for him or herself.
- An intoxicated juvenile whose symptoms of intoxication are not showing signs of improvement.

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Juveniles with lower levels of alcohol in their system may not need to be evaluated. An example is a juvenile who has ingested one or two beers would not normally meet this criterion.

- (a) A juvenile detained and brought to the Aberdeen Police Department who displays symptoms of intoxication as a result of alcohol or drugs shall be handled as follows:
  - 1. Observation of juvenile's breathing to determine that breathing is regular. Breathing should not be erratic or indicate that the juvenile is having difficulty breathing.
  - 2. Observation of the juvenile to ensure that there has not been any vomiting while sleeping and ensuring that intoxicated juveniles remain on their sides rather than their backs to prevent the aspiration of stomach contents.
  - 3. An arousal attempt to ensure that the juvenile will respond to verbal or pressure stimulation (shaking to awaken). This is the most important monitoring procedure.
- (b) Personal observation shall be conducted on a frequent basis while the juvenile is in the custody of the Aberdeen Police Department, and no less than once every 15 minutes until such time as the symptoms are no longer present. For juveniles held in secure detention inside a locked enclosure, officers will ensure constant audio monitoring is maintained in addition to conducting the in person visual checks. All other forms of detention require the officer to maintain constant visual supervision of the juvenile.
  - 1. The 15-minute checks of the juvenile shall be documented on the Juvenile Detention Log in the juvenile detention room.
- (c) Any juvenile who displays symptoms suggestive of a deepening comatose state (increasing difficulty or inability to arouse, irregular breathing patterns, or convulsions), shall be considered an emergency. Paramedics should be called and the juvenile taken to a medical treatment facility.
- (d) Juveniles undergoing acute withdrawal reactions shall immediately be transported to a medical facility for examination by a physician.
- (e) A medical clearance is required before the juvenile is transported to Juvenile Detention if it is known that the juvenile ingested any intoxicating substances or appears to be under the severe influence of alcohol.

Once the juvenile no longer displays symptoms of intoxication, the requirements in section (a) above will no longer be required. The juvenile will still be monitored on a 30-minute basis as outlined in this policy. The juvenile will continue to be monitored as required for secure or non-secure detentions.

## Abuse of Vulnerable Adults

### 314.1 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 Aberdeen 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.

### 314.2 DEFINITIONS

For purposes of this policy, the following definitions are provided (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.

**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.

**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 that demonstrates a serious disregard of consequences of such a magnitude as to

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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.

**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; has a developmental disability as defined under RCW 71A.10.020; is admitted to any facility; is receiving services from home health, hospice, or home care agencies licensed or required to be licensed under RCW Chapter 70.127; is receiving services from an individual provider; who self-directs his/her own care and receives services from a personal aide.

### **314.3 MANDATORY REPORTING REQUIREMENTS**

Pursuant to RCW 74.34.020(11) any officer of the Aberdeen Police Department is considered a mandated reporter. When there is reasonable cause to believe that abandonment, abuse, sexual or physical assault, financial exploitation, or neglect of a vulnerable adult has occurred, mandated reporters shall immediately report to the Department of Social and Health Services regardless of jurisdiction (RCW 74.34.035).

#### **314.3.1 RECORDS SECTION RESPONSIBILITY**

The Records 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.

### **314.4 OFFICER RESPONSE**

All incidents involving actual or suspected elder and dependent abuse shall be fully investigated and appropriately documented.

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### 314.4.1 INITIAL RESPONSE

Officers may be called upon to effect a forced entry as the first responder to the scene of a suspected elder 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.

### 314.4.2 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 an elderly person.
- (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 elderly 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.

### 314.4.3 SUPPORT PERSONNEL

The following person should be considered if it appears an in-depth investigation is appropriate:

- Patrol Supervisor
- Detective personnel
- Evidence collection personnel
- DSHS personnel
- Ombudsman shall be called if the abuse is in a long-term care facility

### 314.4.4 EMERGENCY PROTECTIVE ORDERS

In any situation which an officer reasonably believes that an elder or dependant adult is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or

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threat of abuse (other than financial abuse alone), the officer should make an attempt to provide information to the elder or dependant adult or any "interest person" about obtaining a protective order against the person alleged to have committed or threatened such abuse pursuant to RCW 74.34.110; 74.34.150; 74.34.210; or other applicable statutes.

### **314.5 ELDER 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(7) and 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

### **314.6 CONFIDENTIALITY OF REPORTING PARTY**

Absent a judicial proceeding or the person provides consent, the identity of the person making the report under this section is confidential (RCW 74.34.035(8) and RCW 74.34.040).

# **Discriminatory Harassment**

## **315.1 PURPOSE AND SCOPE**

This policy is intended to prevent department members from being subjected to discrimination or sexual harassment.

## **315.2 POLICY**

The Aberdeen 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.

## **315.3 DISCRIMINATION PROHIBITED**

### **315.3.1 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.

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### **315.3.2 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.

### **315.3.3 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.

### **315.4 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, Human Resources Director or the Mayor.

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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### **315.4.1 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 the Chief of Police in writing of the circumstances surrounding any reported allegations or observed acts of discrimination/harassment no later than the next business day.

### **315.4.2 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.

### **315.5 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

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retaliation, and the complaint and related investigation should be kept confidential to the extent possible.

### **315.5.1 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.

### **315.5.2 FORMAL INVESTIGATION**

If the complaint cannot be satisfactorily resolved through the process described above, a formal investigation will be conducted.

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, Human Resources Director, or the Mayor.

### **315.5.3 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.

## **315.6 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.

### **315.6.1 ALTERNATE INVESTIGATION PROCEDURES**

In the event the complainant is not satisfied, he/she may use the following procedures:

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- (a) Make a specific, written complaint to the Mayor requesting special resolution of the problem. The written complaint should include the specific allegation, the date(s) of the occurrence, the individual(s) involved and any witnesses, and proposed resolution.
  - 1. The Mayor shall appoint a person or committee of persons not formerly involved in the complaint or investigation to re-investigate and make recommendations regarding the complaint.
    - (a) If the Mayor believes disciplinary action should be taken, the Mayor shall discuss the matter with the Chief of Police.
    - (b) The Chief of Police should then notify the complainant and/or victim of the disposition of the investigation and action(s) taken to remedy the complaint.
- (b) Nothing in this policy shall prevent an employee from informally discussing any problem of sexual harassment or any other discriminatory activity with the Human Resources Department.
- (c) It is the right of all employees to seek redress by the Washington State Human Rights Commission, Equal Employment Opportunity Commission, or through a court of law. However, it is suggested that the administrative remedies outlined in this policy be exhausted before outside agencies are consulted.

### **315.7 DOCUMENTATION OF COMPLAINTS**

All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Chief of Police. The outcome of all reports shall be:

- Approved by the Chief of Police, Mayor or the Human Resources Director, if more appropriate.
- Maintained for the period established in the department's records retention schedule.

### **315.8 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 employees shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents and agree that they will continue to abide by its provisions.

#### **315.8.1 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, Human Resources Director or the Mayor, or they may contact the Washington State Human Rights Commission at 800-233-3247.

# Child Abuse Reporting

## 316.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines and procedures for reports of suspected child abuse and the taking of minors into protective custody.

## 316.2 POLICY

For purposes of this section the following definitions are provided (RCW 26.44.020):

**Child or Children** - Means a person under the age of 18 years.

**Child Abuse or Neglect** - Means the injury, sexual abuse, sexual exploitation, negligent treatment, or maltreatment of a child by any person under circumstances which indicate that the child's health, welfare, and safety is harmed, excluding conduct permitted under RCW 9A.16.100.

**Child Protective Services** - Means those services provided by the State Department of Social and Health Services designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports.

**Law Enforcement Agency** - Means the police department, the County Prosecutor, the state patrol, or the office of the sheriff.

**Unfounded** - Means available information indicates that, more likely than not, child abuse or neglect did not occur.

## 316.3 MANDATORY NOTIFICATION

All employees of this department are responsible for the proper reporting of child abuse. Any employee who has reasonable cause to believe that a child has suffered abuse or neglect shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the State Department of Social and Health Services (RCW 26.44.030).

Should this department learn that another agency has also responded to, or investigated the complaint this department shall notify the other agency of their presence, and the agencies shall coordinate the investigation and keep each other apprised of progress. (RCW 26.44.035).

The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect (RCW 26.44.030(1)(e)).

The report must contain the following information, if known (RCW 26.44.030):

- (a) The name, address, and age of the child.
- (b) The name and address of the child's parents, stepparents, guardians, or other persons having custody of the child.
- (c) The nature and extent of the alleged injury or injuries.

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- (d) The nature and extent of the alleged neglect.
- (e) The nature and extent of the alleged sexual abuse.
- (f) Any evidence of previous injuries; including their nature and extent.
- (g) 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.

### 316.3.1 NOTIFICATION PROCEDURE

Officers shall promptly notify Child Protective Services (CPS) whenever a child under age 13 is present in a vehicle being driven by his/her parent, guardian or legal custodian and that person is being arrested for a drug or alcohol-related driving offense. Officers should ensure that any children who are present are placed with a responsible adult or are otherwise properly provided care.

### 316.3.2 POLICE REPORTS

Employees responding to incidents of suspected child abuse where it cannot initially be shown that a crime occurred shall document the incident in a general report as "unfounded." Information related to unfounded referrals in files or reports of child abuse or neglect may not be maintained for longer than six years and at the end of six years from receipt of the unfounded report, the information shall be purged unless an additional report has been received in the intervening period (RCW 26.44.031).

### 316.3.3 CONTACTING SUSPECTED CHILD ABUSE VICTIMS

Officers should not involuntarily detain a juvenile suspected of being a victim of abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless any of the following apply:

- (a) Exigent circumstances exist. For example:
  - 1. A reasonable belief that medical issues need to be addressed immediately.
  - 2. It is reasonably believed that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
- (b) A court order or warrant has been issued.

In all circumstances in which a suspected child abuse victim is contacted, it will be incumbent upon the investigating officer to articulate in the related reports the overall basis for the contact and what, if any, exigent circumstances exist.

Any juvenile student at school who is a suspected victim of child abuse shall be afforded the option of being interviewed in private or selecting any qualified available adult member of school staff to be present. The purpose of the staff member's presence is to provide comfort and support and such staff member shall not participate in the interview. The selection of a staff member should be such that it does not burden the school with costs or hardship.

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### 316.3.4 RELEASE OF REPORTS

Reports of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to Policy § 810. No unfounded allegation of child abuse or neglect may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under RCW Chapter 74.15 (RCW 26.44.031(4)).

### 316.4 QUALIFIED INVESTIGATORS

The duties of the detectives or officers assigned to investigate child abuse include but are not limited to:

- (a) Responsibility for the investigation, collection of evidence, and preliminary preparation for prosecution of all cases of child abuse and molestation.
- (b) Investigation into the deaths of children that could be attributed to abuse, molest, or Sudden Infant Death Syndrome (SIDS). See policy § 360.2.7 which states:
  - 1. Detectives should receive basic training to include a module that specifically addresses the investigation of the sudden unexplained deaths of children under the age of three. The on-call detective shall be called when a sudden and unexplained death of a child three or under is reported. The reporting officer shall ensure that the Sudden Unexplained Infant Death Investigation (SUIDI) form is properly completed. The initial investigation of the death, including a scene examination, should begin as soon as possible after the death has been reported to the department. This includes deaths where the body of the deceased child has been transported to another location usually for resuscitation. The investigation should include interviews with the caretaker(s) of the child and all other individuals present during the period of the time the child was thought to have died or residing in the place of the discovery of the child. The scene shall be documented utilizing written reports and photography.
- (c) Investigate reports of unfit homes, child abandonment, child endangering, or neglect.
- (d) Provide follow-up on suspected child abuse reports (compliance calls).
- (e) The detective assigned may provide appropriate training to patrol personnel.
- (f) Coordinate with other enforcement agencies, social service agencies, and school administrators in the application and enforcement of the laws regarding assigned child abuse cases.

#### 316.4.1 FORENSIC INTERVIEWING CHILD VICTIMS

Only those personnel who have successfully completed WSCJTC sponsored training in interviewing child victims of sexual abuse shall participate in or conduct such interviews. Interviews of children that are suspected victims of sexual abuse will be conducted in compliance with the training standards (RCW 43.101.224). APD personnel will follow Grays Harbor Protocol.

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### **316.4.2 FELONY INVESTIGATIONS**

Any felony case in which a juvenile is either a victim or suspect will be forwarded to the investigations section supervisor for review and assignment to a detective for further investigation as required. Cases may be referred to the Patrol Section for investigation or follow-up as required.

### **316.4.3 CHILD ABUSE INVESTIGATIONS**

All cases in which a juvenile is either a victim or suspect of sexual assault, or a victim of abuse or neglect, will be assigned to the child abuse investigator as appropriate.

### **316.5 INVESTIGATIONS AND REPORTING**

If the child has been the victim of sexual abuse requiring a medical examination, the officer should arrange for transportation of the victim to the appropriate hospital.

### **316.6 PROTECTIVE CUSTODY**

A child may be taken into protective custody without a warrant if 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 (RCW 26.44.050).

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.

### **316.7 INTERVIEWS**

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 responds to a call alleging that a temporary restraining order or preliminary injunction has been violated, the officer has the authority to arrest the person without a warrant (RCW 10.31.100 and 26.44.130).

### **316.8 MEDICAL EXAMINATIONS**

To ensure that each case is investigated thoroughly while minimizing the trauma to child victims and to facilitate collaborative and thorough investigations of child sexual abuse cases, the County Child Sexual Abuse Investigation Protocol should be adhered to (RCW 26.44.180).

## Missing Person Reporting

### 317.1 PURPOSE AND SCOPE

This policy describes the procedure for acceptance, reporting, documenting, and investigating missing persons. RCW 13.60 et seq., as well as 42 USC § 5779(a), specify certain requirements relating to missing persons. This department will adopt any protocols for the investigation of reported missing persons developed pursuant to RCW 36.28A.100.

This department shall accept and file an official missing person report and enter biographical information into the state missing person computerized network without delay after notification of a missing person is received under RCW 13.32A.050(3), or (4). The name, date of birth, social security number, fingerprint classification, relevant physical descriptions, and known associates and locations shall also be provided to the Washington State Patrol on appropriate forms. Access to the preceding information shall be available to appropriate law enforcement agencies, and to parents and legal guardians, when appropriate (RCW 36.28A.120).

#### 317.1.1 DEFINITIONS

**At risk** - Includes, but is not limited to, evidence or indications of any of the following:

- The person missing is the victim of a crime or foul play.
- The person missing is in need of medical attention.
- The person missing has no pattern of running away or disappearing.
- The person missing may be the victim of a parental abduction.
- The person missing is mentally impaired.

**Child** - While Washington considers a child to be a person under 18 years of age (for purposes of this section) federal law considers any person under the age of 21 years to be a child.

**Endangered** - Any person that meets both of the following criteria:

- The person is missing under unexplained, involuntary or suspicious circumstances.
- The person 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 (RCW 13.60.050).

**Missing person** - Any person whose whereabouts are unknown to the reporting party, including, but not limited to, a child taken, detained, concealed, enticed away or retained by a parent. Missing person also includes any child who is missing voluntarily, involuntarily or under circumstances not conforming to his/her ordinary habits or behavior and who may be in need of assistance.

### 317.2 REPORT ACCEPTANCE

All personnel should accept any report, including any telephone report, of a missing person, including runaways, without delay and shall give priority to the handling of these reports over



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the handling of reports relating to crimes involving property. Reports should be taken on missing persons regardless of jurisdiction.

Patrol personnel should handle the initial missing person report. Department personnel shall promptly assist any person who is attempting to make a report of a missing person. In cases involving a person at-risk or endangered, the Grays Harbor County Drug Task Force will continue an investigation after an initial search by patrol personnel.

In all cases involving a person at-risk, endangered, or a child under 16-years of age the handling employee shall ensure that the Patrol Lieutenant and appropriate Investigation supervisor is notified.

### 317.2.1 INVESTIGATION DILIGENCE

Members of this department should accept any report, including any telephonic report, of a missing person, including runaways, without delay and shall give priority to the handling of these reports over the handling of reports relating to crimes involving property. The investigative actions include the following:

- (a) Make an assessment of reasonable steps to be taken to locate the person.
- (b) The assigned officer should broadcast a "be-on-the-lookout" radio transmission without delay within this jurisdiction.

The agency having jurisdiction over the missing person's residence normally will handle the case after the initial report is taken, however department members may assist in the investigation on a person who was last seen in this jurisdiction.

### 317.2.2 TASK FORCE ON MISSING AND EXPLOITED CHILDREN

The Washington State Patrol Multiagency Taskforce on Missing and Exploited Children is available to assist local jurisdictions on missing cases through referrals, on-site assistance, case management, and training (RCW 13.60.110). The task force may assist agencies, upon request, by:

- (a) Direct assistance and case management.
- (b) Technical assistance.
- (c) Personnel training.
- (d) Referral for assistance from local, state, national, and international agencies.
- (e) Coordination and information sharing among local, state, interstate, and federal law enforcement and social service agencies.

### 317.2.3 ENDANGERED AND RUNAWAY JUVENILES

Officers shall take a juvenile into custody whenever (RCW 13.32A.050):

- (a) The juvenile is a runaway from home or official child placement.

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- (b) If there is reason to believe, based upon the totality of the circumstances that the juvenile would be in danger if not taken into custody. In such case the officer shall report the circumstance and custody to the Department of Social and Health Services.
- (c) A juvenile court has determined that the juvenile has violated a placement order or has issued a court order to take custody of a juvenile.
- (d) There is reasonable suspicion that a child is being unlawfully harbored in violation of RCW 13.32A.080.

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. The officer should also inform the juvenile of the reason for the custody.

Officers shall not extend beyond the amount of time reasonably necessary to transport the child to a destination authorized under RCW 13.32A.060. Officers should maintain custody of a juvenile until the person, agency or entity to whom the child is released agrees to accept custody.

Officers who transport juveniles to a crisis residential center who were either a runaway or endangered child shall, within 24 hours of delivering the child to the center, provide to the center a written report detailing the reasons the officer took the child into custody.

Endangered and runaway juveniles, except when in custody for separate criminal offenses, are status offenders. Status offenders may not be detained in police jails or lockups. They may not be held in a detention environment or come into contact with adults in custody in the station.

### **317.2.4 CRIME INFORMATION CENTER**

The Washington State Patrol (WSP) Missing and Unidentified Persons Unit (MUPU) assists law enforcement agencies and parents in locating missing persons. At the request of a parent, legal custodian or guardian who has reported a child as having run away from home, WSP will make the information about the runaway child available on its website (RCW 43.43.510(2)(a)).

At the time a report is taken for a missing or runaway child, officers should inform parents of the service provided by WSP and direct them to the appropriate website.

## **317.3 REPORT HANDLING**

Missing person reports require special handling and timely notifications. A reference chart is attached at the end of this section.

### **317.3.1 TRANSMITTING REPORTS TO OTHER JURISDICTIONS**

When the Aberdeen Police Department takes a missing person report on a person who lives outside of this jurisdiction, the Records should promptly notify and forward a copy of the report to the agencies having jurisdiction over the missing person's residence and where the missing person was last seen. If the missing person is under 16 or there is evidence that the person may be at-risk, the reports should also be forwarded within no more than 24 hours to the jurisdiction of the agency where the missing person was last seen.

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### **317.3.2 NOTIFICATIONS**

When a missing person is under the age of 21, Records personnel shall enter the information, via A Central Computerized Enforcement Service System (ACCESS), into the Washington Crime Information Center (WACIC) and the National Crime Information Center (NCIC) databases within two hours after accepting the report (42 U.S.C. 5779(a)) and 42 U.S.C. 5780(3).

### **317.3.3 AT-RISK AND ENDANGERED REQUIREMENTS**

If a missing person is under 18-years of age and at-risk or endangered, or under 12-years of age and missing for more than 14 days, the handling detective should, without delay submit to the dentist, physician/surgeon, or medical facility the signed request for dental or skeletal X-rays or both.

### **317.3.4 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 foul play is suspected, the handling officer or 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 the Washington State Patrol missing and unidentified persons unit.
- (b) Initiate the collection of DNA samples from the known missing person and their family members for nuclear and mitochondrial DNA testing along with the necessary consent forms.
- (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 DNA samples shall be submitted to the appropriate lab, and dental records shall be submitted to the Washington State Patrol missing and unidentified persons unit (RCW 43.43.751 and 68.50.320).
- (d) 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 twelve months, contacts with the reporting party should be attempted yearly. All verifications should be reported to WSP via ACCESS.

### **317.4 MISSING PERSONS LOCATED**

The investigation may be concluded when the missing person is located or when another agency accepts the case and formally assumes the investigative responsibilities.

When a missing person is located, the detective (if the case has been assigned) must ensure that an administrative message is sent without delay to WACIC and NCIC, through ACCESS, noting

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that the person has been located. If no detective has yet been assigned Records personnel shall be responsible for making the notification.

When a person reported missing has been found, the handling officer shall ensure that a report of such information is forwarded to the Washington State Patrol Missing Persons Unit (MPU).

### 317.5 REFERENCE CHART REPORTING GUIDELINES

	ENTRY INTO MPU/NCIC	BOLO BROADCAST	CORONER CHECK	SEND DENTAL X-RAYS to MPU	SEND PHOTO to MPU	SCHOOL NOTICE
CHILD "AT RISK"	Immediate	Without delay	Within 24 hours	Within 24 hours	Within 24 hours	Within 10 days, written notice and photo
CHILD NOT "AT RISK" (under 21)	Immediate	Without delay	After 14 days immediate check	After 14 days, within 24 hours	After 14 days, within 24 hours	Within 10 days, written notice and photo
ADULT "AT RISK"	Without delay	Without delay	After 30 days immediate check	After 30 days	Not mandated	N/A
ADULT NOT "AT RISK"	Without delay	Suggested	After 30 days immediate check	After 30 days	Not mandated	N/A
ENDANGERED	Immediate	Without delay	Within 24 hours	As soon as practicable	Immediate	If applicable, within 10 days, written notice and photo

### 317.6 SCHOOL NOTIFICATION

The handling officer should notify the school in which the missing child is enrolled and request the school to "flag" a missing child's record and immediately notify law enforcement of an inquiry or request for the missing child's records.

## Public Alerts

### 318.1 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.

### 318.2 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.

### 318.3 RESPONSIBILITIES

#### 318.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the Aberdeen Police Department should notify their supervisor, Patrol Lieutenant or Investigation Division 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.

#### 318.3.2 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 notify the Chief of Police, the appropriate Division Commander and the Public Information Officer 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 Division Commander

### 318.4 WASHINGTON STATEWIDE AMBER ALERT PLAN

This department has adopted the Washington Statewide AMBER Alert Plan, as governed by the AMBER Alert Advisory Committee, and in compliance with State Emergency Communications Committee guidelines for the development and maintenance of local EAS plans and networks.

This policy provides guidance for the initiation and implementation of the Statewide AMBER Alert Plan and the termination of the alert. Details are available in the state plan.

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### 318.4.1 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.
- (c) The AMBER Alert activation should occur within four hours of the qualifying event unless circumstances or the timeliness of the information warrant otherwise.
- (d) There must be enough descriptive information to believe that an AMBER Alert activation will assist in the recovery of the child, including:
  - 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.

### 318.4.2 PROCEDURE

Should the Patrol Lieutenant or supervisor determine that the incident meets the criteria of the Washington Statewide AMBER Alert Plan, the Patrol Lieutenant or supervisor should:

- (a) Collect the information required by the plan.
- (b) Contact the Washington State Patrol (WSP) to request an activation of the Washington Statewide AMBER Alert Plan and the Portal.
  - 1. The WSP initiates the state AMBER Alert process at the request of local law enforcement and notifies the Washington State Department of Transportation (WSDOT), Emergency Management Division (EMD) and Washington State Patrol ACCESS (A Central Computerized Enforcement Service System).
  - 2. The WSP provides AMBER Alert cancellation notification to WSDOT, EMD and ACCESS.
- (c) Provide the information required in the plan.
- (d) Designate or assume the role of point of contact.

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### 318.4.3 INITIAL NOTIFICATIONS

Upon initiation of an AMBER Alert, the Patrol Lieutenant or supervisor shall:

- (a) Ensure prompt entry of information into the Washington Crime Information Center (WACIC) and National Crime Information Center (NCIC) databases.
- (b) Promptly notify the Chief of Police and the appropriate Division Commander of any AMBER Alert activation.
- (c) Ensure the preparation of an initial press release that includes all the information required by the Washington Statewide AMBER Alert Plan, and any other available information that might aid in locating the child, such as:
  - 1. A photograph.
  - 2. Detail regarding location of incident, direction of travel, potential destinations, etc., if known.
  - 3. Name and telephone number of the Public Information Officer or other authorized point of contact to handle media and law enforcement liaison.
  - 4. A telephone number and point of contact for the public to call with leads or information.
- (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. Washington State Department of Transportation (WSDOT):
    - (a) Utilizes the Roadway Reader Board System to provide information to the public on the AMBER Alert.
    - (b) Utilizes the Highway Advisory Radio System to provide information to the public on the AMBER Alert.
    - (c) Terminates the WSDOT alert systems when advised by WSP to cancel the AMBER Alert.
  - 5. Washington State Emergency Management Division (EMD):

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- (a) Notifies statewide media through the state EAS network.
  - (b) Provides technical support to the local jurisdiction.
  - (c) Cancels EAS AMBER Alerts when advised by WSP and/or the originating law enforcement entity.
- 6. State Emergency Communications Committee (SECC):
  - (a) Governs use of EAS in the state.
  - (b) Provides guidance for the Local Area Emergency Communications Committee (LAECC) in developing the local EAS Plan and AMBER Alert Plan Appendix.
- 7. National Oceanic Atmospheric Administration (NOAA):
  - (a) Maintains the Weather Radio System.
  - (b) Rebroadcasts the AMBER Alert over Weather Radio.

### 318.4.4 POST-INCIDENT REPORTING

The Chief of Police shall be responsible for submitting the AMBER Alert Report to the Washington State Police Chiefs (WASPC) in a timely fashion. The Chief of Police or the authorized designee shall be responsible for representing the Department during the AMBER Alert Review Committee's after-action review of the alert.

### 318.5 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.

The Aberdeen 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.

#### 318.5.1 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 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.
- (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).



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- (d) The incident has been reported to and investigated by a law enforcement agency.

### 318.5.2 PROCEDURE

Should the Patrol Lieutenant or supervisor determine that the incident meets the criteria of an Endangered Missing Person Advisory, the Patrol Lieutenant or supervisor should:

- (a) Direct Records personnel to prepare the Endangered Missing Person Advisory administrative message through ACCESS. The words "Endangered Missing Person Advisory" should be included in the title of the message.
- (b) Contact the WSP Missing Persons Unit (MPU) to verify that it received the advisory.
- (c) Direct Records personnel to enter the information into the WACIC and NCIC databases using the proper message key: Missing (MNP), Endangered (EME), or Involuntary (EMI).
- (d) Advise Grays Harbor Communications of the advisory and ensure that it is prepared to handle a high volume of telephone calls.
- (e) Ensure that the handling officer attempts to obtain a photograph of the missing person and/or suspect as soon as possible.
- (f) Direct the Records to enter the photograph into WACIC and NCIC, then send an e-mail to the WSP MPU.
- (g) Appoint a Public Information Officer to handle the media.
  - 1. The Public Information Officer should notify the media through appropriate channels regarding the Endangered Person Advisory. Upon request, the WSP MPU can provide electronic posters with details of the missing person.
  - 2. If the Endangered Missing Person is 21 years of age or younger, NCMEC should be notified as soon as practicable.
- (h) The Records personnel should promptly cancel the advisory after an Endangered Missing Person is located by sending an administrative message through ACCESS, noting that the person has been found.

## **Victim Witness Assistance Program**

### **319.1 PURPOSE AND SCOPE**

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

### **319.2 POLICY**

The Aberdeen Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Aberdeen Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

### **319.3 CRIME VICTIM LIAISON**

The Chief of Police may appoint a member of the Department to serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Aberdeen Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

#### **319.3.1 SPECIFIC VICTIM LIAISON DUTIES**

The victim liaison should:

- (a) Ensure that the Department affords victims and witnesses the rights (RCW 7.69.030).
- (b) Ensure that child victims and witnesses are provided appropriate services and rights (RCW 7.69A.030).
- (c) Coordinate with the County Prosecutor's Office to ensure that all other required notifications are provided to victims and witnesses.

### **319.4 CRIME VICTIMS**

Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

### **319.5 VICTIM INFORMATION**

The Special Assignments Officer shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims of domestic violence.

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- (b) Community resources for victims of sexual assault.
- (c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams (42 USC § 3796gg).
- (d) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (e) A clear explanation of relevant court orders and how they can be obtained.
- (f) Information regarding available compensation for qualifying victims of crime.
- (g) Notice regarding U-Visa and T-Visa application processes.
- (h) Resources available for victims of identity theft.
- (i) A place for the officer's name, badge number and any applicable case or incident number.
- (j) A written statement enumerating the rights of victims (RCW 7.69.030).
- (k) The name, address and telephone number of the local victim/witness program, or contact information for the Washington Coalition of Crime Victim Advocates.
- (l) An advisement notifying victims of their right to personally initiate a criminal proceeding (RCW 10.99.030(6)(a)).

### **319.6 WITNESSES**

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

### **319.7 WITNESS INFORMATION**

Any person who has been or expects to be summoned to testify for the prosecution in a criminal action, or who is subject to call or is likely to be called as a witness, has rights to specific information about the case (RCW 7.69.030).

The Special Assignments Officer shall ensure that witness information handouts are available and current. These should include information regarding witness rights (RCW 7.69.030).

# Hate Crimes

## 320.1 PURPOSE AND SCOPE

This 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 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 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.

**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 member of the victim's race, color, religion, ancestry, national origin, gender, or sexual orientation, or who has the same mental, physical, or sensory handicap as the victim (RCW 9A.36.080).

**Sexual Orientation** - Heterosexuality, homosexuality, bisexuality and gender expression or identity. As used in this definition, gender expression or identity means having or being perceived as having a gender identity, self-image, appearance, behavior or expression, whether or not that gender identity, self-image, appearance, behavior or expression is different from that traditionally associated with the sex assigned to that person at birth (RCW 49.60.040(15)).

**Threat** - To communicate, directly or indirectly, the intent to cause bodily injury immediately or in the future to any other person or to cause physical damage immediately or in the future to the property of another person.

## 320.3 CRIMINAL STATUTES

### 320.3.1 MALICIOUS HARASSMENT

A person is guilty of malicious harassment if he/she maliciously and intentionally commits one of the following acts because of his/her perception of the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical, or sensory handicap (RCW 9A.36.080):

- (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.

### 320.3.2 PRIMA FACIE ACTS OF HATE

Prima facie acts of hate are (RCW 9A.36.080):

- (a) Burning a cross on property of a victim who is or whom the actor perceives to be of African American heritage.
- (b) Defaces property of a victim who is or whom the actor perceives to be of Jewish heritage by defacing the property with a swastika.

### 320.3.3 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).

### 320.3.4 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 crime of malicious harassment, the victim may bring a civil cause of action for malicious harassment against the harasser. A person may be liable to the victim of malicious harassment for actual damages, punitive damages of up to ten 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 among other things:

- (a) Officers should make 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.

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- (b) Accessing assistance by, among other things, activating the hate crime rapid response protocol when necessary.
- (c) Providing victim assistance and follow-up as outlined below, including community follow-up.

### **320.6 PROCEDURE FOR INVESTIGATING HATE CRIMES**

Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

- (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 should 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) will provide the victim(s) of any suspected hate crime with a brochure on hate crimes. Such brochures will also be available to members of the general public upon request. The assigned officer(s) should also make reasonable efforts to assist the victim(s) by providing available information on local assistance programs and organizations.
- (h) The assigned officer(s) and supervisor should take reasonable steps to ensure that any such situation does not escalate further.

#### **320.6.1 DETECTIVE SECTION RESPONSIBILITY**

If a case is assigned to the Investigation Division, the assigned detective will be responsible for following up on the reported hate crime as follows:

- (a) Coordinate further investigation with the County Prosecutor and other appropriate law enforcement agencies, as appropriate.

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- (b) Maintain contact with the victim(s) and other involved individuals as needed.
- (c) 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).

### **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.

This policy applies to all employees (full- and part-time), reserve officers and volunteers.

### 321.1.1 GENERAL STATEMENT OF INTENT

This policy is not intended to supersede collective bargaining agreements, ordinances, or civil service commission rules.

## 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 first offenders. Repetitive similar 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 24 hours of any change in residence address and home phone number.
- (e) Failure to comply with attendance-related policies.

### 321.3.2 CONDUCT

- (a) Unauthorized or unlawful fighting, threatening, or attempting to inflict unlawful bodily injury on another.
- (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-public records.
- (d) Engaging in on-duty horseplay resulting in injury or property damage.
- (e) Unauthorized possession of, loss of, or damage to department property or the property of others or endangering it 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.
- (g) 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)
- (h) Disclosing or soliciting for financial or personal gain any information, photograph or video obtained or accessed as a result of employment with the Department.
- (i) Seeking restraining orders against individuals encountered in the line of duty without the expressed permission of the Chief of Police.
- (j) Discourteous or disrespectful treatment of any member of the public or any member of this department or another law enforcement agency.
- (k) Unwelcome solicitation of a personal or sexual relationship while on or off-duty or through the use of official capacity.
- (l) 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) Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants.
- (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.
- (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.

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- (e) Disobedience or insubordination to constituted authorities 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 duly constituted authority to the extent that such conduct disrupts the efficiency of the Department or subverts the good order, efficiency and discipline of the Department or which would tend to discredit any member thereof.
- (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 any department property for the personal use of the employee or any unauthorized person.
- (k) The unauthorized use of any badge, uniform, identification card or other department equipment or property for personal gain or any other improper purpose.
- (l) The receipt or acceptance of a reward, fee 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 this manual available to all employees. Employees shall familiarize themselves with and be responsible for compliance with each of the policies contained herein.
- (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 to take reasonable action while on-duty and when required by law, statute, resolution or approved department practices or procedures.
- (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 or gratuity.
- (u) Misappropriation or misuse of public funds.
- (v) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (w) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions: while on department premises; at any work site; while on-duty or while in uniform; or while using any department equipment or system. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (x) 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.
- (y) 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.
- (z) Engaging in political activities during assigned working hours except as expressly authorized by the Chief of Police.
- (aa) Violating any misdemeanor or felony statute.
- (ab) 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.
- (ac) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.
- (ad) Failure to maintain required and current licenses (e.g. driver's license) and certifications (e.g. first aid).

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- (ae) False or misleading statements to a supervisor or other person in a position of authority in connection with any investigation or employment-related matter.
- (af) Failure to comply with the oath of office and agency policies, including the duty to be truthful and honest in the conduct of official business.

### 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 or injury 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.
- (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 adhere to the policies and procedures of this department and the actions of all personnel comply with all laws.
- (b) Failure of a supervisor to timely report known misconduct of an employee to his/her immediate supervisor 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 § 1020 and AMC 2.48.090.

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- (a) No person in the classified civil service who shall have been permanently appointed or inducted into civil service pursuant to AMC 2.48.090, shall be removed, suspended, demoted or discharged except for cause, and shall be in accordance with the terms of collective bargaining agreements and civil service commission rules.
- (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 WRITTEN REPRIMANDS**

Unless otherwise specified in a collective bargaining agreement an employee wishing to formally appeal a written reprimand must submit a written request to his/her Division Commander within ten days of receipt of the written reprimand. The Division Commander will then assign the appeal to an uninvolved supervisor of at least one rank above the rank of the supervisor issuing the original written reprimand.

Absent a written stipulation to the contrary, the employee will be provided with an evidentiary hearing before the assigned, uninvolved supervisor within 30 days. The decision of the assigned, uninvolved supervisor to sustain, modify or dismiss the written reprimand shall be considered final, subject to any appeal rights set forth in the grievance procedure in a collective bargaining agreement.

### **321.4.2 REMOVALS, SUSPENSIONS, AND DEMOTIONS**

After such investigation and after the issuance of discipline by the chief, or due to an appeal by the officer(s) subject to discipline, the civil service commission may decide the matter in accordance with the terms of civil service commission rules and applicable collective bargaining agreements.

## **321.5 POST INVESTIGATION PROCEDURES**

### **321.5.1 DIVISION COMMANDER RESPONSIBILITIES**

Upon receipt of any completed personnel investigation, the 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 the amount of discipline, if any, to be imposed.

- (a) Prior to forwarding recommendations to the Chief of Police, the Deputy Chief may return the entire investigation to the assigned detective or supervisor 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.

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### 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.
- (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.

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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**

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 a hearing, whenupon the commission shall conduct such hearing.

All procedures shall be in accordance with the terms of collective bargaining agreements and civil service commission rules, AMC 2.48.090.

### **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 340.4.1. 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 AMC 2.48.090 or applicable collective bargaining agreements.

### **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).



## Department Computer Use

### 322.1 PURPOSE AND SCOPE

This policy describes the use of department computers, software and systems. Nothing in this section should be interpreted to circumvent City Personnel Policies. See Section 13, Miscellaneous, Computer, Electronic Mail and Internet Use.

#### 322.1.1 PRIVACY POLICY

Any employee utilizing any computer, electronic storage device or media, internet service, phone service, information conduit, system or other wireless service provided by or funded by the Department expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender and recipient of any communication utilizing such service might otherwise have, including as to the content of any such communication. The Department also expressly reserves the right to access and audit any and all communications (including content) sent, received and/or stored through the use of such service.

### 322.2 DEFINITIONS

The following definitions relate to terms used within this policy:

**Technology Resources** - Shall mean all computers (on-site and portable), hardware, software, two-way radios, cellular or satellite communication devices, voice mail systems and all similar resources owned, leased, rented or licensed by the Aberdeen Police Department, which are provided for official use by agency employees. This shall include all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the agency or agency funding.

**Hardware** - Shall include, but is not limited to, computers, computer terminals, network equipment, modems or any other tangible computer device generally understood to comprise hardware.

**Software** - Shall include, but is not limited to, all computer programs and applications including shareware. This does not include files created by the individual user.

**Temporary File or Permanent File or File** - Shall mean any electronic document, information or data residing or located, in whole or in part, whether temporarily or permanently on the system, including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports or messages.

### 322.3 SYSTEM INSPECTION OR REVIEW

An employee's supervisor has the express authority to inspect or review the system, any and all temporary or permanent files and related electronic systems or devices, and any contents thereof when such inspection or review is in the ordinary course of his/her supervisory duties, or based on cause.

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When requested by an employee's supervisor, or during the course of regular duties requiring such information, a member(s) of the department information systems staff may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the system.

Reasons for inspection or review may include but are not limited to system malfunctions, problems or general system failure, a lawsuit against the Department involving the employee, or related to the employee's duties, an alleged or suspected violation of a department policy, or a need to perform or provide a service or information when the employee is unavailable.

### **322.4 DEPARTMENT PROPERTY**

All information, data, documents, communications and other entries initiated on, sent to or from, or accessed on any department computer, or through the department computer system on any other computer, whether downloaded or transferred from the original department computer, shall remain the exclusive property of the Department and shall not be available for personal or non-departmental use without the expressed authorization of the Chief of Police.

#### **322.4.1 COMPUTER ACCESS**

Any unauthorized entry into files or computer programs by employees are grounds for immediate disciplinary action up to and including termination.

Only authorized personnel shall use the computer terminals located in the records section. Any messages received or transmitted on those terminals are classified as the official business of the department and are not to be divulged outside the criminal justice system. The various computer files and message systems which are available from these terminals are not to be used for any other purpose other than official law enforcement business.

### **322.5 UNAUTHORIZED USE OF SOFTWARE**

Employees 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 computer virus or malicious software infection, employees shall not install any unlicensed or unauthorized software on any department computer. Employees shall not install personal copies of any software onto any department computer. Files or software that an employee finds necessary to upload onto a department computer or network shall be done only with the expressed approval of Information Services and only after being properly scanned for malicious attachments.

No employee shall knowingly make, acquire or use unauthorized copies of computer software not licensed to the agency while on agency premises or on an agency computer system. Such unauthorized use of software exposes the Department and involved employees to severe civil and criminal penalties.

### **322.6 PROHIBITED AND INAPPROPRIATE USE**

Access to department technology resources including Internet access provided by or through the Department shall be strictly limited to department-related business activities. Data stored on, or

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available through department systems shall only be accessed by authorized employees who are engaged in an active investigation, assisting in an active investigation, or who otherwise have a legitimate law enforcement or department business related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

An Internet site containing information that is not appropriate or applicable to departmental use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, chat rooms and similar or related Web sites. Certain exceptions may be permitted with the prior approval of a supervisor as a function of an assignment.

Downloaded information shall be limited to messages, mail and data files which shall be subject to audit and review by the Department without notice. No copyrighted and/or unlicensed software program files may be downloaded.

Employees shall report any unauthorized access to the system or suspected intrusion from outside sources, including the Internet, to a supervisor.

### **322.7 PROTECTION OF DEPARTMENT SYSTEMS AND FILES**

All employees have a duty to protect the system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the system.

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.

It is expressly prohibited for an employee to allow an unauthorized user to access the system at any time or for any reason.

#### **322.7.1 NETWORK SECURITY**

Network security protocols are established to ensure the integrity and security of the network systems. Employees shall not attempt to circumvent these protocols and shall observe the following:

- (a) Access to the network server and peripherals is locked and access is strictly limited to authorized personnel.
- (b) The network shall not be connected to any external network without a firewall in place.
- (c) No dial-up modem or work stations with dial-up modems will be connected to the network without additional authentication techniques beyond login name and password.

#### **322.7.2 SYSTEM BACK-UP**

Information Services personnel shall be responsible for establishing regularly scheduled network system back-up protocols. Retention of all system back-ups should be managed by their category

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in compliance with the current Records Management Guidelines and General Records Retention Schedules (Schedule Number L08 Information Systems).

### **322.8 ACCESS SYSTEM**

The ACCESS system is the property of the Washington State Patrol. The system allows inquiries against numerous state and federal computerized data bases. Additionally, the system provides a means of transmitting point-to-point teletype messages to other law enforcement agencies both in and out of the state. Operation of the system is to be conducted under the rules of the ACCESS and WACIC procedures manuals. These manuals are maintained in the records section. It is the responsibility of ACCESS certified personnel to maintain familiarity with the contents of these manuals.

# 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.

Employees will complete all required reports in an accurate, legible and timely manner. All reports will be submitted through the proper channels immediately upon completion. Reports submitted by employees shall be factual and complete.

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 or 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

See the Aberdeen Police Department Report Writing Directive for detailed information on required reporting procedures.

The Report Writing Directive defines when officers are expected to write reports, what type of reports are to be written, documentation of reports, and the flow process of reports. Reports shall be made in the appropriate department form unless otherwise approved by a supervisor.

Officers in the field are responsible for the decision as to whether reports concerning a particular event are required.

No changes in the Report Writing Directive will be made without the approval of the Chief of Police.

### 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 an incident. The following are examples of required documentation:

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- (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 and the victim desires a report, the documentation shall take the form of a written crime report. If the victim does not desire a report, the incident will be recorded on the service request and a waiver of prosecution should be obtained.
- (c) In every case where any force is used against any person by police personnel.
- (d) All incidents involving domestic violence.
- (e) All arrests.
- (f) As may be required in department policy.

### 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 Firearms and Qualification Policy).
- (d) Any time a person is reported missing, regardless of jurisdiction (see the Missing Persons Reporting Policy).
- (e) Any found property or found evidence.
- (f) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy).
- (g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy.
- (h) All protective custody detentions.
- (i) Suspicious incidents that may place the public or others at risk.
- (j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor.

### 323.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with Policy § 360 Death Investigations. An officer handling a death investigation should notify and apprise a supervisor of the circumstances surrounding the incident and a determination will be made on how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

- (a) Sudden or accidental deaths.

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- (b) Suicides
- (c) Homicide or suspected homicide.
- (d) Unattended deaths (No physician in attendance within 36 hours preceding death).
- (e) Found dead bodies or body parts.

### **323.2.4 INJURY OR DAMAGE BY CITY PERSONNEL**

Reports shall be taken if an injury occurs to a citizen that is a result of an act of a City employee. Additionally, reports shall be taken involving damage to City property or City equipment as reported by the respective city department. The reports shall be forwarded to the Deputy Chief, through the chain of command, who shall ensure that a copy of each report is forwarded to the City of Aberdeen Risk Manager and the City Attorney.

### **323.2.5 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.
- (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. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed.

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.

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### **323.4 REPORT CORRECTIONS**

Supervisors shall review officer originated reports for content and accuracy. If a correction is necessary, the reviewing supervisor should annotate the correction on the officer's original report and return it directly to the officer for immediate correction (when practical). It is the originating officers' responsibility to ensure that the corrected report is submitted in a timely manner to the supervisor for review and further processing.

### **323.5 REPORT CHANGES OR ALTERATIONS**

Reports that have been approved by a supervisor and submitted to the Records for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records may be corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing supervisor.

### **323.6 RECORDS INTEGRITY**

No employee shall destroy or remove from the building any official record of this department without prior authorization from the Chief of Police, Deputy Chief or Special Assignments Officer.

### **323.7 REPORT FORM REVIEW**

The Special Assignment Officer will periodically evaluate the need for forms and determine if a requested form is necessary for the efficient operation of the department.



# News Media Relations

## 324.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

### 324.1.1 POLICY

It shall be the policy of this Department to maintain an open, cooperative relationship with all facets of the news media. All inquiries by the media shall be handled in a courteous, professional manner.

## 324.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police, however, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, the Grays Harbor County Drug Task Force Commander, or his or her designee, may prepare and release information to the media in accordance with this policy and the applicable law.

### 324.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the Grays Harbor County Drug Task Force Commander, or if unavailable, to the Grays Harbor County Drug Task Force Supervisor, or if unavailable, to the Patrol Lieutenant or on-duty patrol supervisor. Prior to releasing any information to the media, employees shall consider the following:

- (a) At no time shall any employee of this department intentionally make any comment or release any official information to the media without prior approval from a supervisor or the designated department media representative.
- (b) 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.
- (c) Under no circumstance should any member of this department make any intentional comment(s) to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.

## 324.3 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.

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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 Patrol Lieutenant. 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.

### **324.3.1 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 endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

### **324.4 SCOPE OF INFORMATION SUBJECT TO RELEASE**

The Department will maintain a daily information log (Spillman) of significant law enforcement activities that shall be made available, upon request, to media representatives through the Grays Harbor County Drug Task Force Commander. When requested, additional information may be made available (RCW 42.56.070(1)). This log will generally contain the following information:

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- (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, age 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 or the custodian of records. Such requests will generally be processed in accordance with the provisions of the Public Records Act (RCW Chapter 42.56).

### 324.4.1 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 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

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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.

## Court Appearance And Subpoenas

### 325.1 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.

#### 325.1.1 DEFINITIONS

**On-Call** - When an employee has appeared in court, or is at the time on-duty, and has been told by an officer of the court that he/she is free to leave the court or return to duty, subject to being available by phone or pager if called back.

**Standby** - When an employee receives a subpoena of a type which allows him or her to not appear in court, but remain available by phone or pager so that he or she may be directed to appear in court within a reasonable amount of time.

**Trailing Status** - When an employee remains on standby status for additional court sessions until notified otherwise.

**Mandatory Appearance** - Subpoenas marked as mandatory appearance require an employee's physical appearance in the specified court. Failure to timely appear in the specified court, either intentionally or by negligence, may result in disciplinary action.

### 325.2 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.

#### 325.2.1 SERVICE OF SUBPOENA

A subpoena may be served by any suitable person over eighteen years of age, by exhibiting and reading it to the witness, or by delivering to him/her a copy at his/her residence or place of abode. (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. 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.

#### 325.2.2 VALID SUBPOENAS

No subpoena shall be accepted for an employee of this department unless it has been properly served and verified to have originated from a recognized legal authority.

## *Court Appearance And Subpoenas*

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### **325.2.3 ACCEPTANCE OF SUBPOENA**

- (a) Only the employee named in a subpoena, his/her immediate supervisor or the department subpoena clerk shall be authorized to accept service of a subpoena. Any authorized employee accepting a subpoena shall immediately provide a copy of the subpoena to the department subpoena clerk. The subpoena clerk shall maintain a chronological log of all department subpoenas and provide a copy of the subpoena to each involved employee.
- (b) Once a subpoena has been received by a supervisor or other authorized individual, a copy of the subpoena shall be promptly provided to the subpoena clerk as well as a copy to the individually named employee.

### **325.2.4 COURT STANDBY**

To facilitate court standby agreements 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 home phone number, and to provide accurate and reasonably reliable means or methods for contact

If an employee on standby changes his/her location during the day, the employee shall notify the relevant prosecuting authority of how he/she can be reached by telephone. Employees are required to remain on standby each day the case is trailing. In a criminal case the County Prosecutor handling the case is the only person authorized to excuse an employee from standby status.

### **325.2.5 OFF-DUTY RELATED SUBPOENAS**

Employees receiving valid subpoenas for actions taken off-duty not related to their employment with Aberdeen 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.

### **325.2.6 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.

## **325.3 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 relevant labor contracts or policy.

The Department when authorized by court rule or statute, shall demand reimbursement for the officer's compensation, witness fees and travel expenses through the civil attorney of record who subpoenaed the officer.

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### **325.3.1 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.

### **325.3.2 CIVIL SUBPOENA ACCEPTANCE**

Subpoenas shall not be accepted in a civil action in which the officer or Department is not a party without properly posted fees. See RCW 2.40.020-030.

### **325.3.3 PARTY MUST DEPOSIT FUNDS**

The party in the civil action who seeks to subpoena an officer must deposit the statutory fee for each appearance before such subpoena will be accepted. Parties seeking to have the officer make multiple appearances must make an additional deposit in advance. See RCW 2.40.020.

### **325.4 OVERTIME APPEARANCES**

If the officer appeared on his/her off-duty time, he/she will be compensated in accordance with the current employee labor contract.

### **325.5 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.

#### **325.5.1 PREPARATION FOR TESTIMONY**

Before the date of testifying, the subpoenaed officer shall request a copy of relevant reports and become familiar with their content in order to be prepared for court.

#### **325.5.2 COURTROOM ATTIRE**

For appearance in municipal court all 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.

For appearances in superior court all employees shall dress in a Class A 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.

### **325.6 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.

### **325.7 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

## *Court Appearance And Subpoenas*

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in which any of those entities are parties, will notify their immediate supervisor without delay. The supervisor will then notify the County Prosecutor's Office in criminal cases, County Counsel or City Attorney, as may be indicated by the case.

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.
- (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.

### **325.8 CONTACT OR INTERVIEW BY THE DEFENSE**

- (a) Interviews with defense attorneys or private investigators hired by the defense in cases arising out of the member's employment shall be handled as follows:
- (b) Interviews will be by appointment and only after the Department member has thoroughly reviewed the case and his involvement.
- (c) Appointments for interviews will be set between the hours of 0900 and 1600, Monday through Friday. If applicable, and prior to the interview, the Department member shall notify the appropriate Detective, City Attorney or Deputy Prosecuting Attorney involved with the case.



## Outside Agency Assistance

### 326.1 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.

#### 326.1.1 ASSISTING OUTSIDE AGENCIES

Generally, calls for assistance from other agencies are routed to the Patrol Lieutenant or on-duty patrol 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 Aberdeen Police Department Personnel. Probation violators temporarily detained by this department will not ordinarily be booked at this department.

#### 326.1.2 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.

## Registered Offender Information

### 327.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Aberdeen Police Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered sex offenders.

### 327.2 POLICY

It is the policy of the Aberdeen 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.

### 327.3 REGISTRATION

Level III disseminations may be publicly disclosed by way of the department Internet. Dissemination of level I or level II is not permitted via the Internet (RCW 4.24.550(4)).

#### 327.3.1 CONTENTS OF REGISTRATION

All offenders required to register must appear in person and provide the following:

- Name
- Complete residential address or where he/she plans to stay
- Date and place of birth
- Place of employment
- Crime for which convicted
- Date and place of conviction
- Aliases
- Social Security number

Offenders lacking a fixed residence must keep an accurate accounting of where he/she stays during the week and provide it to the county sheriff upon request.

The registering employee shall take photographs and fingerprints of all sex offenders.

#### 327.3.2 JUVENILE INFORMATION DISSEMINATION

If the Level I offender is a juvenile, information shall be shared with the principal of the public or private school he or she will be attending. See RCW 4.24.550 (5a).

### 327.4 MONITORING OF REGISTERED OFFENDERS

When a registered offender attends or is employed by a school the Sheriff is required to notify the school's principal or institution's department of public safety and shall provide the appropriate department with the following information (RCW 9A.44.130):

## *Registered Offender Information*

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- Name.
- Complete residential address.
- Date and place of birth.
- Place of employment.
- Crime for which convicted.
- Date and place of conviction.
- Aliases used.
- Social security number.
- Photograph.
- Fingerprints.

### **327.5 DISSEMINATION OF PUBLIC INFORMATION**

Employees will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Employees who identify a significant risk or other public safety issue associated with a 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 registrants should be provided the Washington State Sex Offender Information Center website or the Aberdeen Police Department's website.

The Special Assignments Officer shall release local registered offender information to residents in accordance with RCW 4.24.550 and in compliance with a request under the Public Records Act (RCW 42.56).

#### **327.5.1 RELEASE NOTIFICATIONS**

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.

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- (f) The Aberdeen Police Department has no authority to direct where an offender may live.

### 327.5.2 MANDATORY DISSEMINATION

The Investigation Division Commander shall ensure that:

- (a) A public notification is made for offenders who are classified as Risk Level III and who register in the City. The notice must be published in at least one newspaper that has a general circulation in the geographic area of each offender's registered address or location. The notice must be in the form of a legal notice, advertisement or news release (RCW 4.24.550(4)). The notice shall conform to the guidelines established in RCW 4.24.5501.
- (b) All information on offenders registered in the City is regularly updated and posted on the Washington State Sex Offender Information Center website (RCW 4.24.550(5)).
- (c) When a registered offender attends or is employed by a school, the following information shall be provided to the school's principal or institution's department of public safety (RCW 9A.44.130):
  - 1. Name
  - 2. Complete residential address
  - 3. Date and place of birth
  - 4. Place of employment
  - 5. Crime for which committed
  - 6. Date and place of conviction
  - 7. Aliases used
  - 8. Social Security number
  - 9. Fingerprints

### 327.5.3 DISCRETIONARY DISSEMINATION

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 offender resides, expects to reside or is regularly found.
- (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

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adults, and neighbors and community groups near the residence where the 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 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 offenders registered as homeless or transient.

# Major Incident Notification

## 328.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

## 328.2 POLICY

The Aberdeen Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

### 328.2.1 NOTIFICATION OF PERSONNEL WHEN CERTAIN INCIDENTS OCCUR

In the event of the following incidents, the person(s) indicated are to be notified as soon as practicable. The number(s) listed after each incident pertain to:

1. Chief of Police
2. Deputy Chief of Police
3. Investigations O.I.C.
4. Patrol Command
5. Range Master
6. Collision Investigation Team (Team Leader)
  - (a) Homicide or suspected homicide - 1, 2, 3, & 4
  - (b) Rape - 3
  - (c) Armed Robbery - 3
  - (d) Assault, First Degree - 3
  - (e) Kidnap - 1, 2, & 3
  - (f) Hostage or barricaded person(s) - 1, 2, 3, 4
  - (g) Arson, First Degree - 1, 2, & 3
  - (h) All traffic related deaths - 1, 2, 3, 4 & 6
  - (i) Any shooting incident involving a member of this department - 1, 2, 3, 4, & 5
  - (j) Any serious injury or death as a result of a traffic accident involving a police vehicle - 1, 2, 3, 4 & 6
  - (k) Any serious injury or death of an Aberdeen Police employee - 1, 2, 3, & 4
  - (l) Any serious injury accident that may result in a traffic death - 3, 4 & 6
  - (m) The arrest of a police officer or public official from another jurisdiction, in our city - 1 & 2

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- (n) The arrest of an Aberdeen Police employee in any jurisdiction - 1 & 2
- (o) Application of force where serious injury or death results - 1, 2, 3, 4
- (p) Any incident that may have a emotional impact on the community, or that will create an additional or rapid amount of public or news media interest - 1, 2, 3, 4
- (q) Any department employee that is injured and taken to the hospital or doctor - 1

### **328.3 MINIMUM CRITERIA FOR NOTIFICATION**

Most situations where the media show a strong interest are also of interest to the Chief of Police and the affected Division Commander. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- Homicides.
- Traffic accidents with fatalities.
- Officer-involved shooting on- or off-duty (See the Officer-Involved Shooting Policy for special notifications).
- Significant injury or death to employee on- or off-duty.
- Death of a prominent Aberdeen official.
- Arrest of Department employee or prominent Aberdeen official.
- Aircraft crash with major damage and/or injury or death.
- In-custody deaths.

### **328.4 PATROL LIEUTENANT RESPONSIBILITY**

The Patrol Lieutenant, or if not available the on-duty supervisor, is responsible for making the appropriate notifications. The Patrol Lieutenant shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Patrol Lieutenant shall attempt to make the notifications as soon as practical. Notification should be made by calling the home phone number first and then any additional contact numbers supplied.

#### **328.4.1 DETECTIVE NOTIFICATION**

If the incident requires that a detective respond from home, the immediate supervisor of the appropriate detail shall be contacted who will then contact the appropriate detective.

#### **328.4.2 DETECTIVE SECTION CAPTAIN (PIO)**

The Public Information Officer shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.

# Death Investigation

## 329.1 PURPOSE AND SCOPE

The investigations of cases involving death include those ranging from natural causes 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.

## 329.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. 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.

### 329.2.1 CORONER JURISDICTION OVER REMAINS

The coroner has jurisdiction of bodies of all deceased persons who come to their death suddenly in any of the following cases (RCW 68.50.010):

- (a) When in apparent good health without medical attendance within the thirty-six hours preceding death.
- (b) Where the circumstances of death indicate death was caused by unnatural or unlawful means.
- (c) Where death occurs under suspicious circumstances.
- (d) Where a coroner's autopsy or post mortem or coroner's inquest is to be held.
- (e) Where death results from unknown or obscure causes.
- (f) Where death occurs within one year following an accident.
- (g) Where the death is caused by any violence whatsoever.
- (h) Where death results from a known or suspected abortion; whether self-induced or otherwise.
- (i) Where death apparently results from drowning, hanging, burns, electrocution, gunshot wounds, stabs or cuts, lightning, starvation, radiation, exposure, alcoholism, narcotics or other addictions, tetanus, strangulations, suffocation or smothering.
- (j) Where death is due to premature birth or still birth.
- (k) Where death is due to a violent contagious disease or suspected contagious disease which may be a public health hazard.
- (l) Where death results from alleged rape, carnal knowledge or sodomy.
- (m) Where death occurs in a jail or prison.
- (n) Where a body is found dead or is not claimed by relatives or friends.



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The body shall not be disturbed or moved from the position or place of death without permission of the coroner (RCW 68.50.050).

### 329.2.2 DEATH NOTIFICATION

When practical, and if not handled by the Coroner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the officer 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, the Coroner may be requested to make the notification. The Coroner needs to know if notification has been made. Assigned detectives may need to talk to the next-of-kin.

### 329.2.3 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Coroner arrives, the Coroner's office will issue a "John Doe" or "Jane Doe" number for the report.

### 329.2.4 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form. The on-call detective shall be called on any deaths of a child investigations.

### 329.2.5 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the Investigations Division shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

### 329.2.6 SUDDEN INFANT DEATH SYNDROME

Detectives should receive basic training to include a module that specifically addresses the investigation of the sudden unexplained deaths of children under the age of three.

The on-call detective shall be called when a sudden and unexplained death of a child three or under is reported. The reporting officer shall ensure that the Sudden Unexplained Infant Death Investigation (SUIDI) form is properly completed.

The initial investigation of the death, including a scene examination, should begin as soon as possible after the death has been reported to the department. This includes deaths where the body of the deceased child has been transported to another location usually for resuscitation. The investigation should include interviews with the caretaker(s) of the child and all other individuals present during the period of the time the child was thought to have died or residing in the place of the discovery of the child. The scene shall be documented utilizing written reports and photography.

# Identity Theft

## 330.1 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.

## 330.2 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 is directed to the records section to receive a copy of the incident report (RCW 9.35.050). The records section, upon the receipt of such report, will provide a copy to the complainant either in person, by certified mail, or by electronic means.

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.

The reporting party should be advised of the Federal Trade Commission (FTC) Identify Theft Affidavit document that may be of assistance to the reporting party. The FTC document may be obtained on the Internet at: <http://www.ftc.gov/bcp/edu/resources/forms/affidavit.pdf> or by calling 1.877.ID.THEFT

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

### 331.1 PURPOSE AND SCOPE

Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency (LEP) from gaining meaningful access to, or an understanding of important rights, obligations and services. It is therefore the policy of this department to take all reasonable steps to ensure timely and equal access to all individuals, regardless of national origin or primary language (Title VI of the Civil Rights Act of 1964, § 601, 42 USC 2000d).

#### 331.1.1 DEFINITIONS

Definitions related to this policy include:

**Authorized interpreter** - Any employee who is bilingual and has successfully completed department-prescribed interpreter training and is authorized to act as an interpreter or translator.

**Bilingual** - The ability to communicate in two languages fluently, including the ability to communicate technical and law enforcement terminology. Bilingual includes a variety of skill levels. For example, some bilingual individuals may be fluent enough to engage in direct communications in a non-English language but insufficiently fluent to interpret or translate from one language into another. For example, a bilingual individual, depending on his/her skill level, could be utilized to communicate fluently in a non-English language but not to interpret between two languages if he/she does not possess the specialized skills necessary to interpret between two languages effectively. In order to be utilized to interpret or translate from one language into another, an individual must possess the skill, training, and demonstrated competence to do so. For purposes of this policy, department employees, in order to be identified as bilingual, must initially and periodically demonstrate, through a procedure to be established by the Department, their level of skill and competence such that the Department is able to determine the purposes for which an employee's language skills may be used.

**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)** - Designates individuals whose primary language is not English and who have a limited ability to read, write, speak, or understand English. LEP individuals may be competent in certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes such as 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.

**Translation** - The replacement of written text from one language (source language) into an equivalent written text (target language).

### 331.2 FOUR FACTOR ANALYSIS

Since there are potentially hundreds of languages department personnel could encounter, the Department will utilize the four-factor analysis outlined in the United States Department of Justice

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LEP *Guidance to Federal Financial Assistance Recipients* in determining which measures will provide reasonable and meaningful access to various rights, obligations, services and programs to everyone. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis therefore, must remain flexible and requires an ongoing balance of the following four factors:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by officers or who may benefit from programs or services within the Department's jurisdiction or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with officers, 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.

As indicated above, the intent of this analysis is to provide a balance that reasonably ensures meaningful access by LEP individuals to critical services while not imposing undue burdens on the Department or its personnel.

While this 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, the above analysis will be utilized to determine the availability and level of assistance provided to any LEP individual or group.

### **331.2.1 IDENTIFICATION OF LEP INDIVIDUAL'S LANGUAGE**

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language in an effort to avoid misidentifying that language.

### **331.3 TYPES OF LEP ASSISTANCE AVAILABLE**

Depending on the balance of the above four factors, this department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services, where available. LEP individuals may elect to accept interpreter services offered by the Department at no cost or choose to provide their own interpreter services at their own expense. Department personnel should document in any related report whether the LEP individual elected to use interpreter services provided by the Department or some other source. Department-provided interpreter services may include, but are not limited to the following assistance methods.

#### **331.3.1 BILINGUAL PERSONNEL**

Personnel utilized for LEP services need not be certified as interpreters but must have demonstrated, through established department procedures, a level of competence to ascertain whether his/her language skills are best suited to monolingual communications, interpretation, translation, or all or none of these functions.

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All personnel used for communication with LEP individuals must demonstrate knowledge of the functions of an interpreter and the ethical issues involved when functioning as a language conduit. In addition, employees who serve as interpreters and/or translators must have demonstrated competence in both English and the non-English language. When bilingual personnel from this department are not available, personnel from other city departments who have the requisite training may be requested.

### **331.3.2 WRITTEN FORMS AND GUIDELINES**

This department will determine the most frequently used and critical forms and guidelines and translate these documents into the languages most likely to be requested. The Department will arrange to make these translated forms available to department personnel and other appropriate individuals.

### **331.3.3 AUDIO RECORDINGS**

The Department may develop audio recordings of information that is either important to or frequently requested by LEP individuals for broadcast in a language most likely to be understood by involved LEP individuals.

### **331.3.4 TELEPHONE INTERPRETER SERVICES**

The Patrol Lieutenant and Records Supervisor will maintain a list of qualified interpreter services which, upon approval of a supervisor can be contacted to assist LEP individuals. Such services shall be available to, among others, department personnel who utilize official cellular telephones.

### **331.3.5 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF INTERPRETATION**

Where competent bilingual departmental personnel or other department-certified staff are unavailable to assist, responsible members of the community who have demonstrated competence in either monolingual (direct) communication and/or in interpretation and translation (as noted above) may be called upon to assist in communication efforts. Sources for these individuals may include neighboring police departments, university languages and linguistics departments, local businesses, banks, churches, neighborhood leaders and school officials. Department personnel should ensure that community members are able to provide unbiased assistance. The nature of the contact and relationship between the LEP individual and the individual offering services must be carefully considered (e.g., victim/suspect).

Except for exigent or very informal and non-confrontational circumstances, the use of an LEP individual's bilingual friends or family members, particularly children, are generally not recommended and department personnel shall make case-by-case determinations on the appropriateness of using such individuals (for further guidance see section V(3) of the U.S. DOJ Final Guidance available at the U.S. DOJ [website](#)).

## **331.4 LEP CONTACT SITUATIONS AND REPORTING**

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize language services so that they may be targeted where they are most needed.

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Whenever any member of this department is required to complete a report or when other documentation and interpretation or translation services are provided to any involved LEP individual, such services should be noted in the related report.

### **331.4.1 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE**

In order to provide LEP individuals with meaningful access to police services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, this department has designated its 9-1-1 lines as its top priority for language services. Department personnel will make every reasonable effort to promptly accommodate such LEP individuals utilizing 9-1-1 lines through any or all of the above resources.

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.

### **331.4.2 EMERGENCY CALLS TO 9-1-1**

When a 9-1-1 call-taker determines that the caller is an LEP individual, the call-taker should 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 language-appropriate authorized interpreter is available in Grays Harbor Communications, the call-taker should immediately connect the LEP caller to the interpreter.

If an appropriate authorized interpreter is not available, the call-taker will promptly connect the LEP caller to the contracted telephonic interpretation service directly for assistance in completing the call. Dispatchers will make every effort to dispatch a bilingual officer to the assignment, if available.

The Aberdeen Police Department will take reasonable steps and will work with the Department of Human Resources to hire and develop in-house language capacity in Grays Harbor Communications by hiring qualified personnel with specific language skills.

### **331.4.3 FIELD ENFORCEMENT AND INVESTIGATIONS**

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 which may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Department personnel must assess each situation to determine the need and availability for translation services to all involved LEP individuals and utilize the methods outlined in this policy to provide appropriate language assistance.

Although not every situation can be addressed within this policy, it is important that department personnel are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action taken with an LEP individual. It would, for example, be meaningless to request consent to search if the person requesting is unable to effectively communicate with an LEP individual.

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### 331.4.4 INVESTIGATIVE INTERVIEWS

In any situation where the translation of an interview may contain information that might be used in a criminal trial, it is important to take certain steps to improve the chances of admissibility. 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.

Any person selected as an interpreter and/or translator must have demonstrated competence in both English and the non-English language involved and knowledge of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the case. The person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation to the court.

### 331.4.5 CUSTODIAL INTERROGATIONS AND BOOKINGS

In an effort to ensure the rights of LEP individuals are protected during arrest and custodial interrogation, this department places a high priority on providing competent interpretation during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, department personnel providing interpretation services or translated forms in these situations will have demonstrated competence in interpretation/translation and make every reasonable effort to accurately interpret/translate all communications with LEP individuals.

In order to ensure that translations during criminal investigations are documented accurately and are admissible as evidence, audio recordings of interrogations, victim interviews and witness interviews should be used whenever reasonably possible.

Employees providing translation services shall also be aware of the inherent communication impediments to gathering information from the LEP individual throughout the booking process or any other situation in which an LEP individual is within the control of department personnel. Medical screening questions are commonly used to elicit information on an individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, resulting symptoms upon withdrawal from certain medications, or the need to segregate the arrestee from other prisoners. Therefore it is important for members of this department to make every reasonable effort to provide effective language services in these situations.

### 331.4.6 COMPLAINTS

The Department shall ensure access to LEP persons who wish to file a complaint regarding the discharge of department duties. The Department may do so by providing interpretation assistance or translated forms to such individuals. If the Department responds to complaints filed by LEP individuals, the Department shall attempt to communicate its response in an accessible manner.

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### **331.4.7 COMMUNITY OUTREACH**

Community outreach programs and other such services offered by this department have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. As such, this department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services to LEP individuals and groups.

### **331.5 TRAINING**

In an effort to ensure that all personnel in public contact positions (or having contact with those in custody) are properly trained, the Department will provide periodic training to personnel about LEP policies and procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

The Training Coordinator shall be responsible for ensuring all new personnel receive LEP training and that all personnel receive refresher training at least once every two years thereafter. The Training Coordinator shall maintain records of all LEP training provided, with a copy in each member's training file, in accordance with established records retention schedules.

### **331.6 INTERPRETERS AND TRANSLATORS**

Department personnel who are called upon to interpret, translate or provide other language assistance, will be trained annually on language skills competency (including specialized terminology) and ethical considerations.

- (a) **Assessment:** The Aberdeen Police Department personnel identified as bilingual, who are willing to act as authorized interpreters, will have their language skills assessed by a professional interpreter using a structured assessment tool established by the Training Coordinator. Personnel found proficient in interpreting into and from the target language will be placed conditionally on the authorized interpreters list.
- (b) **Training:** All personnel conditionally placed on the authorized interpreter list must successfully complete the prescribed interpreter training within one year. After successful completion of interpreter training, the individual will be unconditionally placed on the authorized interpreter list. 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 advisor.
- (c) **Refresher course for authorized interpreters:** Personnel who have been unconditionally placed on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. The Training Coordinator shall be responsible for coordinating the annual refresher training and will maintain a record of training that the interpreters have received.



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The LEP Coordinator will ensure that the authorized interpreters list is kept current and a copy forwarded to Grays Harbor Communications.

### **331.7 SUPPLEMENTAL MATERIALS PROVIDED TO DEPARTMENT EMPLOYEES**

- (a) A list of department bilingual employees, languages spoken and contact and shift information
- (b) A list of department-certified interpretation services, bilingual interpreters, languages spoken and contact and availability information
- (c) The telephone number and access code of telephonic interpretation services
- (d) Language identification cards
- (e) Translated *Miranda* warning cards and other frequently used documents
- (f) Audio recordings/warnings that are developed in non-English languages

### **331.8 MONITORING AND UPDATING LANGUAGE ASSISTANCE EFFORTS**

#### **331.8.1 LEP COORDINATOR**

The Chief of Police will appoint an LEP Coordinator who is responsible for coordinating and implementing all aspects of the Aberdeen Police Department services to LEP individuals.

The LEP Coordinator shall assess demographic data, review contracted language access services utilization data, and consult with community-based organizations annually in order to determine if there are additional languages into which vital documents should be translated.

The LEP Coordinator will also be responsible for annually reviewing all new documents issued by the Aberdeen Police Department to assess whether they should be considered vital documents and be translated.

## Hearing Impaired/Disabled Communications

### 332.1 PURPOSE AND SCOPE

Individuals who suffer from deafness, hearing impairment, blindness, impaired vision, mental or other disabilities may encounter difficulties in gaining meaningful access to, or an understanding of important rights, obligations and services. In accordance with the Americans with Disabilities Act (ADA), it is therefore the policy of this department to take all reasonable steps to accommodate such individuals in any law enforcement contact.

### 332.2 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, employees of this department should consider all information reasonably available to them when determining how to communicate with an individual suffering from any disability. These factors may include, but are not limited to:

- (a) The extent to which a disability is obvious or otherwise made known to the involved employee. Impaired or disabled individuals may be reluctant to acknowledge their condition and may even feign a complete understanding of a communication despite actual confusion.
- (b) The nature of the disability (e.g., total deafness or blindness vs. impairment).
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
- (d) Availability of resources to aid in communication.

When considering these and other available information, the involved employee(s) should carefully balance all factors in an effort to reasonably ensure meaningful access by individuals suffering from apparent disabilities to critical services while not imposing undue burdens on the Department or its officers.

#### 332.2.1 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, department employees should remain alert to the possibility of communication problems and exercise special care in the use of all gestures, and verbal and written communication in an effort to minimize initial confusion and misunderstanding when dealing with any individual(s) with known or suspected disabilities or communication impairments.

### 332.3 TYPES OF ASSISTANCE AVAILABLE

Depending on the balance of the factors available for consideration at the time, this department will make every reasonable effort to provide meaningful and timely assistance to disabled individuals through a variety of services, where available. Disabled individuals may elect to accept such assistance at no cost, choose to provide their own communication services at their own expense or any combination thereof. In any situation, the individual's expressed choice of communication

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method shall be given primary consideration and honored unless the employee can adequately demonstrate that another effective method of communication exists under the circumstances.

Officers should document the type of communication utilized in any related report and whether a disabled or impaired individual elected to use services provided by the Department or some other identified source. Department provided services may include, but are not limited to the following:

### **332.3.1 FIELD RESOURCES**

Individual officers and employees are encouraged to utilize resources immediately available to them in any contact with a known or suspected disabled or impaired person. Examples of this would include such simple methods as:

- (a) Hand gestures or written communications exchanged between the employee and a deaf or hearing impaired individual.
- (b) Facing an individual utilizing lip reading and speaking slowly and clearly.
- (c) Slowly and clearly speaking or reading simple terms to any visually or mentally impaired individual.

### **332.3.2 AUDIO RECORDINGS AND ENLARGED PRINT**

From time to time, the Department may develop audio recordings of important information needed by blind or visually impaired individuals. In the absence of such audio recordings, employees may elect to read aloud a Department form or document such as a citizen complaint form to a visually impaired individual or utilize a photocopier to enlarge printed forms for a visually impaired individual.

### **332.3.3 TELEPHONE INTERPRETER SERVICES**

The Special Assignments Supervisor and Harbor Communications Center will maintain a list of qualified interpreter services to be contacted at department expense to assist deaf or hearing impaired individuals upon approval of a supervisor. When utilized, notification to such interpreters shall be made at the earliest reasonable opportunity and the interpreter should be available to respond within a reasonable time (generally not to exceed three hours).

### **332.3.4 TTY AND RELAY SERVICES**

Individuals who are deaf or hearing impaired must be given the opportunity to use available text telephones (TTY or TDD). All calls placed by such individuals through such services shall be accepted by this department.

### **332.3.5 COMMUNITY VOLUNTEERS**

Depending on the circumstances, location and availability, responsible members of the community may be available to provide qualified interpreter services, such as those who are proficient in American Sign Language (ASL). Sources for these individuals may include local businesses, banks, churches, neighborhood leaders and school officials. In addition to such sources developed by individual officers, the Department will attempt to maintain and update a list of qualified community volunteers who may be available to respond within a reasonable time.

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### **332.3.6 FAMILY AND FRIENDS OF DISABLED OR IMPAIRED INDIVIDUAL**

While family and friends of a disabled or impaired individual may frequently offer to assist with interpretation, employees should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in emergency or critical situations. Further, the nature of the contact and relationship between the disabled individual and the individual offering services must be carefully considered (e.g., victim/suspect).

### **332.4 CONTACT SITUATIONS AND REPORTING**

While all contacts, services, and individual rights are important, this department will carefully consider reasonably available information in an effort to prioritize services to disabled and impaired individuals so that such services and resources may be targeted where most needed because of the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is otherwise required to complete a report or other documentation, and communication assistance is provided to any involved disabled or impaired individual(s), such services should be noted in the related report.

#### **332.4.1 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE**

In order to provide disabled and impaired individuals with meaningful access to law enforcement services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, this department has designated its 9-1-1 lines as its top priority for assistance with such services. Department personnel will make every reasonable effort to promptly accommodate such disabled and impaired individuals utilizing 9-1-1 lines through any or all of the above resources.

While 9-1-1 calls shall receive top priority, it is also important that reasonable efforts be made to accommodate disabled and impaired individuals seeking more routine access to services and information from this department.

#### **332.4.2 CUSTODIAL INTERROGATIONS AND BOOKINGS**

In an effort to ensure the rights of all disabled and impaired individuals are protected during arrest and custodial interrogation, this department places a high priority on providing reasonable communication assistance during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, department personnel providing communication assistance in these situations will make every reasonable effort to accurately and effectively communicate with disabled or impaired individuals.

Employees providing such assistance shall also be aware of the inherent communication impediments to gathering information from disabled or impaired individuals throughout the booking process or any other situation in which a disabled or impaired individual is within the control of department personnel. Medical screening questions are commonly used to elicit information on individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, resulting symptoms upon withdrawal from certain medications, or the need to segregate

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the arrestee from other prisoners, therefore it is important for this department to make every reasonable effort to provide effective communication assistance in these situations.

- (a) Individuals who require communication aids (e.g., hearing aids) should be permitted to retain such devices while in custody.
- (b) While it may present officer safety or other logistical problems to allow a physically disabled individual to retain devices such as a wheel chair or crutches during a custodial situation, the removal of such items will require that other reasonable accommodations be made to assist such individuals with access to all necessary services.
- (c) Whenever a deaf or hearing impaired individual is detained or arrested and placed in handcuffs, officers should consider, safety permitting, placing the handcuffs in front of the body in order to allow the individual to sign or write notes.

### **332.4.3 FIELD ENFORCEMENT AND INVESTIGATIONS**

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 which may involve disabled or impaired individuals. The scope and nature of these activities and contacts will inevitably vary, therefore the Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every officer in the field. Each officer and/or supervisor must, however, assess each such situation to determine the need and availability for communication assistance to any and all involved disabled or impaired individuals.

Although not every situation can be addressed within this policy, it is important that employees are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action taken with a disabled or impaired individual. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with a deaf individual.

### **332.4.4 COMMUNITY OUTREACH**

Community outreach programs and other such services offered by this department have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. As such, this department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services to disabled individuals and groups.

### **332.5 TRAINING**

In an effort to ensure that all employees in public contact positions (or having contact with those in custody) are properly trained, this department will provide periodic training in the following areas:

- (a) Employee awareness of related policies, procedures, forms and available resources.
- (b) Employees having contact with the public (or those in our custody) are trained to work effectively with in-person and telephone interpreters and related equipment.

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- (c) Training for management staff, even if they may not interact regularly with disabled individuals, in order that they remain fully aware of, and understand this policy, so they can reinforce its importance and ensure its implementation by staff.

# Chaplain Program

## 333.1 PURPOSE AND SCOPE

The Aberdeen Police Department Chaplain Program is established for the purposes of providing spiritual and emotional support to all members of the Department, their families and members of the public.

## 333.2 POLICY

It is the policy of this department that the Chaplain Program shall be a non-denominational, ecumenical ministry provided by volunteer clergy without financial compensation.

## 333.3 GOALS

Members of the Chaplain Program shall fulfill the program's purpose in the following manner:

- (a) By serving as a resource for department personnel when dealing with the public in such incidents as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse, and other such situations that may arise.
- (b) By providing an additional link between the community, other chaplain programs and the Department.
- (c) By providing counseling, spiritual guidance and insight for department personnel and their families.
- (d) By being alert to the spiritual and emotional needs of department personnel and their families.
- (e) By familiarizing themselves with the role of law enforcement in the community.

## 333.4 REQUIREMENTS

Candidates for the Chaplain Program shall meet the following requirements:

- (a) Must be above reproach, temperate, prudent, respectable, hospitable, able to teach, not be addicted to alcohol or other drugs, not contentious, and free from excessive debt. Must manage their household, family, and personal affairs well. Must have a good reputation with those outside the church.
- (b) Must be ecclesiastically certified and/or endorsed, ordained, licensed, or commissioned by a recognized religious body.
- (c) Must successfully complete an appropriate level background investigation.
- (d) Must have at least five years of successful ministry experience within a recognized church or religious denomination.
- (e) It is recommended that he/she has a membership in good standing with the International Conference of Police Chaplains (ICPC).

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- (f) Possess a valid Washington Drivers License.

### **333.5 SELECTION PROCESS**

Chaplain candidates are encouraged to participate in the ride-along program before and during the selection process. Chaplain candidates shall successfully complete the following process prior to deployment as a chaplain:

- (a) Appropriate written application.
- (b) Recommendation from their church elders, board, or council.
- (c) Interview with Chief of Police
- (d) Successfully complete an appropriate level background investigation.
- (e) Complete an appropriate probationary period as designated by the Chief of Police.

### **333.6 DUTIES AND RESPONSIBILITIES**

The duties of a chaplain include, but are not limited to, the following:

- (a) Assisting in making notification to families of department members who have been seriously injured or killed.
- (b) After notification, responding to the hospital or home of the department member.
- (c) Visiting sick or injured law enforcement personnel in the hospital or home.
- (d) Attending and participating, when requested, in funerals of active or retired members of the Department.
- (e) Assisting sworn personnel in the diffusion of a conflict or incident when requested.
- (f) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Patrol Lieutenant or supervisor aids in accomplishing the Department's mission.
- (g) 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 personnel.
- (h) Counseling officers and other personnel with personal problems, when requested.
- (i) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.
- (j) Being responsible for the organization and development of spiritual organizations in the Department.
- (k) Responding to all major disasters such as earthquakes, bombings and similar critical incidents.
- (l) Providing liaison with other religious leaders of the community.



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- (m) Assisting public safety personnel and the community in any other function of the clergy profession, as requested.
- (n) Participating in in-service training classes.
- (o) Willing to train to enhance effectiveness.
- (p) Promptly facilitating requests for representatives or ministers of various denominations.
- (q) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

Chaplains may not proselytize or attempt to recruit members of the department or the public into a religious affiliation while on-duty unless the receiving person has solicited spiritual guidance or teaching. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or follow-up contact that were provided while functioning as a chaplain for the Aberdeen Police Department.

### **333.7 CLERGY-PENITENT CONFIDENTIALITY**

No person who provides chaplain services to members of the department may work or volunteer for the Aberdeen 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 privilege and shall inform department members when it appears reasonably likely that the department member is discussing matters that are not subject to the clergy-penitent privilege. In such cases, the department chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Aberdeen Police Department employees concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

### **333.8 COMMAND STRUCTURE**

- (a) Under the general direction of the Chief of Police or his/her designee, chaplains shall report to the Patrol Lieutenant or on-duty patrol supervisor.
- (b) The Chief of Police shall make all appointments to the Chaplain Program.

### **333.9 OPERATIONAL GUIDELINES**

- (a) Chaplains will be scheduled as needed.
- (b) Generally, each chaplain will serve with Aberdeen Police Department personnel a minimum of two hours per month.

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- (c) Chaplains shall be permitted to ride with officers during any shift and observe Aberdeen Police Department operations, provided the Patrol Lieutenant has been notified and approved of the activity.
- (d) Chaplains shall not be evaluators of employees and shall not be required to report on an employee's performance or conduct.
- (e) In responding to incidents, a chaplain shall never function as an officer.
- (f) 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.
- (g) Chaplains shall serve only within the jurisdiction of the Aberdeen Police Department unless otherwise authorized by the Chief of Police or his/her designee.
- (h) Each chaplain shall have access to current personnel rosters, addresses, telephone numbers, duty assignments and other information that may assist in their duties. Such Information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the information.

### **333.9.1 UNIFORMS AND BADGES**

A distinct uniform, badge and necessary safety equipment will be provided for the Chaplains. This uniform may be similar to that worn by the personnel of this department.

### **333.10 TRAINING**

The Department will establish a minimum number of training hours and standards for department chaplains. The training may include stress management, death notifications, post traumatic stress syndrome, burnout for officers and chaplains, legal liability and confidentiality, ethics, responding to crisis situations, the law enforcement family, substance abuse, suicide, officer injury or death, and sensitivity and diversity, as approved by the Training Coordinator.

# Administrative Reporting System

## 334.1 PURPOSE AND SCOPE

In order to properly analyze the need for specific enforcement and prevention activities, as well as to provide proper manpower allocation, the department has an Administrative Reporting Program.

### 334.1.1 ADMINISTRATIVE REPORTS

- (a) The Special Assignments Officer will ensure that section commanders, division commanders, and the Chief receive:
  - 1. Daily reports of calls for service.
  - 2. Monthly copies of the UCR.
  - 3. Annual reports of the department's activity.
  - 4. Any statistical summaries based upon such reports.

### 334.1.2 REGULAR AND SPECIAL BRIEFINGS

- (a) Division and Section Commanders are responsible for reporting crime trends or patterns to the Chief of Police and Deputy Chief in regularly scheduled staff meetings. Such data may be revealed or determined through daily review of crime reports, the Department's computerized records system and the crime analysis function.
- (b) Shift supervisors are responsible for disseminating current crime data through the daily shift briefing log, which is reviewed by all command staff members.
- (c) Special briefings will be conducted to inform the Chief of Police whenever new, unusual, or dangerous trends are revealed.

### 334.1.3 CRIME ANALYSIS FUNCTION

All members of the department participate in the collection of crime data when completing the department's offense report.

- (a) Information collection during the investigation of a crime, such as type of offense, method of operation, physical descriptors, and trends, is entered into the department's computerized records system for later dissemination as necessary.
- (b) Officers and detectives involved in activities such as crime reduction, crime investigations, and crime prevention should utilize this information to assist in their efforts.
- (c) In addition to the department's computerized records system, crime analysis information is collated by the Grays Harbor County Drug Task Force Supervisor during review of felony reports and the Patrol Section Commander during review of misdemeanor reports. Both of these individuals are responsible for disseminating this information through a daily briefing log as needed.

## *Administrative Reporting System*

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- (d) Crime analysis information should be used by the department in developing tactics, strategies, the scheduling of personnel, and long-range plans.

### 334.1.4 PLANNING AND RESEARCH FUNCTIONS

Planning and research is an ongoing responsibility of all command staff members.

- (a) Commanders should be responsible for researching and developing information relevant to programs and projects as they relate to their individual division or section and the overall goals of the Aberdeen Police Department. They should make recommendations for change, implementation and improvement of operational effectiveness to the Chief of Police.
- (b) In addition, the Special Assignments Officer should conduct an annual analysis of operational activities by: 1. Type of activity and number of offenses. 2. Location by Baker area. 3. Time of day. 4. Day of week. 5. Jail population data.
- (c) Analytical reports that result from such review should be disseminated to all command staff members and any other affected personnel and/or organizational components.

# Public Safety Camera System

## 335.1 PURPOSE AND SCOPE

The City of Aberdeen, operates a public safety camera system for the purpose of creating a safer environment for all those who live, work, and visit the City. This policy provides guidelines for the operation of the cameras, the purpose of their use and the storage of captured images.

## 335.2 POLICY

Cameras are strategically placed throughout the City at the direction or with the approval of the Chief of Police for the purpose of assisting the Aberdeen Police Department to detect and deter crime, to safeguard against potential threats to Homeland Security, to manage emergency response situations to natural and man-made disasters and to assist other City officials to aid in the enhancement of services provided to the community.

Public safety cameras are a crime prevention tool and can assist with scene reconstruction and evidence gathering. Public safety cameras 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.

The cameras only record images and do not record sound. Recordings may be used for a variety of purposes including criminal investigations, monitoring of activity. In addition, the public safety camera system helps to provide the following 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 maintain good public order.
- (d) Assist in monitoring pedestrian and vehicle traffic activity.
- (e) Help improve the general environment on the public streets.
- (f) Assist in providing effective public services.

## 335.3 PROCEDURE

The following procedures have been established for the effective operation of the public safety camera system.

### 335.3.1 MONITORING

Video images from the cameras are transmitted to monitors installed in the Patrol Lieutenant's Office and Grays Harbor Communications. When activity warranting further investigation is reported or detected at any camera location the dispatcher may selectively view the appropriate camera and relay any available information to responding units. The Patrol Lieutenant or Grays Harbor Communications personnel are authorized to adjust the cameras in such a manner as to most effectively view a particular area for any legitimate public safety purpose.

## *Public Safety Camera System*

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The video feed from cameras may be accessed by City employees other than police employees for official business only. A request must be made to, and approved by, the Chief of Police in order for video feed to be set up at a location other than Grays Harbor Communications.

### **335.3.2 TRAINING**

Personnel involved in video monitoring will be appropriately trained and supervised.

### **335.3.3 PROHIBITED ACTIVITY**

Video monitoring will be conducted in a professional, ethical and legal manner. The public safety camera system will not be used to invade the privacy of individuals, to look into private areas or areas where the reasonable expectation of privacy exists and 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.

### **335.3.4 CAMERA MARKINGS**

Cameras used as a part of the public safety camera system that are not used for covert operations or confidential investigations shall be marked in a conspicuous manner so as to inform the general public that the area is under public safety camera surveillance.

## **335.4 MEDIA STORAGE**

All media will be stored in a secure area with access restricted to authorized persons only. The system shall store the images from every camera which are recorded throughout the twenty-four hour period of every day of the week. All of the images from every recording device for a particular 24-hour period, beginning at 12:00 a.m. and ending at 11:59:59 p.m. shall be referred to as the Daily Recording.

The Daily Recording shall be stored for a period of not less than seven days and thereafter may be erased if not otherwise required for any related investigation, claim or other official need. The system shall be configured to automatically purge and write over any Daily Recordings more than 30 days old.

## **335.5 RETRIEVAL OF RECORDED INFORMATION**

Authorization to research and retrieve recorded information is restricted to the Chief of Police or his/her designee. These individuals will be authorized to provide video images for investigative purposes to Aberdeen Police Department employees who have completed a video request form in accordance with chain of custody procedures established by the Aberdeen Police Department.

### **335.5.1 PUBLIC AND OTHER AGENCY REQUESTS**

Requests for recorded video images from other governmental agencies or through the submission of a court order or subpoena will be promptly submitted to the City Attorney. Upon the receipt of any such request, it shall also be promptly submitted to the Dispatch Supervisor who will promptly research the request and submit the results of such search through the Chief of Police to the City Attorney's office for further handling. Every reasonable effort should be made to preserve the data requested until the request has been finally processed by the City Attorney's office.

## *Public Safety Camera System*

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Public and media requests for video images captured by public safety cameras will be made available only to the extent required by law. As provided by the Public Records Act, video footage that is evidence in an ongoing police investigation will generally not be disclosed to the public where a disposition has not been reached, absent such disclosure being compelled by a court or other governmental entity of competent jurisdiction.

### **335.6 ANNUAL REVIEW OF THE PUBLIC SAFETY CAMERA SYSTEM**

The Chief of Police or his/her designee will conduct an annual review the agency's use of the public safety camera system. The annual review will include an inventory of video monitoring installations, date of installation, summary of their purpose, adherence to this policy and any proposed policy changes. The results of each review will be documented and maintained by the Chief of Police or his/her designee and other applicable advisory bodies. Any concerns or deviations from this policy will be addressed promptly and effectively.

# Child Safety Policy

## 336.1 PURPOSE AND SCOPE

The Aberdeen Police Department recognizes that children who are subjected to traumatic events, such as the arrest of a parent or guardian, may experience negative emotional effects that can last throughout the lifetime of the individual. After such an event the child may not receive the appropriate care, which can lead to further emotional or physical trauma. This policy is intended to provide guidelines for officers to take reasonable steps to minimize the impact to the child when it becomes necessary to take action involving the child's parent or guardian.

### 336.1.1 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience children may have when their parent or caregiver is arrested. The Aberdeen Police Department will endeavor to create a strong cooperative relationship with local, state and community-based child social services to ensure an effective, collaborative response that addresses the needs of affected children.

## 336.2 PROCEDURES DURING AN ARREST

When encountering an arrest situation officers should make reasonable attempts to determine if the arrestee is responsible for minor dependent children. In some cases this is obvious, such as when children are present. However, officers should inquire if the person has any other dependent minor children who are without appropriate supervision. The following steps should be taken:

- (a) Inquire about and confirm the location of any dependent minor children.
- (b) Look for evidence of children. Officers should be mindful that some arrestees may conceal the fact that they have dependent children for fear their children may be taken from them.
- (c) Inquire of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a dependent child.

Whenever possible, officers should take reasonable steps to accomplish the arrest of a parent or guardian out of the presence of his/her child. Removing children from the scene in advance of the arrest will generally ensure the best outcome for the child.

Whenever it is safe to do so, officers should allow the parent to assure children that they will be provided care. If this is not safe or if the demeanor of the in-custody parent 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 children that both parent and children will receive appropriate care.

### 336.2.1 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, dependent minor children.



## *Child Safety Policy*

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Officers should allow the arrestee reasonable time to arrange for care of minor children. Temporary placement of the child with family or friends may be appropriate. However, any decision should give priority to a child-care solution that is in the best interest of the child. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of minor children with a responsible party, as appropriate.
  - 1. Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent's judgment regarding arrangements for child care. It is generally best if the child remains with relatives or family friends the child knows and trusts. Consideration regarding the child's familiarity with the surroundings, comfort, emotional state and safety should be paramount.
  - 2. Except when a court order exists limiting contact, the officer should attempt to locate and place dependent children with the non-arrested parent or guardian.
- (b) Provide for the immediate supervision of minor children until an appropriate caregiver arrives.
- (c) Notify the Department of Social and Health Services.
- (d) Notify the field supervisor or Patrol Lieutenant of the disposition of minor children.

If children are at school or at a 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 parent's arrest and of the arrangements being made for the care of the arrestee's children, and then record the result of such actions in the associated report.

Officers shall promptly notify Child Protective Services (CPS) whenever a child under age 13 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 Reporting Policy.

### **336.2.2 DURING THE BOOKING PROCESS**

During the booking process the arrestee shall be allowed to make additional free local phone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any minor dependent child. These phone calls shall be given immediately upon request or as soon as practicable and are in addition to any other phone calls allowed by law.

### **336.2.3 REPORTING**

For all arrests where children are present or living in the household, the reporting employee will include information about the children, including names, gender, age and how they were placed.

## *Child Safety Policy*

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### **336.3 CHILD PROTECTIVE SERVICES**

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any dependent minor children, the handling officer should consider taking children into protective custody and placing them with the appropriate county child protective service or other department-approved social service.

Only when other reasonable options are exhausted should a child be transported to the police facility, transported in a marked patrol car or taken into formal protective custody.

Under no circumstances should a child be left unattended or without appropriate care.

### **336.4 TRAINING**

The Training coordinator is responsible to ensure that all personnel of this department who may be involved in arrests affecting children, participate on a timely basis in department-approved training on effective child safety when a parent or guardian is arrested.

## Service Animal Policy

### 337.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Aberdeen 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.

### 337.2 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).

#### 337.2.1 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.

### 337.3 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 Aberdeen Police Department affords to all members of the public.

## *Service Animal Policy*

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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

## 338.1 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.

### 338.1.1 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, unpaid reserve officers, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

## 338.2 VOLUNTEER MANAGEMENT

### 338.2.1 VOLUNTEER COORDINATOR

The Volunteer Coordinator shall be appointed by the Administration Division Commander. The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator should work with other Department staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

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) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all 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.

## *Volunteer Program*

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- (j) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

### 338.2.2 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.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the requester's immediate supervisor. A complete position description and a requested time frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

### 338.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer 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.
- (b) Employment.
- (c) References.
- (d) Credit check.

A polygraph exam may be required of each applicant depending on the type of assignment.

### 338.2.4 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 Volunteer 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 complete all required enrollment paperwork and will receive a copy of their position description and agreement of service with the Department. All volunteers shall receive a copy of the volunteer handbook and 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.

## *Volunteer Program*

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### 338.2.5 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.

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 or the Volunteer Coordinator.

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.

### 338.2.6 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.

### 338.2.7 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.

## *Volunteer Program*

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### **338.3 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.

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.

### **338.4 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.

### **338.5 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.



## *Volunteer Program*

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### **338.5.1 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 License.
- (c) Verification that the volunteer carries current vehicle insurance.

The Volunteer Coordinator should ensure that all volunteers receive safety briefing updates and license and insurance 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 there is a prominently placed sign indicating that it is out of service. Volunteers are not authorized to operate a Department vehicle Code-3.

### **338.5.2 RADIO AND MDC USAGE**

Volunteers shall successfully complete A Central Computerized Enforcement Service System (ACCESS) and radio procedures training prior to using the police radio or MDT and comply with all related provisions. The Volunteer Coordinator should ensure that radio and ACCESS training is provided for volunteers whenever necessary.

## **338.6 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 liberty interest 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.

### **338.6.1 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.

## **338.7 EVALUATION**

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the

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## *Volunteer Program*

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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

### 339.1 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 Aberdeen Police Department with respect to taking law enforcement action while off-duty.

### 339.2 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.

### 339.3 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 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.

See policy §-312.2.3 Authorized Off-Duty Firearms.

### 339.4 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.

## *Off-Duty Law Enforcement Actions*

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- (c) The lack of equipment, such as handcuffs, OC or baton.
- (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.

### **339.4.1 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 Aberdeen Police Department officer until acknowledged. Official identification should also be displayed.

### **339.4.2 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.

### **339.4.3 NON-SWORN RESPONSIBILITIES**

Non-sworn 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.

### **339.4.4 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.

## **339.5 REPORTING**

Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Patrol Lieutenant as soon as practicable. The Patrol Lieutenant 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.

## **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 to ensure intra-department cooperation and information sharing.

#### 400.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of Aberdeen, 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.

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 divisions 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.

#### 400.1.2 TERRORISM

It is the goal of the Aberdeen 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 Investigation Division Supervisor in a timely fashion.

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### **400.2 PATROL INFORMATION SHARING PROCEDURES**

The following guidelines are intended to develop and maintain intra-department cooperation and information flow between the various divisions of the Aberdeen Police Department.

#### **400.2.1 CRIME ANALYSIS UNIT**

The Crime Analysis Unit function is handled by the detective section. It should be the central unit for information exchange. Criminal information and intelligence reports can be submitted to the Records for distribution to all divisions within the Department through special bulletins.

#### **400.2.2 CRIME REPORTS**

A crime report may be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the appropriate section for retention or follow-up investigation. Patrol officers generally handle the follow-up responsibility on misdemeanor's and other non-criminal assigned calls for service. Follow-up responsibility on felony cases of a less serious nature is expected and encouraged.

#### **400.2.3 PATROL BRIEFING**

Patrol lieutenants and supervisors, detective sergeants, and special unit sergeants are encouraged to share information as much as possible. All supervisors and/or officers will be provided an opportunity to share information at the daily patrol briefings as time permits, at other meetings, or on the format for department shift briefing.

#### **400.2.4 INFORMATION CLIPBOARDS**

Several information clipboards will be maintained in the patrol office or on the department computer system, and will be available for review by officers from all divisions within the Department. These will include, but not be limited to, department communications book, the patrol check clipboard, the wanted persons clipboard, and the written directive clipboard.

#### **400.2.5 BULLETIN BOARDS**

A Traffic Information bulletin board will be kept in the hallway outside the patrol office for display of traffic enforcement related information. New Departmental Directives will be made available for patrol supervisors and will be discussed at briefings and shift meetings. A copy of the Departmental Directive will be placed in the department communications book and the lunch room bulletin board. Each member of the department shall review the directive in the department communication book and sign and date the acknowledgment in a timely manner. A Patrol Information bulleting board will be kept in the Sergeants Office that may display suspect information, intelligence reports and photographs and any other relevant pass-on type information.

### **400.3 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.

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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.



# Bias-Based Profiling

## 401.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that employees of the Aberdeen Police Department do not engage in bias-based policing or violate any related laws while serving the community.

## 401.2 POLICY

The Aberdeen Police Department strives to provide law enforcement to our community with due regard to the racial, cultural or other differences of those we serve. It is the policy of this department to provide law enforcement services and to enforce the law equally and fairly without discrimination toward any individual or group.

### 401.2.1 DEFINITION

**Bias-based policing** - The inappropriate reliance on race, ethnicity or national origin as a factor in deciding whether to take law enforcement action or to provide service.

## 401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing 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 PROFILING PROHIBITED

The Aberdeen 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 43.101.410).

## 401.4 OFFICER 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 bias-based policing 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.

Nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

## *Bias-Based Profiling*

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### **401.4.2 BUSINESS CARDS**

Officers shall provide the following information upon request. The following information shall contain identifying information including, but not limited to, the officer's name, division, and a telephone number.

### **401.5 SUPERVISOR RESPONSIBILITY**

Supervisors are responsible for diligently monitoring those individuals under their command for any behavior exhibited that may conflict with the purpose of this policy. Supervisors shall handle any alleged or observed violation of this policy in accordance with the Personnel Complaint Procedure.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
- (b) In instances where MAV is utilized for the purpose of documenting the contact officers have with citizens, supervisors should periodically review the recordings for any behavior exhibited by officers that violates this policy.
  - 1. Supervisors should document when these periodic reviews have occurred.
  - 2. Recordings that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.

### **401.6 ADMINISTRATION**

Each January, the Operations Division Commander shall review the Department's effort to prevent bias-based profiling and submit an overview, including any minority or other public input, to the Chief of Police. This overview should not contain any identifying information regarding any specific complaint, citizen or officer.

The Operations Division Commander 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 bias-based policing to be included in the annual overview (RCW 43.101.410(f)).

### **401.7 TRAINING**

All members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of the community and shall attend training on the subject of bias-based policing.

Each member of this department will thereafter be required to complete an approved refresher training every five years, or sooner if deemed necessary, in order to keep current with changing community trends (RCW 43.101.410(c)).

## 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 Briefing; however officers may conduct 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 changes in schedules and assignments.
- (c) Notifying officers of new Departmental Orders or changes in Departmental Orders.
- (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 protection and integrity of a crime scene is of the utmost importance for the successful apprehension of criminals and successful prosecution. The integrity of a disaster scene is equally as critical for the protection of life and property and investigation by proper authorities.

## 403.2 CRIME SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the preservation of the scene. Officers shall also consider officer safety and public safety issues, including rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity of the crime/disaster scene, it shall be maintained until the officer is relieved by a supervisor.

### 403.2.1 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) Ensure no suspects are still in the area.
- (b) Broadcast emergency information including all requests for additional assistance.
- (c) Provide first aid to injured parties if it can be done safely.
- (d) Secure the inner perimeter with crime scene tape.
- (e) Protect items of apparent evidentiary value.
- (f) Start a chronological log noting critical times and personnel allowed access.

### 403.2.2 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, per RCW § 70.05.120 and WAC 246-100-040(2).

## 403.3 SEARCHES AT CRIME OR DISASTER SCENES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims and 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 proper authority for the search is obtained.

## *Crime and Disaster Scene Integrity*

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### 403.3.1 CONSENT

Officers should obtain valid consent to search from authorized individuals where possible, but should also consider obtaining consent and a search warrant in the case of serious crimes or major investigations.

### **403.4 COMMAND AND SUPERVISION OF CRIME SCENES AND INCIDENTS**

Successful Police service in the community depends on the level of performance of its Police officers. Command and control is inherent in and appropriate to all levels of a Police organization, and accordingly the following shall serve as guidelines for field situations.

- (a) When two or more officers are dispatched to or are present at any activity, the primary unit assigned by Grays Harbor Communications to respond to the complaint (or if no primary unit, the first unit to arrive) shall assume control of the situation until it is concluded or until properly relieved by a more senior officer.
- (b) Whenever a supervisor responds to a scene, he/she shall assume charge until his/her departure or until relieved by a command officer.
- (c) At any major crime scene that detectives respond to, the Grays Harbor County Drug Task Force Commander, or if absent, the Detective Sergeant shall assume command of the investigation, or in his/her absence, the assigned Detective, the Patrol Lieutenant or on-duty patrol Supervisor shall assume command.
- (d) At any fatal or major traffic accident that Collision Investigation Team (CIT) personnel respond to, the CIT Commander, CIT Team Leader, Patrol Lieutenant, or the on-duty patrol Supervisor shall assume command.
- (e) The presence of a higher ranking commander may be requested by the Sergeant, or on duty Patrol Supervisor, in charge of any incident. Upon arrival, the higher ranking commander will evaluate the scene and assume command as he/she deems necessary.
- (f) The arrival at any scene of a higher ranking commander shall not be considered as an assumption of command, unless such assumption is communicated by the higher ranking individual.
- (g) Whenever two or more Patrol Supervisors are present at any activity or scene, the first Supervisor to arrive shall assume supervisory control of the situation until it is concluded, unless relieved of that responsibility by a command level officer or Detective Supervisor.

## Crisis Response Unit

### 404.1 PURPOSE AND SCOPE

The Crisis Response Unit (CRU) is comprised of two specialized teams: the Crisis Negotiation Team (CNT) and the Special Tactics Team (STT). The unit has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appear to be necessary.

#### 404.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to the Crisis Response Unit are divided into Administrative and Operational 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.

#### 404.1.2 SWAT TEAM DEFINED

A CRU team is a designated unit of law enforcement officers that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigative units including, but not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of department policy, such a unit may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

#### 404.1.3 COMPOSITION AND STRUCTURE

The composition and structure of the Aberdeen Police Department CRU team will be as follows:

- (a) Commander: The Commander shall hold the rank of Lieutenant or higher, and will be responsible for overall supervision of CRU. The Commander will be responsible for the following:
  - 1. Coordinating with the Incident Commander, or another person, the development of tactical strategies for the CRU response to a given mission.
  - 2. Manage logistical concerns of the CRU team during the duration of the team's activation.
  - 3. It is anticipated that the CRU Commander will act as the Incident Commander at critical incidents as defined in the mission statement. The Incident Commander will report directly to the Chief of Police or his/her designee.
  - 4. Coordinating team training with the Team Leader and Assistant Team Leaders, ensuring that each member is competent with assigned weapons, skills, tactics, and is physically able to accomplish assignments during a critical incident.

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5. When CRU is activated, the Commander or Incident Commander, if a different person, is responsible for setting up a command post, notifying the Chief of Police, coordinating the activities of on-scene patrol officers, obtaining additional assistance if needed, coordinating with the Crisis Negotiator supervisor, medical personnel, news media, and STT team leader. The CRU Commander is not required to be on scene or establish a command post when STT executes a high-risk warrant.
  6. The Chief of Police or his designee may, at his/her discretion, elect to have the Team Leader take the role of acting Commander and/or Incident Commander on a mission-by-mission basis.
- (b) Team Leader: The Team Leader shall normally hold the rank of Corporal or higher. He/she is part of the team leadership element.
1. Shall take tactical control of elements of the team as they are utilized to accomplish the STT goals relating to the total mission.
  2. Shall be responsible for developing the tactical plan to be used, if needed, at the critical incident. Any tactical plan must be approved by the Commander prior to implementation.
  3. Shall assist the Commander in identifying, researching, and developing training and equipment needs.
  4. Shall be responsible for coordinating the training sessions for STT.
  5. Shall train to assume the role of acting Commander and/or Incident Commander when necessary.
  6. The Team Leader, or his/her designee will handle the duties of equipment officer.
- (c) Assistant Team Leader: May hold the rank of officer or above, and is part of the team leadership element.
1. Shall assume the Team Leader's role in his absence.
  2. Assist the Team Leader and Commander in fulfilling their respective duties.
  3. Is responsible for the team's training records and the maintenance of all mission documents.
  4. The Assistant Team Leader should train to take over the Team Leader's role when necessary.
- (d) Marksman Leader: The Marksman Leader shall direct the marksman/spotter elements with STT.
1. Shall organize the training unique to the marksman/spotter assignment, subject to the Team Leader's approval.

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2. Shall organize and document all training unique to the marksmanship/spotter assignment and forward all records to the Assistant Team Leader.
  3. Shall identify, research, report, and forward all training and equipment needs to the Team Leader who shall review and forward to the Commander.
- (e) Sniper/Spotter: Members of STT will be assigned as sniper/spotters as required.
1. Will maintain proficiency with the team's marksman rifles, AR-15's, and any other weapons selected for use by STT. This will include any less-lethal weapons assigned to STT.
  2. Shall be assigned the responsibility of providing anti-sniper control, long and intermediate range defense, and an accurate base support fire at all ranges for the team when these functions are part of the tactical plan.
  3. May fill other positions in the team as needed.
- (f) Gas Officer: Shall be assigned to a team member on a mission-by-mission basis. Will deliver gas munitions as needed.
- (g) Tactical Officer: All members of the team other than the Commander and Crisis Negotiators shall be Tactical Officers. They may fill any role within the team that their training and rank qualifies them for. If not assigned in a special capacity they normally deploy in the entry of containment element.
- (h) Crisis Negotiators: Shall be full time officers of the Aberdeen Police Department. The Crisis Negotiation Team is led by a lead negotiator who is part of the team leadership element.

### **404.2 LEVELS OF CAPABILITY/TRAINING**

#### **404.2.1 LEVEL I**

A level I CRU team is a basic team capable of providing containment and intervention with critical incidents that exceed the training and resources available to line-level officers. This does not include ad hoc teams of officers that are formed around a specific mission, detail or incident (e.g. active shooter response). Generally, eight hours a month should be devoted to training.

#### **404.2.2 LEVEL II**

A level II, Intermediate level CRU team is capable of providing containment and intervention. Additionally, these teams possess tactical capabilities above the Level I teams. These teams may or may not work together on a daily basis, but are intended to respond to incidents as a team. Eight hours a month should be devoted to training with supplemental training for tactical capabilities above the Level I team.



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### 404.2.3 LEVEL III

A Level III, Advanced level CRU team is a CRU team whose personnel function as a full-time unit. Generally 25% of their on-duty time is devoted to training. Level III teams operate in accordance with contemporary best practices. Such units possess both skills and equipment to utilize tactics beyond the capabilities of Level I and Level II teams.

### 404.2.4 APD CRU MISSION

To support the Aberdeen Police Department and any other requesting law enforcement agency with a tactical response to critical incidents. Critical incidents are defined as follows:

- (a) Hostage Situations: The holding of any person(s) against their will by an armed or potentially armed suspect.
- (b) Barricade Situations: The standoff created by an armed or potentially armed suspect in any location, whether fortified or not, who is refusing to comply with police demands for surrender.
- (c) Sniper Situations: The firing upon citizens and/or police by an armed suspect, whether stationary or mobile.
- (d) Apprehension: The arrest or apprehension of armed or potentially armed suspect(s) where there is the likelihood of armed resistance.
- (e) Warrant Service: The service of search or arrest warrants where there is a likelihood of armed or potential armed suspect(s) and there is the potential of armed resistance.
- (f) Special Assignments: Any assignment, approved by the Chief, Deputy Chief or CRU Commander, based upon the level of threat or the need for a special expertise.

### 404.3 POLICY

It shall be the policy of this department to maintain a CRU team and to provide the equipment, manpower, and training necessary to maintain a CRU team. The CRU 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.

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### 404.3.1 POLICY CONSIDERATIONS

A needs assessment should be conducted to determine the type and extent of CRU missions and operations appropriate to this department. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the CRU Commander or his/her designee.

### 404.3.2 ORGANIZATIONAL PROCEDURES

This department shall develop a separate written set of organizational procedures which should address, at minimum, the following:

- (a) Locally identified specific missions the team is capable of performing.
- (b) Team organization and function.
- (c) Personnel selection and retention criteria.
- (d) Training and required competencies.
- (e) Procedures for activation and deployment.
- (f) Command and control issues, including a clearly defined command structure.
- (g) Multi-agency response.
- (h) Out-of-jurisdiction response.
- (i) Specialized functions and supporting resources.

### 404.3.3 OPERATIONAL PROCEDURES

This department shall develop a separate written set of operational procedures in accordance with the determination of their level of capability, using sound risk reduction practices. The operational procedures should be patterned after the National Tactical Officers Association Suggested SWAT Best Practices. Because such procedures are specific to CRU members and will outline tactical and officer safety issues, they are not included within this policy. The operational procedures should include, at minimum, the following:

- (a) Designated personnel responsible for developing an operational or tactical plan prior to, and/or during CRU operations (time permitting).
  - 1. All CRU team members should have an understanding of operational planning.
  - 2. CRU team training should consider planning for both spontaneous and planned events.
  - 3. CRU teams should incorporate medical emergency contingency planning as part of the CRU operational plan.
- (b) Plans for mission briefings conducted prior to an operation, unless circumstances require immediate deployment.
  - 1. When possible, briefings should include the specialized units and supporting resources.

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- (c) Protocols for a sustained operation should be developed which may include relief, rotation of personnel and augmentation of resources.
- (d) A generic checklist to be worked through prior to initiating a tactical action as a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of CRU.
- (e) The appropriate role for a trained negotiator.
- (f) A standard method of determining whether or not a warrant should be regarded as high-risk.
- (g) A method for deciding how best to serve a high-risk warrant with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.
- (h) Post incident scene management including:
  - 1. Documentation of the incident.
  - 2. Transition to investigations and/or other units.
  - 3. Debriefing after every deployment of the CRU team.
    - (a) After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments, helps to identify training needs, and reinforces sound risk management practices.
    - (b) Such debriefing should not be conducted until involved officers have had the opportunity to individually complete necessary reports or provide formal statements.
    - (c) In order to maintain candor and a meaningful exchange, debriefing will generally not be recorded.
    - (d) When appropriate, debriefing should include specialized units and resources.
- (i) Sound risk management analysis.
- (j) Standardization of equipment deployed.

### **404.4 TRAINING NEEDS ASSESSMENT**

The CRU Commander should conduct an annual CRU Training needs assessment to ensure that training is conducted within team capabilities and department policy.

#### **404.4.1 INITIAL TRAINING**

STT team operators and STT supervisors/team leaders should not be deployed until successful completion of a Criminal Justice Training Commission (CJTC) approved Basic SWAT Course or its equivalent.

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- (a) 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.

The Marksman assigned to CRU should attend a Criminal Justice Training commission (CJTC) marksman/spotter course of instruction or an approved equivalent.

### 404.4.2 UPDATED TRAINING

Appropriate team training for the specialized CRU functions and other supporting resources should be completed prior to full deployment of the team.

STT team operators and STT supervisors/team leaders should complete Criminal Justice Training Commission (CJTC) approved update or refresher training every 24 months.

### 404.4.3 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the CRT function at the organizational level to ensure personnel who provide active oversight at the scene of CRU operations understand the purpose and capabilities of the teams.

Command personnel who may assume incident command responsibilities should attend Criminal Justice Training Commission (CJTC) approved CRT or Critical Incident Commander course or its equivalent. CRT command personnel should attend a CRU, or similar, commander or tactical commander course, or its equivalent.

### 404.4.4 SWAT ONGOING TRAINING

Training shall be coordinated by the CRU Commander, or his or her designee. The CRU Commander may conduct monthly training exercises that include a review and critique of personnel and their performance in the exercise in addition to specialized training. Training should consist of the following:

- (a) Each STT member shall perform a physical fitness test twice each year. A minimum qualifying score must be attained by each team member.
  - 1. Members of the APD STT Tactical team prior to October 1, 2010 shall be given twelve months to pass the physical fitness test. After October 1, 2011, members shall be expected to pass the physical test twice a year as described in 408.4.4 (a). Team members who cannot pass the test by October 1, 2011 shall be removed from the team at the discretion of the CRU Commander.
  - 2. PAT
- (b) Any STT team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest and attain a qualifying score. Within 30 days of the previous physical fitness test date, the member required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.

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- (c) Those members who are on vacation, ill, or are on light duty status with a doctor's note of approval on the test date, shall be responsible for reporting to a team supervisor and taking the test within 30 days of their return to regular duty. Any member, who fails to arrange for and perform the physical fitness test within the 30-day period, shall be considered as having failed to attain a qualifying score for that test period.
- (d) Quarterly, each STT team member shall perform the mandatory STT primary weapon qualification course. The qualification course shall consist of a handgun course as used in the BASIC Operator course or one developed by the Force Training Unit. Marksman shall perform and pass an approved qualification course designed for their position. Failure to qualify will require that officer to seek remedial training from a Firearms Instructor as approved by the CRU Commander. Team members who fail to qualify must retest within 30 days. Failure to qualify within 30 days with or without remedial training may result in dismissal from the team.

### 404.4.5 TRAINING SAFETY

Use of a certified firearms instructor should be present at the range during any firearms training.

Use of a designated safety officer should be considered for all tactical training.

### 404.4.6 SCENARIO BASED TRAINING

CRU 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.

### 404.4.7 TRAINING DOCUMENTATION

Individual and team training shall be documented and records maintained by the team training officer who will ensure that a copy of training records to the Special Assignments Supervisor. Such documentation shall be maintained in each member's individual training file. A separate agency CRU training file shall be maintained with documentation and records of all team training.

## **404.5 UNIFORMS, EQUIPMENT, AND FIREARMS**

### 404.5.1 UNIFORMS

CRU 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.

### 404.5.2 EQUIPMENT

CRU teams from this agency should be adequately equipped to meet the specific mission(s) identified by the agency.

### 404.5.3 FIREARMS

Weapons and equipment used by CRU, the specialized units, and the supporting resources should be agency-issued or approved, including any modifications, additions, or attachments.

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### **404.6 MANAGEMENT/SUPERVISION OF CRISIS RESPONSE UNIT**

The Commander of the CRU shall be selected by the Chief of Police upon recommendation of staff.

#### **404.6.1 PRIMARY UNIT MANAGER**

Under the direction of the Chief of Police, through the Deputy Chief, the Crisis Response Unit shall be managed by a lieutenant or above.

#### **404.6.2 TEAM SUPERVISORS**

The Crisis Negotiation Team and each Special Tactics Team will be supervised by a corporal or above.

The team supervisors shall be selected by the Chief of Police upon specific recommendation by staff and the CRU Commander.

The following represent the supervisor responsibilities for the Crisis Response Unit.

- (a) The Crisis Negotiation Team supervisor's primary responsibility is to supervise the operations of the Crisis Negotiation Team which will include deployment, training, first line participation, and other duties as directed by the CRU Commander.
- (b) The Special Tactics Team supervisor's primary responsibility is to supervise the operations of the STT Team, which will include deployment, training, first line participation, and other duties as directed by the CRU Commander.

### **404.7 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES**

The Crisis Negotiation Team 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.

The following procedures serve as directives for the administrative operation of the Crisis Negotiation Team.

#### **404.7.1 SELECTION OF PERSONNEL**

Interested sworn personnel, who are off probation, shall submit a letter of interest to the CRU Commander, with a copy forwarded to the STT Team Leader and Crisis Negotiation Team supervisor. Qualified applicants will then be invited to an oral interview.

- (a) To be eligible for a position of **Crisis Negotiator** the applicant:
  - 1. Must be a full time officer of the department.
  - 2. Completed three years of satisfactory full time employment with the Aberdeen Police Department.
  - 3. Live within a reasonable distance of the City of Aberdeen, as determined by the CRU Commander.

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4. Have a satisfactory job performance history in previous and present assignments at all times.

The oral board will consist of the CRU Commander, the Crisis Negotiation Team supervisor, and a third person to be selected by the two. Interested personnel shall be evaluated by the following criteria:

- (a) Recognized competence and ability as evidenced by performance.
- (b) Demonstrated good judgment and understanding of critical role of negotiator and negotiation process.
- (c) Effective communication skills to ensure success as a negotiator.
- (d) Special skills, training, or appropriate education as it pertains to the assignment.
- (e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions, and training obligations.

The oral board shall submit a list of successful applicants to staff for final selection.

### **404.7.2 TRAINING OF NEGOTIATORS**

Those officers selected as members of the Negotiation Team should attend the Basic Negotiators Course as approved by the Criminal Justice Training Commission (CJTC) prior to primary use in an actual crisis situation. Untrained officers may be used in a support or training capacity. Additional training will be coordinated by the team supervisor.

A minimum of one training day per quarter should be required to provide the opportunity for role playing and situational training necessary to maintain proper skills. This will be coordinated by the team supervisor.

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the team supervisor. Performance and efficiency levels, established by the team supervisor, will be met and maintained by all team members. Any member of the Negotiation Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the unit.

### **404.8 SWAT TEAM ADMINISTRATIVE PROCEDURES**

The Crisis Response Unit (CRU) was established to provide a skilled and trained team which may be deployed during events requiring specialized tactics in such situations as cases where suspects have taken hostages and/or barricaded themselves as well as prolonged or predictable situations in which persons armed or suspected of being armed pose a danger to themselves or others.

The following procedures serve as directives for the administrative operation of the Crisis Response Unit.

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### 404.8.1 SELECTION OF PERSONNEL

Interested sworn personnel who are off probation shall submit a letter of interest to the CRU Commander with a copy of which will be forwarded to other CRU supervisors. Those qualifying applicants will then be invited to participate in the testing process. The order of the tests will be given at the discretion of the CRU Commander. The testing process will consist of an oral board, physical agility, STT basic handgun, and team evaluation.

- (a) Applicants must meet the following minimum criteria to be considered for membership as tactical officer:
  - 1. Must be a full time, commissioned officer.
  - 2. Completed at least three years of satisfactory service with the Aberdeen Police Department or other law enforcement agency over a case-by-case basis.
  - 3. Successfully completed the Washington Basic Law Enforcement Academy or equivalency requirement.
  - 4. Live within a reasonable distance of the City of Aberdeen, to be reviewed and determined on a case-by-case basis by the CRU Commander.
  - 5. Have a satisfactory job performance history in previous and presnet assignments at all times.
  - 6. Pass the Washington State Criminal Justice Training Commission Basic SWAT school physical ability test.
  - 7. Pass the Washington State Criminal Justice Training Commission SWAT basic school or an equivalent, as determined by the CRU Commander.
- (b) Oral board: The oral board will consist of personnel selected by the CRU Commander. Applicants will be evaluated by the following criteria:
  - 1. Recognized competence and ability as evidenced by performance.
  - 2. Demonstrated good judgment and understanding of critical role of STT member.
  - 3. Special skills, training, or appropriate education as it pertains to this assignment.
  - 4. Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions, and training obligations.
- (c) Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as it relates to performance of STT-related duties. The test and scoring procedure will be established by the CRU Commander. A minimum qualifying score shall be attained by the applicant to be considered for the position.
- (d) STT basic handgun: Candidates will be invited to shoot the department qualification course for the handgun. A minimum qualifying score of 93 must be attained to qualify.



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- (e) Team evaluation: Current team members will evaluate each candidate on his/her field tactical skills, teamwork, ability to work under stress, communication skills, judgment, and any special skills that could benefit the team.
- (f) A list of successful applicants shall be submitted to the Chief of Police, by the CRU Commander, for final selection.

### **404.8.2 TEAM EVALUATION**

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the CRU Commander. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all CRU Team members. Any member of the CRU Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

### **404.8.3 SUSPENSION AND REMOVAL FROM CRU**

Once accepted and assigned to the Aberdeen Police Department CRU, all operational team members, regardless of rank or position, must maintain acceptable standards of performance as stated above in policy §408.7.1 and §408.8.1. Failure to meet the minimum standards will result in the team member being placed in a temporary, non-deployable status for a period of 90 days. Failure to meet the acceptable standard within 90 days will result in immediate removal from the team.

Being placed in a temporary, non-deployable status twice within three years will result in immediate removal from the team. Members who are temporarily unable to perform their CRU duties due to injury, illness, or other unusual circumstances may make application to the Commander for a waiver of the above-described requirements. A team member may voluntarily withdraw from the team at any time, for any reason.

A team member may be removed from the team, without cause, when deemed necessary for the good of the team by a majority of the leadership elements of the team and approved by the Commander. The leadership element consists of the SWAT Team Leader, Assistant Team Leader, and Negotiations Team Leader.

Assignment to the CRU shall be exempt from position rotation.

### **404.9 OPERATION GUIDELINES FOR CRISIS RESPONSE UNIT**

The following procedures serve as guidelines for the operational deployment of the Crisis Response Unit. Generally, the Special Weapons and Tactics Team and the Crisis Negotiation Team will be activated together if the situation warrants it as determined by the CRU Commander. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the Crisis Negotiation Team such as warrant service operations. The use of the Negotiators may also be utilized without the physical presence of the tactical team. This shall be at the discretion of the CRU Commander, or in his or her unavailability, a member of the command staff, or then by the tactical team leader or assistant leader reference the tactical team or lead negotiator reference the negotiation team.

## *Crisis Response Unit*

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### 404.9.1 ON-SCENE DETERMINATION

The supervisor in charge on the scene of a particular event will assess whether the Crisis Response Unit is to be requested to respond to the scene. Upon final determination by the Patrol Lieutenant or on-duty patrol supervisor, he/she will notify the CRU Commander.

### 404.9.2 APPROPRIATE SITUATIONS FOR USE OF CRISIS RESPONSE UNIT

The following are examples of incidents which may result in the activation of the Crisis Response Unit:

- (a) Barricaded suspects who refuse an order to surrender. See policy §414.0
- (b) Incidents where hostages are taken. See policy §414.0
- (c) Cases of suicide threats.
- (d) Arrests of dangerous persons.
- (e) Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property.

### 404.9.3 MULTI-JURISDICTIONAL SWAT OPERATIONS

The CRU team, including relevant specialized units and supporting resources, should develop protocols, agreements, MOU's, or working relationships to support multi-jurisdictional or regional responses.

- (a) If it is anticipated that multi-jurisdictional CRU operations will regularly be conducted; CRU multi-agency and multi-disciplinary joint training exercises are encouraged.
- (b) Members of the Aberdeen Police Department CRU team shall operate under the policies, procedures and command of the Aberdeen Police Department when working in a multi-agency situation.

### 404.9.4 MOBILIZATION OF CRISIS RESPONSE UNIT

The on-scene supervisor should make a request to a Patrol Lieutenant for the Crisis Response Unit. If the on-scene supervisor is unsuccessful in contacting a Patrol Lieutenant see 408.9.5 (b).

CRU activations take precedence over all other assignments within the Aberdeen Police Department. Once the team is activated, members assigned to the Aberdeen Police Department CRU reports directly to the CRU Commander until he/she determines that the activation is over.

- (a) Command Staff officer generally may activate CRU/STT only. The activation will take place when the CRU Commander, or the next Command Officer notified if the CRU Commander is unavailable, is contacted by the requesting Lieutenant or on-duty OIC and is briefed on the critical incident.
- (b) The procession of all requests to activate CRU/STT shall initially go to the CRU Commander. The OIC should attempt the department cell phone number and then all known phone numbers when attempting contact. If the CRU Commander is not contacted, the OIC should then proceed to attempt to contact the Chief of Police,

## *Crisis Response Unit*

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Deputy Chief, Captain, or Lieutenant in this order. If no command officer is contacted, the requesting OIC may contact the STT Team Leader or Assistant Team Leader, in this order, to request activation of CRU/STT. The Team or Assistant STT team leader shall be responsible for the decision to activate. Attempts to contact the CRU Commander, or other Command level officers, should continue until notification is made. A relevant message should be left with a call back number if notification is not made.

- (c) Any OIC may request the assistance of CRU/STT in planning and/or conducting appropriate operations. The requesting OIC or Command Officer will contact the CRU Commander with the request for assistance. The CRU Commander, if approving the request, will then activate the team using standard call-out procedures. The contact procedures as outlined in subsection (b.) shall be followed.
- (d) The Aberdeen Police Department CRU is available, with the approval of the Chief or Deputy Chief of Police, to assist an outside law enforcement agency. When a request is received it shall be immediately forwarded to the CRU Commander, or other Command Officer if the CRU Commander is unavailable, who will determine if the situation warrants the activation of the team. The CRU Commander will contact the Chief or Deputy Chief of Police and obtain permission to activate the team. Once permission is received the activation will follow standard procedures.
- (e) When the CRU is activated for any reason it will be used in accordance with Aberdeen Police Department policy and procedures, and shall be under the exclusive command and control of the CRU Commander or an Incident Commander from the Aberdeen Police Department.
- (f) When any operation becomes contrary to the policies and procedures of the Aberdeen Police Department, Chief of Police or his designee, acting upon the advice of the CRU Commander or Incident Commander, may withdraw assigned Aberdeen Police Department personnel. 1. The decision to withdraw personnel shall be made known to the supervising officer of the requesting law enforcement agency as soon as possible and a good faith effort to make a safe transfer of control shall be undertaken.

The Patrol Lieutenant or on-duty OIC should advise the CRU Commander with as much of the following information which is available at the time:

- (a) The number of suspects, known weapons and resources.
- (b) If the suspect is in control of hostages.
- (c) If the suspect is barricaded.
- (d) The type of crime involved.
- (e) If the suspect has threatened or attempted suicide.
- (f) The location of the command post and a safe approach to it.

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- (g) The extent of any perimeter and the number of officers involved.
- (h) Any other important facts critical to the immediate situation and whether the suspect has refused an order to surrender.

The CRU Commander or supervisor shall then call selected officers to respond.

### 404.9.5 FIELD UNIT RESPONSIBILITIES

While waiting for the Crisis Response Unit, field personnel should, if safe, practical and sufficient resources exist:

- (a) Establish an inner and outer perimeter.
- (b) Establish a command post outside of the inner perimeter.
- (c) Establish an arrest/response team. The team actions may include:
  - 1. Securing any subject or suspect who may surrender.
  - 2. Taking action to mitigate a deadly threat or behavior.
- (d) Evacuate any injured persons or citizens in the zone of danger.
- (e) Attempt to establish preliminary communication with the suspect. Once the CRU has arrived, all negotiations should generally be halted to allow the negotiators and STT time to set up.
- (f) Be prepared to brief CRU Commander on situation.
- (g) Plan for, and stage, anticipated resources.

### 404.9.6 ON-SCENE COMMAND RESPONSIBILITIES

The Aberdeen Police Department CRU is commanded by a lieutenant (or higher). When activated for an operation, the CRU Commander or Acting Commander when the Commander is absent, reports directly to the Incident Commander (if another officer other than the CRU Commander fills the role). The Commander is responsible for deployment of CRU, tactical decision-making, and tactical resolution of the critical incident. The CRU Commander is subordinate to the Incident Commander, if one has been designated by the Chief of Deputy Chief, only in terms of when and if a deliberate tactical option will be initiated, not how it will be performed. Unless the CRU Commander relinquishes his control to another officer outside the CRU team, no other person, who is not in a leadership position within CRU, will attempt to direct, supervise, or control any element or member of the CRU element while activated.

The Incident Commander shall continue supervision of the command post operation, outer perimeter security, and support for the Crisis Response Unit. The Incident Commander and the CRU Commander (or his/her designee) shall maintain communications at all times.

### 404.9.7 COMMUNICATION WITH CRISIS RESPONSE UNIT PERSONNEL

All of those persons who are non-Crisis Response Unit personnel should refrain from any non-emergency contact or interference with any member of the unit during active negotiations.

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## *Crisis Response Unit*

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Investigation require the utmost in concentration by involved personnel and, as a result, no one should interrupt or communicate with Crisis Team personnel directly. All non-emergency communications shall be channeled through the Negotiation Team Leader or his/her designee.

## Ride-Along Policy

### 405.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function first hand. This policy provides the requirements, approval process, and hours of operation for the Ride-Along Program.

#### 405.1.1 ELIGIBILITY

The Aberdeen Police Department Ride-Along Program is offered, on a limited basis, to residents, students and those employed within the City. Any interested person may apply. The department reserves the right to deny any application without cause.

Factors which would disqualifying an applicant include, but are not limited to:

- Being under 15 years of age.
- Prior criminal history.
- Pending criminal action.
- Pending lawsuit against the Department.

#### 405.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions. The ride-along times are from 10:00 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the Chief of Police, Deputy Chief, Patrol Section Commander, or Patrol Lieutenant.

### 405.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Patrol Lieutenant. The participant will complete a ride-along waiver form. Information requested will include a valid ID or Washington driver license, address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the Ride-Along Waiver Form.

The Patrol Lieutenant will schedule a date, based on availability, at least one week after the date of application. If approved, a copy will be forwarded to the respective Patrol Lieutenant as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial.

#### 405.2.1 LIMITS ON PARTICIPATION

Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: Elected officials, Commissioned officers, Cadets, Explorers, RSVP, Chaplains, Reserves, police applicants, and all others with approval of the Patrol Team Lieutenant.

## *Ride-Along Policy*

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An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time.

Ride-along requirements for police Explorers are covered in Policy Manual § 1048, "Police Explorer Program."

### **405.2.2 SUITABLE ATTIRE**

Any person approved to ride along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the police vehicle. The Patrol Lieutenant or on-duty patrol supervisor may refuse a ride along to anyone not properly dressed.

### **405.2.3 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 expressed consent of the Patrol Lieutenant or if absent, the on-duty patrol supervisor. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

### **405.3 OFFICER'S RESPONSIBILITY**

The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along 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 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.

The Patrol Lieutenant is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the form shall be returned to the Patrol Lieutenant with any comments which may be offered by the officer.

### **405.4 CONTROL OF RIDE-ALONG**

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

- (a) The ride-along will follow the directions of the officer.
- (b) ALL persons allowed to conduct a ride-along shall sign a Ride-Along Waiver Form prior to beginning the ride-along. If the rider is under the age of eighteen (18) a Ride Along Waiver Form shall be signed by the appropriate parent or guardian.
- (c) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any Police equipment.

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## *Ride-Along Policy*

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- (d) The ride-along 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 interferes with the performance of the officer's duties.
- (e) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.
- (f) Officers will not allow any ride-alongs 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.
- (g) Under no circumstance shall a civilian ride along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person.
- (h) No rider, other than a law enforcement officer as defined by RCW, may carry any firearm.



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# Hazardous Material Response

## 406.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees resulting from their exposure. To comply with RCW 70.105, WAC 173-303, and guidelines from the Washington State Department of Ecology, the following is to be the policy of this department.

### 406.1.1 HAZARDOUS MATERIAL DEFINED

A hazardous material is a substance which by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

## 406.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill, or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Attempt to identify the type of hazardous substance. (Identification can be determined by placard, driver's manifest or statements from the person transporting).
- (b) Notify the Fire Department.
- (c) Provide first-aid for injured parties if it can be done safely and without contamination.
- (d) Dependent upon the substance and other specific conditions, consider initiating an emergency public notification or evacuation. The decision to initiate public notifications and/or evacuations shall be in accordance with the Aberdeen Local Emergency Planning Committee (LEPC) procedures.

## 406.3 REPORTING EXPOSURE

Department personnel 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 employee in an employee memorandum that shall be forwarded via chain of command to the Commanding Officer. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

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.

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## *Hazardous Material Response*

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### 406.3.1 SUPERVISOR RESPONSIBILITY

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the Fire Department.

# Hostages and Barricaded Suspects

## 407.1 PURPOSE AND SCOPE

Hostage situations and barricaded suspects present unique problems for agencies. The protection of the public and law enforcement personnel is of the utmost importance. Proper planning and training will tend to reduce the risks involved with these incidents.

### 407.1.1 DEFINITIONS

**Hostage** - A person held by one party in a conflict as security so that specified terms will be met by the opposing party.

**Barricaded Suspect** - A person who takes a position of cover or concealment or maintains a position in a structure and who resists capture by law enforcement personnel. A barricaded suspect may be armed or suspected of being armed.

## 407.2 HOSTAGE NEGOTIATIONS

Promises of immunity or leniency and payment of ransom demands are rarely effective and will generally not be offered to barricaded suspects. Trained crisis negotiators, however, will be permitted to exercise flexibility in each situation based upon the circumstances presented and consistent with their training.

Crisis negotiators are under the direction of the on-scene supervisor or incident commander.

Personnel involved in barricaded/hostage situations are urged to exercise patience and extreme caution. The use of deadly force against any armed suspect will be governed by Policy Manual § 300, with particular regard directed toward the safety of hostages.

## 407.3 FIRST RESPONDER RESPONSIBILITY

Until the Incident Commander has been designated, the first officer on the scene of an actual or potential hostage/barricade situation shall consider the following:

- (a) Attempt to avoid confrontation in favor of controlling and containing the situation until the arrival of trained personnel and/or trained hostage negotiation personnel.
- (b) Notification of tactical and hostage negotiation personnel.
- (c) Notification of appropriate persons within and outside the agency, such as command officers, dog handlers, or helicopter pilots.
- (d) Establishment of inner and outer perimeters.
- (e) Evacuation of bystanders and injured persons.
- (f) Establishment of central command post and appropriate chain of command.
- (g) Request for ambulance, rescue, fire and surveillance equipment.
- (h) Authorization for news media access and news media policy.

## *Hostages and Barricaded Suspects*

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- (i) Pursuit/surveillance vehicles and control of travel routes.

### **407.4 REPORTING**

Unless otherwise relieved by a supervisor, the initial officer at the scene is responsible for completion of reports or coordination of reports for the hostage/barricade incident.

### **407.5 CRISIS RESPONSE UNIT**

The activation of the Crisis Response Unit should be initiated as provided by policy § 408 if it is determined by the supervisor that he/she is dealing with a Hostage or Barricaded Subject incident. The officer in charge at the scene shall remain in command until relieved by a superior officer.

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## Response to Bomb Calls

### 408.1 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.

### 408.2 FOUND EXPLOSIVES/SUSPECT DEVICES

When handling an incident involving a suspected explosive device, the following guidelines should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging. The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (b) A minimum perimeter of 300 feet should be established around the location of the device. An access point should be provided for support personnel.
- (c) As much information as is available should be promptly relayed to the Patrol Lieutenant or on-duty patrol supervisor including:
  - 1. The stated threat.
  - 2. Exact comments.
  - 3. Time of discovery.
  - 4. Exact location of the device.
  - 5. Full description (e.g., size, shape, markings, construction) of the device.
- (d) The device should not be touched or moved except by qualified bomb squad personnel.
- (e) All equipment within 300 feet of the suspected device capable of producing radio frequency energy should be turned off. This includes two-way radios, cell phones and other personal communication devices.
- (f) Consideration should be given to evacuating any buildings near the device.
- (g) A search of the area should be conducted for secondary devices or other objects that are either hazardous or foreign to the area and a perimeter should be established around any additional suspicious device found.

Explosive or military ordnance of any type should be handled only by the bomb squad or military ordnance disposal team.

## *Response to Bomb Calls*

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### **408.3 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:

- 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.

#### **408.3.1 NOTIFICATIONS**

When an explosion has occurred, the following people shall be notified as soon as practical:

- Command Personnel
- Fire Department
- WSP or Military Bomb Squad
- Additional field officers
- Field supervisor
- Patrol Lieutenant
- Detectives

#### **408.3.2 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.

#### **408.3.3 SCENE OF INCIDENT**

As in any other crime scene, steps should immediately be taken to preserve the scene. The scene could extend over a long distance. Evidence may be imbedded in nearby structures or hanging in trees and bushes.

## *Response to Bomb Calls*

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### **408.4 BOMB THREATS RECEIVED AT POLICE FACILITY**

This procedure should be followed should a bomb threat call be received at the police facility.

#### **408.4.1 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 at the police facility on a recorded line, steps shall be taken to ensure that the recording is preserved in accordance with current department evidence procedures.

#### **408.4.2 RESPONSIBILITIES**

As soon as a bomb threat has been received, the Patrol Lieutenant, or on-duty supervisor will be advised and fully informed of the details. The Patrol Lieutenant, or on-duty supervisor will then direct and assign officers as required for coordinating a general building search or evacuation as he/she deems appropriate.

# Mental Illness Commitments

## 409.1 PURPOSE AND SCOPE

This procedure describes an officer's duties when a person is to be committed to a mental health facility. The commitment of a person does not constitute an arrest. If an officer believes that a person falls within the provisions of RCW 71.05, he/she shall transport that person to the designated facility for evaluation and commitment.

## 409.2 OFFICER CONSIDERATIONS AND RESPONSIBILITIES

Any officer responding to or handling a call involving a suspected or actual mentally disabled individual or commitment should carefully consider the following (RCW 71.05.010):

- (a) That it is vitally important to safeguard the rights of mentally disabled individuals.
- (b) Any available information which might assist in determining the cause and nature of the mental illness or developmental disabilities.
- (c) Conflict resolution and de-escalation techniques for potentially dangerous situations involving mentally disabled persons.
- (d) Appropriate language usage when interacting with mentally disabled persons.
- (e) If circumstances permit, alternatives to deadly force when interacting with potentially dangerous mentally disabled persons.
- (f) Community resources which may be readily available to assist with the mentally disabled individual(s).
- (g) The need to protect public safety.

### 409.2.1 MENTAL HEALTH DETENTIONS

- (a) A non-emergent detention is defined as one where the mentally disabled subject presents a likelihood of serious harm; or is gravely disabled. In such cases, officers may take the subject into custody only when:
  - 1. The mentally disabled person has been evaluated by a designated mental health professional; and
  - 2. Upon determining the need for detention, the mental health professional has filed a petition for initial detention; and
  - 3. The mental health professional has requested that the officer take the subject into custody and have him or her placed in a treatment facility (RCW 71.05.150).
- (b) An emergent detention is defined as one where, as the result of a mental disorder a person presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled. In such cases, officers may take the subject into custody only (RCW 71.05).



## *Mental Illness Commitments*

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1. At the written or oral request of a designated mental health professional who has evaluated the subject and determined the need for an emergent detention, or
  2. When the officer has reasonable cause to believe that the person is in need of emergent detention.
- (c) Emergent detentions based upon the written or oral request of a designated mental health professional evaluation will be 72-hour holds. Emergent detentions based upon the officer's reasonable cause will be 12-hour holds.
- (d) In all circumstances where a person is taken into custody on a mental health detention, the officer shall also provide a verbal summary to an Emergency Department staff member regarding the circumstances leading to the involuntary detention.

### 409.2.2 TRANSPORTATION

- (a) When transporting any individual for a commitment, the handling officer should have the Mental Health Provider notify the receiving facility of the estimated time of arrival, the level of cooperation of the patient and whether or not any special medical care is needed.
- (b) Officers may transport patients in the patrol unit and shall secure them in accordance with the handcuffing policy. Violent patients or those who are medically unstable may be restrained if appropriate and transported by ambulance and ambulance personnel. The officer will escort the patient into the facility and follow the procedures particular to that facility.
- (c) A facility security staff member should be requested to relieve the officer as soon practical. Until relieved by security the officer should physically remain in the treatment room with the patient.
- (d) In the event the person in question appears to be an imminent danger to himself or others, or appears to be gravely disabled, officers shall take that person into protective custody and transport that person to the Grays Harbor Crisis Clinic or Grays Harbor Community Hospital dependent on the situation at hand.
- (e) If the person in question is transported to Grays Harbor Community Hospital, an officer may based on the person's behavior remain with the person until a mental health professional can arrive and complete an evaluation of that person.
- (f) Persons taken into protective custody in such a manner will be handled in accordance with RCW 71.05.150.
1. Persons who are suffering from an apparent mental illness shall not be confined in the city jail unless:
    - (a) That person is under arrest on criminal charges; and/or

## *Mental Illness Commitments*

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- (b) That person has been involuntarily committed for evaluation by a mental health professional. The person awaiting subsequent transport to an evaluation and treatment facility shall be transported as soon as possible.

### 409.2.3 RESTRAINTS

If the patient is violent or potentially violent, the officer will notify the staff of this concern. The staff member in charge will have discretion as to whether soft-restraints will be used. If these restraints are desired, the officer will wait while they are being applied to help provide physical control of the patient, if needed.

### 409.2.4 SECURING OF WEAPONS

If a receiving and secured facility prohibits weapons or if an extraordinary event occurs in the treatment facility and officers determine a need to secure their firearms, the firearm shall be secured in the appropriate gun locker at the facility or in the police unit.

## **409.3 CRIMINAL CHARGES AND INDIVIDUALS WITH MENTAL ILLNESS**

- (a) When an officer has reasonable cause to believe that the individual has committed acts constituting a non-felony crime that is not a serious offense as identified in RCW 10.77.092 and the individual is known by history or consultation with the regional support network to suffer from a mental disorder, the officer may, with the approval of a supervisor (RCW 10.31.110):
  - 1. Take the individual to a crisis stabilization unit. Individuals delivered to a crisis stabilization unit pursuant to this section may be held by the facility for a period of up to twelve hours.
  - 2. Refer the individual to a mental health professional for evaluation for initial detention and proceeding under RCW Chapter 71.05.
  - 3. Release the individual upon agreement to voluntary participation in outpatient treatment.
- (b) Any agreement to participate in treatment shall not require individuals to stipulate to any of the alleged facts regarding the criminal activity as a prerequisite to participation in a mental health treatment alternative. The agreement is inadmissible in any criminal or civil proceeding. The agreement does not create immunity from prosecution for the alleged criminal activity.
- (c) Officers are immune from liability for any good faith conduct under this section.
- (d) When practical, any person charged with a crime who also appears to be mentally ill, shall be booked at the Aberdeen Police Department before being transported to the authorized facility. If the person has injuries or some other medical condition, he/she may be taken directly to the hospital with the approval of a supervisor.

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### **409.4 CONFISCATION OF FIREARMS AND OTHER WEAPONS**

Whenever a person has been detained or apprehended for examination and is found to have in his/her possession or under his/her immediate control, any firearm whatsoever or any other dangerous weapon, and the handling officer reasonably believes the weapon represents a danger to the person or others if the person is released, the firearm or other dangerous weapon should be taken into temporary custody for safekeeping. Any weapon seized shall be booked into property pending disposition.

If the detained subject is prohibited from possessing or carrying a firearm pursuant to RCW 9.41.040, the firearm should be seized as evidence. Officers shall document the violation in a crime report.

This policy does not provide an officer with the authority or permission to conduct a search for weapons beyond that allowed under the law. Officers are cautioned that a search warrant may be needed before entering a residence to search unless lawful, warrantless entry has already been made (e.g., exigent circumstances, valid consent).

Whenever the assigned officer or the assigned detective has cause to believe that the future return of any confiscated weapon might endanger the person or others, the officer should detail those facts and circumstances in a report and direct the Evidence Specialist to hold the weapons pending judicial review. The Investigation Division should, within 5 days, prepare a petition to the District Court for an order authorizing retention or other disposition of the weapons.

The handling officer should further advise the person of the below described procedure for the return of any firearm or other dangerous weapon which has been confiscated.

#### **409.4.1 RETURN OF CONFISCATED FIREARMS AND WEAPONS**

Weapons taken into custody for safekeeping under section 418.4 will be returned to the lawful owner upon request unless the seizing officer or the assigned detective has placed a hold on the weapons pending a petition for retention, the petition has been granted, or is pending before the court. Once the petition has been ruled on by the court, the weapons will be released or disposed of in accordance with the court order.

Prior to releasing any weapon, Evidence Room personnel shall be required to ensure the person is legally eligible to possess the weapon.

In the event that no timely petition is filed with the court or the court denies such a petition, the seized weapon shall be eligible for release to the lawful owner or other authorized individual unless such weapon(s) represent evidence in a criminal matter or there is other independent good cause to continue to retain custody of the weapon.

### **409.5 TRAINING**

As a part of all advanced officer training programs, this agency will endeavor to include CJTC approved training on interaction with mentally disabled persons.

## Cite and Release Policy

### 410.1 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.

### 410.2 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 jail release is when a violator is released after being transported to the jail and booked.

#### 410.2.1 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 serious risk to life or property exists and the reasonable opportunity does not exist to contact the law enforcement agency with primary jurisdiction or in response to the request of a peace officer with enforcement authority in the relevant jurisdiction. In such situations the involved officer shall clearly identify him/herself as a Police officer.

Officers are required to submit a report in writing through the chain of command to the Investigation Division Commander any time they exercise any authority outside of the City of Aberdeen.

Officers are authorized to use verbal and/or written warnings to resolve minor traffic and criminal violations when appropriate.

### 410.3 DEPARTMENT PROCEDURE

The following procedure will be followed to comply with state court rules.

#### 410.3.1 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

## *Cite and Release Policy*

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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)(2)).

### 410.3.2 JAIL RELEASE

In certain cases, it may be impractical to release a person arrested for misdemeanor offenses in the field. With a supervisor's approval the person arrested may instead be released from the jail after booking.

Any person arrested for a misdemeanor offense shall be released on his/her written promise to appear after the booking procedure is completed, unless disqualified for reasons listed in Policy Manual § 420.3.3.

### 410.3.3 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 ensure 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.
- (e) The person has been arrested on the mandatory arrest provisions of the Domestic Violence policy. See § 320.3.1.

### 410.3.4 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.

## **410.4 JUVENILE CITATIONS**

When dealing with a juvenile offender, members of this department must determine the seriousness of the offense and consider the welfare of the juvenile. This will assist in determining whether to make a custodial arrest or issue a citation/summons. Juveniles who are a danger to themselves or others, or who are likely to re-offend, should be placed in custody. Those not placed in custody shall be released to a parent, guardian, or other responsible adult.

Completion of criminal citations for juveniles is generally not appropriate with the following exceptions:

- Misdemeanor traffic violations of the RCW. Juveniles having reached their sixteenth birthday may be issued a citation or summons using the Washington State Uniform

## *Cite and Release Policy*

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Court Docket report for traffic infractions and criminal traffic matters except felonies. Juveniles shall be cited into the court of jurisdiction as though they were adults. Juveniles under 16 will be referred to juvenile court, as described in the following section.

- Violations of the Aberdeen City codes as applicable.

Juveniles not having reached their eighteenth birthday will not be issued a citation or summons for misdemeanor or felony criminal offenses. An offense report will be submitted articulating the offense committed. After review by a supervisor, the report will be forwarded via the Records to the juvenile prosecutor and juvenile court system for action. The same process can be used to request a summons or warrant. All other misdemeanor violations for juveniles shall be documented with a case number and the case should be forwarded to his/her supervisor for review and approval where they should then be forwarded to the Records for appropriate distribution.

### **410.5 REQUESTING CASE NUMBERS**

Traffic situations and local code violations can be documented on the reverse side of the records copy of the citation. This section does not preclude an officer from writing a case report if he/she feels the situation should be documented more thoroughly.

# Arrest or Detention of Foreign Nationals

## 411.1 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](#).

### 411.1.1 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.

## 411.2 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.

## 411.3 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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### **411.3.1 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.

### **411.3.2 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.

### **411.3.3 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.

## **411.4 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.

### **411.4.1 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.

### **411.5 ENFORCEMENT PROCEDURES**

The following procedures provide a guideline for handling enforcement of foreign nationals:

#### **411.5.1 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) The identity and immunity status of the individual shall be conclusively established.
- (d) Verified diplomatic agents and consular officers, including staff and family members from countries with which the U.S. has special agreements, are not required to sign the Notice to Appear. The word "Refused" shall be entered in the signature box, and the violator shall be released.
- (e) Verified consular staff members, excluding those from countries with which the U.S. has special agreements, are generally obligated to sign the Notice to Appear, but a signature shall not be required if their immunity status is uncertain.
- (f) All other claimants are subject to the provisions of the policy and procedures outlined in this chapter.
- (g) The violator shall be provided with the appropriate copy of the notice to appear.

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## *Arrest or Detention of Foreign Nationals*

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### 411.5.2 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 § 422.7.

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:

- (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**

San Francisco, CA

(415) 744-2910, Ext. 22 or 23

(415) 744-2913 FAX

(800-1700 PST)

#### **Office of Foreign Missions**

#### **Diplomatic Motor Vehicle Office**

Washington D.C.

(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)

#### **Diplomatic Security Service**

915 Second Avenue, Room 3410

Seattle, WA 98174

(206) 220-7721 (206) 220-7723 FAX

#### **Department of State**

#### **Diplomatic Security Service**

Command Center

Washington D.C.

(202) 647-7277

(202) 647-1512

(Available 24 hours)

(202) 647-0122 FAX

## *Arrest or Detention of Foreign Nationals*

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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.

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.

### **411.6 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 § 422.5 of this chapter.

#### **411.6.1 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.

## *Arrest or Detention of Foreign Nationals*

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### 411.6.2 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 Patrol Lieutenant/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.

### **411.7 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. Immigration and Customs Enforcement (ICE) 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.

## *Arrest or Detention of Foreign Nationals*

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### 411.7.1 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. If the individual requests such notification, the officer shall gather the following information and provide it to their immediate supervisor.

- Country of citizenship.
- Full name of individual, including paternal and maternal surname if used.
- Date of birth or age.
- 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 foreign national claims citizenship of one of the countries listed in the U.S. Department of State [website](#), () officers shall notify their immediate supervisor, regardless of whether or not the individual requests embassy/consulate notification. The supervisor will notify the appropriate embassy or consulate with the above information on the individual. This procedure is critical because of treaty obligations with the particular countries. The list of specific countries that the United States is obligated to notify may also be found at the U.S. Department of State [website](#).

### 411.7.2 DOCUMENTATION

Officers shall document on the face page and in the narrative of the appropriate Arrest-Investigation Report the date and time the supervisor notified the foreign national's embassy or consulate concerning the arrestee/detainee.

## Rapid Deployment Team Policy

### 412.1 PURPOSE AND SCOPE

Violence in schools, workplaces and other locations by any individual or group of individuals presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers as they make decisions in these rapidly unfolding and tense situations.

#### 412.1.1 DEFINITIONS

- (a) **Active Shooter** - An incident which is ongoing and the suspect(s) are actively engaged in causing death or great bodily injury and the potential for mass casualties exists. The 3 primary elements supporting are:
  - 1. a) Armed attacker using deadly force
  - 2. b) Unrestricted access to additional victims
  - 3. c) Immediate and direct police action is feasible, necessary and likely to save lives.
- (b) **Contact team** - A group of responding Law Enforcement officers designated with the task of controlling, containing or neutralizing a threat in an active shooter situation. This group should generally consist of a minimum of 2 officers.
- (c) **Dynamic mode** - Contact teams have real time intelligence (i.e. shots fired or screaming) that indicates violence is actively occurring. Teams move rapidly and aggressively in formation to the threat to contain, control, or neutralize the suspect(s).
- (d) **Transit mode** - Moving from one point to another to accomplish a tactical objective. Contact teams move in formation to this area covering and bypassing threats, as they proceed.
- (e) **Search mode** - Contact teams hastily search looking for suspect(s).
- (f) **Rescue mode** - A combined Law Enforcement/Firefighter team whose purpose is to extricate viable victims from the warm zone to the CCP. Walking wounded should be encouraged to self extricate. Consider establishing a safe corridor on arrival of additional resources.
- (g) **Casualty Collection Point (CCP)** - A forward location initially designated by law enforcement and later confirmed by fire command where victims can be assembled for movement from areas of risk to the triage/treatment location. From this location Law Enforcement and Fire Incident Commanders together will assign rescue teams.
- (h) **Rescue Team** - A group of responding Law Enforcement officers and designated EMS personnel that enter the warm zone to affect a rescue of injured persons. The rescue

## *Rapid Deployment Team Policy*

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team which generally consists of 2 medics and a minimum of 3 armed officers to assist in immediate care, triage, and priority evacuation decisions.

- (i) **Warm Zone** - Those areas that have been quickly cleared by Law Enforcement but are not 100% secure. This area will be where victims will be contacted by rescue teams.
- (j) **Evacuation Corridor** - A term used to describe an area inside the warm zone and secured by Law Enforcement personnel, that allows for mitigated risk in transporting victims from the Casualty Collection Point (CCP) to the triage/treatment area.
- (k) **Unified Command** - The integration of command personnel from the primary responding agencies to a multi-jurisdictional or multi-agency operational event to enhance communication, planning, and logistics for all responding agencies by the utilization of shared resources, knowledge and expertise.
- (l) **Command Post** - Physical location of unified command.

### **412.2 POLICY**

The policy of this department in dealing with the crisis situation shall be:

- (a) To obtain and maintain complete operative control of the incident.
- (b) To explore every reasonably available source of intelligence regarding the circumstances, location, and suspect(s) in the incident.
- (c) To attempt, by every means available, to attain any tactical advantage over the responsible individual(s).
- (d) To attempt, whenever feasible, a negotiated surrender of the suspect(s) and release of the hostages through the expertise of the members of this department and others.
- (e) When an emergency situation exists, neutralize the threat as rapidly as reasonably possible to minimize injury and loss of life.
- (f) To establish a unified command.
- (g) To establish and maintain a secured Casualty Collection Point (CCP)
- (h) To establish rescue teams.
- (i) To secure the scene for additional law enforcement objectives

Nothing in this policy shall preclude the use of necessary force, deadly or otherwise, by members of this department in protecting themselves or others from death or serious injury.

### **412.3 PROCEDURE**

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to immediately eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances,

## *Rapid Deployment Team Policy*

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whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

When deciding on a course of action officers should consider:

- (a) Whether sufficient personnel are available on-scene to advance on the suspect. Any advance on a suspect should be made using teams of two or more officers whenever reasonably possible.
- (b) Whether individuals who are under imminent threat can be moved out of danger with reasonable safety.
- (c) Whether the officers have the ability to effectively communicate with others in the field.
- (d) Whether planned tactics can be effectively deployed.
- (e) The availability of rifles, shotguns, shields, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.
- (f) In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (Crisis Response Unit).
- (g) If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, the officer should take immediate action, if reasonably possible, to stop the threat presented by the suspect while calling for additional assistance.

### 412.3.1 SELECTION AND OPERATION OF A CASUALTY COLLECTION POINT (CCP)

Any arriving officer may find him or herself responsible for selecting a Casualty Collection Point (CCP) and assisting the responding fire department supervisor with designating rescue teams.

When selecting a Casualty Collection Point (CCP) officers should consider:

- (a) A position of cover.
- (b) Easy route of ingress and egress for ambulances.
- (c) Adjacent to an exterior wall to aid in victim removal.
- (d) Proximity to the majority of the injured.
- (e) Consider the size for each patient as a 4X8 sheet of plywood.

When operating a Casualty Collection Point (CCP) officers should consider:

- (a) Area is to be cleared before accepting patients
- (b) There will be a continuous law enforcement presence
- (c) Appropriately trained medical providers will staff the area.
- (d) Avoid bringing uninjured or dead persons to the CCP.



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(e) Do not block the points of egress and ingress for responding/transporting ambulances.

### 412.3.2 SELECTION OF A LAW ENFORCEMENT STAGING LOCATION

Experience has shown that an Active Shooter Response situation will by its nature bring assets and personnel from all areas of the Law Enforcement community. Incident Commanders may quickly find themselves overwhelmed with the response they are receiving. Responding officers should be encouraged to respond to a designated staging location where these assets can be better managed.

When selecting a staging location officers should consider:

(a) Proximity to the event

- Staging areas should be away from the incident but as close to the operational area as possible. Staging areas should not be more than 5 minutes away.

(b) Proximity to possible hazards

- Staging areas should be located out of the way of any direct hazard

(c) Access routes

- Staging areas must have readily accessible routes for both egress and ingress

(d) Space

- Staging areas must be large enough to accommodate available resources and should be large enough for expansion.

(e) Security

- Staging areas must offer security for both personnel and equipment

### 412.3.3 PUBLIC INFORMATION OFFICER (PIO)

Dissemination of information to the public by the use of local media outlets is of the utmost importance when responding to an Active Shooter situation. A Public Information Officer (PIO) should be designated as part of the response plan to field incoming requests for information from these media outlets. This alleviates this responsibility from the Incident Commanders and allows them to concentrate on the task at hand.

### 412.3.4 TACTICAL SEQUENCE

An active shooter response is a dynamic and rapidly evolving situation. The initial response to the end of all law enforcement presence may extend over several days. Many objectives are to be met during the initial response and recovery phases of the incident. When deciding on the tactical sequence of events officers should consider:

(a) Safe arrival and approach.

(b) Threat assessment, does it meet the definition of an active shooter.

(c) Forming contact teams.

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- (d) Advising dispatch of the entry and point of entry of the contact teams.
- (e) Communicate information as quickly and concisely as possible to arriving units.
- (f) Enter building using appropriate tactical mode of movement (dynamic, transit or search mode).
- (g) Complete tactical objectives (contain, control or neutralize threat).
- (h) Establish a warm zone and evacuation corridor.
- (i) Establish a Casualty Collection Point (CCP).
- (j) Implement Unified Command (law and fire).
- (k) Establish rescue teams.
- (l) Establish a perimeter (containment) around the scene.
- (m) Establish a staging location for incoming Law Enforcement resources.
- (n) Secure the scene for additional law enforcement objectives (i.e. PIO, Investigations)

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# Reporting Police Activity Outside of Jurisdiction

## 413.1 PURPOSE AND SCOPE

This policy provides general guidelines for reporting police activity while on or off-duty and occurring outside the jurisdiction of the Aberdeen Police Department.

### 413.1.1 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 Patrol Lieutenant. If the request is of an emergency nature, the officer shall notify Grays Harbor Communications before responding and thereafter notify a supervisor as soon as practical.

### 413.1.2 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 Aberdeen shall notify his/her supervisor or the Patrol Lieutenant at the earliest possible opportunity.

The supervisor shall determine if a case report or other documentation of the officer's activity is required. The report or other documentation shall be forwarded to the Investigation Division Commander.

Any off-duty officer who engages in any law enforcement activities, regardless of jurisdiction shall notify the Patrol Lieutenant as soon as practical. A report shall be forwarded to the Investigation Division Commander.

An officer of the Aberdeen Police Department may exercise his/her authority when off duty anywhere outside the City of Aberdeen and in the State of Washington when the following circumstances exist:

- (a) In response to an emergency involving the immediate threat to human life, or serious threat to property, or
- (b) In response to the request of a peace officer with relevant jurisdictional enforcement authority.

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# Immigration Violations

## 414.1 PURPOSE AND SCOPE

The immigration status of individuals alone is generally not a matter for police action. It is incumbent upon all employees of this department to make a personal commitment to equal enforcement of the law and equal service to the public regardless of immigration status. Confidence in this commitment will increase the effectiveness of the Department in protecting and serving the entire community.

## 414.2 DEPARTMENT POLICY

The U.S. Immigration and Customs Enforcement (ICE) has primary jurisdiction for enforcement of the provisions of Title 8, United States Code (U.S.C.) dealing with illegal entry. When assisting ICE at its specific request, or when suspected criminal violations are discovered as a result of inquiry or investigation based on probable cause originating from activities other than the isolated violations of Title 8, U.S.C., §§ 1304, 1324, 1325 and 1326, this department may assist in the enforcement of federal immigration laws.

## 414.3 PROCEDURES FOR IMMIGRATION COMPLAINTS

Persons wishing to report immigration violations should be referred to the local office of the U.S. Immigration and Customs Enforcement (ICE). The Employer Sanction Unit of ICE has primary jurisdiction for enforcement of Title 8, U.S.C.

### 414.3.1 BASIS FOR CONTACT

Unless immigration status is relevant to another criminal offense or investigation (e.g., harboring, smuggling, terrorism), the fact that an individual is suspected of being an undocumented alien shall not be the sole basis for contact, detention or arrest.

### 414.3.2 SWEEPS

The Aberdeen Police Department does not independently conduct sweeps or other concentrated efforts to detain suspected undocumented aliens.

### 414.3.3 ICE REQUEST FOR ASSISTANCE

If a specific request is made by ICE or any other federal agency, this department will provide available support services, such as traffic control or peacekeeping efforts, during the federal operation.

Members of this department should not participate in such federal operations as part of any detention team unless it is in direct response to a request for assistance on a temporary basis or for officer safety. Any detention by a member of this department should be based upon the reasonable belief that an individual is involved in criminal activity.

## *Immigration Violations*

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### 414.3.4 IDENTIFICATION

Whenever any individual is reasonably suspected of a 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.

If an individual would have otherwise been released for a misdemeanor on a citation, the person should be taken to the station and given a reasonable opportunity to verify his/her true identity (e.g., telephone calls). If the person's identity is thereafter reasonably established, the original citation release should be completed without consideration of immigration status.

### 414.3.5 ARREST

If the officer intends to take enforcement action and the individual is unable to reasonably establish his/her true identity, the officer may take the person into custody on the suspected criminal violation (RCW 10.31.100). The Patrol Lieutenant, or if absent the on-duty patrol supervisor, shall approve all such arrests.

### 414.3.6 BOOKING

If the officer is unable to reasonably establish an arrestee's identity, the individual may, upon approval of a supervisor, be booked into jail for the suspected criminal violation and held for bail.

Any person detained for an infraction pursuant to the authority of RCW 46.61.021, may be detained, upon approval of a supervisor, for a reasonable period for the purpose of determining the person's true identity.

### 414.3.7 NOTIFICATION OF IMMIGRATION AND CUSTOMS ENFORCEMENT

If an officer believes that an individual taken into custody for a felony is also an undocumented alien, and after he/she is formally booked and there is no intention to transport to the county jail, ICE shall be informed by the arresting officer so that they may consider placing an immigration hold on the individual.

Whenever an officer has reason to believe that any person arrested for an offense other than a felony may not be a citizen of the United States, and the individual is not going to be booked into the county jail, the arresting officer may cause ICE to be notified for consideration of an immigration hold. In making the determination whether to notify ICE in such circumstances, the officer should, in consultation with a supervisor, consider the totality of circumstances of each case, including, but not limited to:

- (a) Seriousness of the offense.
- (b) Community safety.
- (c) Potential burden on ICE.
- (d) Impact on the immigrant community.

## *Immigration Violations*

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Generally, officers will not need to notify ICE when booking arrestees at the county jail. Immigration officials routinely interview suspected undocumented aliens who are booked into the county jail on criminal charges and notification will be handled according to jail operation procedures.

### **414.4 CONSIDERATIONS PRIOR TO REPORTING TO ICE**

The Aberdeen Police Department is concerned for the safety of local citizens and thus detection of criminal behavior is of primary interest in dealing with any person. The decision to arrest shall be based upon those factors which establish probable cause and not on arbitrary aspects. Race, ethnicity, age, gender, sexual orientation, religion, and socioeconomic status alone are of no bearing on the decision to arrest.

All individuals, regardless of their immigration status, must feel secure that contacting law enforcement will not make them vulnerable to deportation. Members should not attempt to determine the immigration status of crime victims and witnesses or take enforcement action against them absent exigent circumstances or reasonable cause to believe that a crime victim or witness is involved in violating criminal laws. Generally, if an officer suspects that a victim or witness is an undocumented immigrant, the officer need not report the person to ICE unless circumstances indicate such reporting is reasonably necessary.

Nothing in this policy is intended to restrict officers from exchanging legitimate law enforcement information with any other federal, state or local government entity (Title 8 U.S.C. §1373 and 8 U.S.C. § 1644).

#### **414.4.1 U-VISA/T-VISA NONIMMIGRANT STATUS**

Under certain circumstances, federal law allows temporary immigration benefits to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U and T)). A declaration/certification for a U-Visa/T-Visa from the U.S. Citizenship and Immigration Services must be completed on the appropriate U.S. Department of Homeland Security (DHS) Form I-918 or I-914 by law enforcement and must include information on how the individual can assist in a criminal investigation or prosecution in order for a U-Visa/T-Visa to be issued.

Any request for assistance in applying for U-Visa/T-Visa status should be forwarded in a timely manner to the Investigation Division Sergeant assigned to supervise the handling of any related case. The Investigation Division Sergeant should do the following:

- (a) Consult with the assigned detective to determine the current status of any related case and whether further documentation is warranted.
- (b) Review the instructions for completing the declaration/certification if necessary. Instructions for completing Forms I-918/I-914 can be found on the U.S. DHS web site at <http://www.uscis.gov/portal/site/uscis>.
- (c) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the declaration/certification has not already been completed and whether a declaration/certification is warranted.

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- (d) Address the request and complete the declaration/certification, if appropriate, in a timely manner.
- (e) Ensure that any decision to complete or not complete the form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed certification in the case file.

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## Emergency Utility Service

### 415.1 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.

#### 415.1.1 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, emergency personnel should be called as soon as practical by Grays Harbor Communications.

#### 415.1.2 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. The Grays Harbor PUD or Public Works should be promptly notified, as appropriate.

#### 415.1.3 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.

#### 415.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by Grays Harbor Communications.

### 415.2 TRAFFIC SIGNAL MAINTENANCE

The City of Aberdeen Electrical Department has the responsibility to furnish maintenance for all traffic signals within the City, other than those maintained by the State of Washington.

#### 415.2.1 OFFICER'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the officer will advise Aberdeen Records if staffed or Grays Harbor Communications of the location and problem with the signal. The dispatcher should make the necessary notification to the electrical department.



## Patrol Rifles

### 416.1 PURPOSE AND SCOPE

In order to more effectively and accurately address the increasing level of fire power and body armor utilized by criminal suspects, the Aberdeen Police Department will make patrol rifles available to qualified patrol officers as an additional and more immediate tactical resource.

### 416.2 PATROL RIFLE

#### 416.2.1 DEFINITION

A patrol rifle is an authorized weapon which is owned by the Department and which is made available to properly trained and qualified officers as a supplemental resource to their duty handgun.

### 416.3 SPECIFICATIONS

Only weapons and ammunition that meet agency authorized specifications, approved by the Chief of Police, and issued by the Department may be used by officers in their law enforcement responsibilities. The authorized patrol rifle issued by the Department is the Colt M-16/AR-16 type

### 416.4 RIFLE MAINTENANCE

- (a) Primary responsibility for maintenance of patrol rifles shall fall on the Rangemaster or armorer 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) Each patrol rifle shall be subject to inspection by a supervisor, the Rangemaster or Armorer at any time.
- (e) No modification shall be made to any patrol rifle without prior written authorization from the Rangemaster or armorer.
- (f) Patrol rifles are assigned to each patrol vehicle and to various STT members. Prior to beginning each shift the officer should inspect and function test the assigned patrol rifle.

### 416.5 TRAINING

Officers shall not carry or utilize the patrol rifle unless they have successfully completed departmental training. This training shall consist of an initial 16-hour patrol rifle user's course and qualification score with a certified patrol rifle instructor. Officers shall thereafter be required

## *Patrol Rifles*

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to successfully complete quarterly training and qualification conducted by a certified patrol rifle instructor.

Any officer who fails to qualify or who fails to successfully complete two or more department sanctioned training/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.

### **416.6 DEPLOYMENT OF THE PATROL RIFLE**

Officers may deploy the patrol rifle in any circumstance where the officer 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 officer reasonably anticipates an armed encounter.
- (b) When an officer is faced with a situation that may require the delivery of accurate and effective fire at long range.
- (c) Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When an officer reasonably believes that there may be a need to deliver fire on a barricaded suspect or a suspect with a hostage.
- (e) When an officer 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.

### **416.7 DISCHARGE OF THE PATROL RIFLE**

The discharge of the patrol rifle shall be governed by the Department's Deadly Force Policy, Policy Manual § 300.

### **416.8 PATROL READY**

Any qualified officer carrying a patrol rifle in the field shall maintain the weapon in the "patrol ready" until deployed. A rifle is considered "patrol ready" when it has been inspected by the user officer and meets the following conditions:

- (a) The chamber is empty.
- (b) The rifle bolt is forward with the hammer down.
- (c) The rifle safety is on.
- (d) There is a fully loaded magazine in the rifle with no more than 28 rounds.
- (e) The dust cover is closed.
- (f) The rifle is stored in the locked patrol vehicle's rifle rack or trunk.

## *Patrol Rifles*

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### **416.9 RIFLE STORAGE**

- (a) When not in use, patrol rifles will be stored in the department armory in rifle racks.
- (b) If the department vehicle is taken for maintenance the rifle will be removed and placed in the rifle locker or into the armory.
- (c) At the end of the assigned officer's shift, the officer should ensure that the rifle is in the correct patrol ready condition and is secured in the vehicle's rifle lock.

# Aircraft Accidents

## 417.1 PURPOSE AND SCOPE

This policy describes situations involving aircraft accidents including responsibilities of personnel, making proper notification, and documentation.

## 417.2 RESPONSIBILITIES

In the event of an aircraft crash the employee responsibilities are as follows:

### 417.2.1 OFFICER RESPONSIBILITY

Officers should treat an aircraft crash site as a crime scene until it is determined that such is not the case. If a military aircraft is involved, additional dangers, such as live ordnance or hazardous materials, may be present. The scene may require additional security due to the potential presence of confidential equipment or information.

The duties of the field officer at the scene of an aircraft accident include the following:

- (a) Determine the nature and extent of the accident.
- (b) Request additional personnel and other resources to respond as needed.
- (c) Provide assistance for the injured parties until the arrival of Fire Department personnel and/or other emergency personnel.
- (d) Cordon off and contain the area to exclude unauthorized individuals as soon as practicable.
- (e) Provide crowd control and other assistance until directed otherwise by a supervisor.
- (f) Ensure the coroner's office is notified if a death occurs.

Entering an aircraft or tampering with parts or debris is only permissible for the purpose of removing injured or trapped occupants, protecting the wreckage from further damage or protecting the public from danger. If possible, the investigating authority should first be consulted before entering or moving any aircraft or any crash debris. Photographs or sketches of the original positions should be made whenever feasible.

The Fire Department will be responsible for control of the accident scene until the injured parties are cared for and the accident scene has been rendered safe for containment. Thereafter, police personnel will be responsible for preserving the scene until relieved by the investigating authority.

Once the scene is relinquished to the investigating authority, personnel from this agency may assist in containment of the scene until the investigation is completed or assistance is no longer needed.

An airport service worker or the airport manager may respond to the scene to assist the on-scene commander with technical expertise, should it be needed during the operation.

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### 417.2.2 NATIONAL TRANSPORTATION SAFETY BOARD

The National Transportation Safety Board (NTSB) has the primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft incident, the appropriate branch of the military will be involved in the investigation. The NTSB is concerned with several aspects of a crash as described in this section.

Every effort should be made to preserve the scene to the extent possible in the condition in which it was found until such time as NTSB or other authorized personnel arrive to take charge of the scene.

Military personnel will respond to take charge of any military aircraft involved, whether or not injuries or deaths have occurred.

If the accident did not result in a death or injury and the NTSB elects not to respond, the pilot or owner may assume control of the aircraft.

Removal of the wreckage shall be done under the guidance of the NTSB or military authorities or, if the NTSB is not responding for an on-site investigation, at the discretion of the pilot or the owner.

### 417.2.3 GRAYS HARBOR COMMUNICATIONS RESPONSIBILITIES

Dispatchers are responsible to make notifications as directed 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. Generally, the dispatcher will need to notify the following agencies or individuals when an aircraft accident has occurred.

- (a) Fire Department.
- (b) The affected airport tower.
- (c) Closest military base if a military aircraft is involved.
- (d) Ambulances or other assistance as required.

When an aircraft accident is reported to the Police Department by the airport tower personnel the dispatcher receiving such information should verify that the tower personnel will contact the Federal Aviation Administration (FAA) Flight Standards District Office and the National Transportation Safety Board (NTSB). In the event that airport personnel are not involved, the dispatcher should notify the FAA and the NTSB.

### 417.2.4 SPECIAL ASSIGNMENTS SUPERVISOR RESPONSIBILITIES

The Special Assignments Officer is responsible for the following:

- (a) Forward and maintain an approved copy of the accident report to the Washington State Department of Transportation - Aviation Division.
- (b) Forward a copy of the report to the Investigation Division Commander and the manager of the affected airport.

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### **417.2.5 DETECTIVE SECTION CAPTAIN RESPONSIBILITIES**

The Department Grays Harbor County Drug Task Force Commander is responsible for the following:

- (a) Obtain information for a press release from the on-scene commander or his/her designee.
- (b) When practical, the Department Grays Harbor County Drug Task Force Commander should coordinate with the FAA Press Information Officer to prepare a press release for distribution to the Media.

Information released to the press regarding any aircraft accident should be handled by the Department Grays Harbor County Drug Task Force Captain or in accordance with existing policy. The Grays Harbor County Drug Task Force Commander should coordinate the release of such information with the FAA Press Information Officer.

### **417.3 DOCUMENTATION**

Any aircraft accident (crash) within the City, regardless of whether injuries or deaths occur, shall be documented.

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# Field Training Officer Program

## 418.1 PURPOSE AND SCOPE

The Field Training 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 Aberdeen 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.

## 418.2 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.

### 418.2.1 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, two of which shall be with this department.
- (c) Demonstrated ability as a positive role model.
  - 1. Last two performance evaluations must have been rated overall as acceptable and no "unsatisfactory" ratings in any category.
  - 2. Any "improvement needed" ratings in any category should be weighed as to category and supervisory comments.
- (d) Participate and pass an internal oral interview selection process.
- (e) Evaluation by supervisors and current FTO's.
- (f) Holds a valid Peace Officer Certificate with CJTC.
- (g) When more applicants than available positions exist the department reserves the right to determine best qualified officer(s) for current training needs.
- (h) Appointed by the Chief of Police

### 418.2.2 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.

All FTO's must complete a 24-hour Police Training Officer update course every three years while assigned to the position of FTO.

## *Field Training Officer Program*

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### **418.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR**

The Field Training Officer Program coordinator will be appointed by the Chief of Police .

The responsibilities of the FTO Program Supervisor include the following:

- (a) Assignment of trainees to FTOs.
- (b) Conduct FTO meetings.
- (c) Maintain and ensure FTO/Trainee performance evaluations are completed.
- (d) Maintain, update and issue the Field Training Manual to each trainee.
- (e) Monitor individual FTO performance.
- (f) Monitor overall FTO Program.
- (g) Maintain liaison with FTO Coordinators of other agencies.
- (h) Maintain liaison with academy staff on recruit performance during the academy.
- (i) Develop ongoing training for FTOs.

### **418.4 TRAINEE DEFINED**

Any entry level or lateral police officer newly appointed to the Aberdeen Police Department who has successfully completed a CJTC approved Basic Academy.

### **418.5 REQUIRED TRAINING**

Entry level officers shall be required to successfully complete the Field Training Program, consisting of approximately 14 weeks.

The training period for a lateral officers may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of twelve weeks.

To the extent practicable, entry level and lateral officers should be assigned to a variety of Field Training Officers and shifts during their Field Training Program.

#### **418.5.1 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 Aberdeen 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 Aberdeen Police Department.

### **418.6 EVALUATIONS**

Evaluations are an important component of the training process and shall be completed as outlined below.



## *Field Training Officer Program*

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### 418.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

- (a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO program supervisor on a daily basis.
- (b) Review the Daily Trainee Performance Evaluations with the trainee each day.
- (c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.
- (d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

### 418.6.2 IMMEDIATE SUPERVISOR

- (a) The Field Training Administrator will review and approve the Daily Observation Reports and forward them to the Field Training Administrator.
- (b) The FTO Coordinator will complete a Weekly Performance Evaluation and forward it to the Field Training Administrator.

### 418.6.3 FIELD TRAINING ADMINISTRATOR

The Field Training Administrator will review and approve the Daily Observation Reports and Weekly Performance Evaluations submitted by the FTO Coordinator.

### 418.6.4 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 to the Investigation Division Commander.

## **418.7 DOCUMENTATION**

All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

- (a) Daily Observation Reports.
- (b) End of phase evaluations.
- (c) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training.

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# Obtaining Air Support

## 419.1 PURPOSE AND SCOPE

The use of a police 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.

## 419.2 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 to the Chief of Police or Deputy Chief of Police.

It is anticipated that most operations and responses by the department will be required to be addressed without helicopter support.

Only the Chief of Police or Deputy Chief of Police may authorize the request of a helicopter.

### 419.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for a helicopter, the Patrol Lieutenant, or his/her designee, will call the closest agency having helicopter support available. The Patrol Lieutenant on duty will apprise that agency of the specific details of the incident prompting the request.

### 419.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Police helicopters may be requested under any of the following conditions:

- (a) When the helicopter is activated under existing mutual aid agreements.
- (b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard.
- (c) 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.
- (d) 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.
- (e) 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.

# Field Interviews and Photographing of Field Detainees

## 420.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for conducting field interviews (FI) and pat-down searches, 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.

## 420.2 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 Search** - This type of search is used by officers in the field to check an individual for weapons. It involves a thorough patting down of 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.

## 420.3 FIELD INTERVIEWS

Officers may stop individuals for the purpose of conducting an FI where reasonable suspicion is present. In justifying the stop, the officer should be able to point to specific facts which, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to, the following:

## *Field Interviews and Photographing of Field Detainees*

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- (a) The appearance or demeanor of an individual suggests that he/she is part of a criminal enterprise or is engaged in a criminal act.
- (b) The actions of the suspect suggest that he/she is engaged in a criminal activity.
- (c) The hour of day or night is inappropriate for the suspect's presence in the area.
- (d) The suspect's presence in the particular area is suspicious.
- (e) The suspect is carrying a suspicious object.
- (f) The suspect's clothing bulges in a manner that suggests he/she is carrying a weapon.
- (g) The suspect is located in proximate time and place to an alleged crime.
- (h) The officer has knowledge of the suspect's prior criminal record or involvement in criminal activity.

### 420.3.1 INITIATING A FIELD INTERVIEW

An officer may initiate the stop of a person when there is articulable, reasonable suspicion to do so. A person, however, should not be detained longer than is reasonably necessary to resolve the officer's suspicions.

Nothing in this policy is intended to discourage consensual contacts. Frequent and random casual contacts with consenting individuals are encouraged by the Aberdeen Police Department to strengthen our community involvement, community awareness and problem identification.

### 420.3.2 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.

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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, consent should be obtained from the parent or guardian, if available, prior to transportation.

### **420.4 PAT-DOWN SEARCHES**

A pat-down search 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 search 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 appearance and demeanor of the suspect.
- (f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.
- (g) The age and gender of the suspect.

Whenever possible, pat-down searches should be performed by officers of the same gender. If this is not possible a witness officer should be brought to the scene and the back of the hand should be used during the pat down in sensitive areas.

### **420.5 FIELD PHOTOGRAPHS**

Before photographing any field detainee, the officer shall carefully consider, among other things, the factors listed below.

#### **420.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT**

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent. When taking a consensual photograph, the officer should have the individual read and sign the appropriate form accompanying the photograph.

#### **420.5.2 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. Mere knowledge or suspicion of gang membership or affiliation is not a sufficient justification for taking a photograph without consent. The officer

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must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct.

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.

### **420.6 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.

### **420.7 DISPOSITION OF PHOTOGRAPHS**

All detainee photographs must be adequately labeled and submitted to the Patrol Lieutenant with either an associated FI card, incident report, or other memorandum explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, any associated report numbers should be noted on the photograph.

After reviewing the photograph and related material, the Patrol Lieutenant shall forward it to the Records or, when appropriate, directly to the case detective for further processing.

When a photograph is taken in association with a particular case, the detective may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs will be kept in the Records in a separate non-booking photograph file in alphabetical order.

#### **420.7.1 PURGING THE FIELD PHOTO FILE**

The Special Assignments Officer will be responsible for periodically purging and destroying all photographs maintained by the Records which are more than the current year plus one year old and in compliance with the current Records Management Guidelines and General Records Retention Schedules. The Local Government General Records Retention Schedule (LGGRS) is the controlling schedule for records retention and management ([Records Management Guidelines and General Records Retention Schedules](#)) (RCW Chapter 40.14). Access to the FI photo file shall be strictly limited to law enforcement purposes.

A photograph need not be purged but may be retained as an updated photograph in a prior booking file if the person depicted in the photograph has been booked at the Aberdeen Police Department and the booking file remains in the Records.

### **420.8 PHOTO REVIEW POLICY**

Any person who has been the subject of a field photograph or an FI by this agency during any contact other than an arrest may file a written request within 30 days of the contact. The request

## *Field Interviews and Photographing of Field Detainees*

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to review the status of the photograph/FI shall be directed to the office of the Chief of Police. Upon a verbal request, the Department shall send a request form to the requesting party along with a copy of this policy.

### 420.8.1 REVIEW PROCESS

Upon receipt of such a written request, the Chief of Police or his/her designee will permit the individual to appear in person (any minor must be accompanied by their parent or legal guardian) for a review of the status of the photograph/FI.

Such a meeting will generally be scheduled during regular business hours within 30 days of the receipt of the written request. An extension of the 30-day limit may be made either upon the mutual convenience of the parties or if, at the discretion of the Chief of Police, there appears to be an ongoing legitimate law enforcement interest which warrants a delay. If the delay could jeopardize an ongoing investigation, nothing in this policy shall require the Chief of Police to disclose the reason(s) for the delay.

A meeting for the review of the status of any non-arrest photograph/FI is not intended to be a formal hearing, but simply an informal opportunity for the individual to meet with the Chief of Police or his/her designee to discuss the matter.

After carefully considering the information available, the Chief of Police or designee will determine, generally within 30 days of the original meeting, whether the photograph/FI was obtained in accordance with existing law and Aberdeen Police Department policy and, even if properly obtained, then whether there is any ongoing legitimate law enforcement interest in retaining the photograph/FI.

If the Chief of Police or his/her designee determines that the photograph/FI was obtained in accordance with existing law and department policy and that there is an ongoing legitimate law enforcement interest in retaining the non-arrest photograph, the photograph/FI shall be retained according to this policy and applicable law.

If the Chief of Police or his/her designee determines that the original legitimate law enforcement interest in retaining a non-arrest photograph no longer exists or that it was obtained in violation of existing law or Aberdeen Police Department policy, the original photograph will be destroyed or returned to the person photographed, if requested. All other associated reports or documents, however, will be retained according to department policy and applicable law.

If the Chief of Police or his/her designee determines that the original legitimate law enforcement interest in retaining a non-arrest FI no longer exists or that the original F.I. was not obtained in accordance with established law or Aberdeen Police Department policy, the original FI may only be destroyed upon the execution of a full and complete waiver of liability by the individual (and guardian if a minor) arising out of that field contact.

If the Chief of Police or his/her designee determines that any involved Aberdeen Police Department personnel violated existing law or department policy, the Chief of Police or designee

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shall initiate a separate internal investigation which may result in additional training, discipline or other appropriate action for the involved employees.

The person photographed/F.I.'d will be informed in writing within 30 days of the Chief of Police's determination whether or not the photograph/F.I. will be retained. This does not entitle any person to any discovery or access to any law enforcement records not otherwise authorized by law.



## Criminal Street Gangs

### 421.1 PURPOSE AND SCOPE

It is the policy of this department to establish a procedure for identifying criminal street gangs, participants of criminal street gangs, and patterns of criminal activity.

The intent of this policy is to provide for the collection and management of criminal street gang information so as to enhance officer safety and the criminal prosecution of criminal street gang participants. This policy is not intended or designed to establish a formal gang intelligence database.

### 421.2 DEFINITIONS

**Criminal Street Gang** - Any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of criminal acts and which has a common name or common identifying sign or symbol, and whose members individually or collectively engage or who have engaged in a pattern of criminal street gang activity.

**Gang Related Crime** - Any crime, which is committed for the benefit of, at the direction of, or in association with, a criminal street gang with the intent to promote, further or assist any criminal street gang.

### 421.3 IDENTIFICATION OF CRIMINAL STREET GANGS / PARTICIPANTS

The Gang Information Unit shall be authorized to collect information on individuals who are suspected of participating in a criminal street gang and groups that are suspected of being criminal street gangs.

- (a) A group of three or more individuals shall be designated a criminal street gang when:
  - 1. They have a common name or common identifying sign or symbol.
  - 2. There is evidence, substantiated by crime and informational reports, that a primary activity of the group is the commission of one or more criminal acts.
  - 3. One or more members individually or collectively have engaged in a pattern of criminal gang activity.
  - 4. A designated representative of the County Prosecutor's Office reviews the available evidence and concurs with a Department finding that the group meets the criteria for being a criminal street gang.
- (b) An individual shall be designated as a participant in a criminal street gang and included in a gang file, when one or more of the following elements have been verified by a Gang Information Unit member and a reasonable basis for believing such affiliation has been established and approved by a supervisor:
  - 1. An individual admits membership in a criminal street gang.

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2. A reliable informant or known gang member identifies an individual as a participant in a criminal street gang.
  3. An informant of previously untested reliability identifies an individual as a participant in a criminal street gang when that identification is corroborated by independent information.
  4. An individual resides in or frequents a particular criminal street gang's area, and affects their style of dress, color of dress, use of jewelry, tattoos, monikers, or any other identifiable mannerism associated to that particular criminal street gang, and where the officer documents reasonable suspicion that the individual is involved in criminal gang activity or enterprise.
  5. A person has been arrested in the company of identified criminal street gang members for offenses that are consistent with criminal street gang activity or criminal street gang related crimes.
  6. An individual is identified as a gang member in a criminal street gang document or the individual is depicted in a criminal street gang member's photograph(s) in such a manner as to clearly indicate membership in a criminal street gang.
  7. An individual otherwise meets the criteria of a criminal street gang participant under the guidelines of a department approved gang intelligence database and/or 28 C.F.R. 23.20.
- (c) An individual may be designated as a gang affiliate only when the individual is known to affiliate with active criminal gang members and an officer has established that there is reasonable suspicion that the individual is involved in criminal activity. An officer's belief must be premised upon reasoning and logic coupled with sound judgment based upon law enforcement experience, rather than a mere hunch or whim.

### **421.4 CRIMINAL STREET GANG TEMPORARY FILE**

A file maintained by the Records Supervisor of criminal street gang participants shall include:

- (a) Names, aliases, monikers, addresses, and other relevant identifying information.
- (b) Gang name.
- (c) Justification used to identify an individual as a criminal street gang participant.
- (d) Vehicle(s) known to be used.
- (e) Cross references to other identified gangs or gang members.

#### **421.4.1 REVIEW AND PURGING OF GANG PARTICIPANT FILE**

The file shall be reviewed annually by the unit supervisor. Each individual file having no entry indicating law enforcement contact in the preceding five year period shall be purged from the file

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and disposed of in accordance with the Department purge criteria in compliance with the current Records Management Guidelines and General Records Retention Schedules.

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).

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. The five year purge date may also be adjusted if the subject of the file is incarcerated. The length of such incarceration will adjust forward the date of file purge.

### **421.4.2 GANG INTELLIGENCE DATABASES**

While this policy does not establish a gang intelligence database, the Chief of Police may approve one or more gang intelligence databases for use by members of the Gang Information Officers. Any such database should be compliant with 28 C.F.R. § 23.20 regulating criminal intelligence systems. Employees must obtain the requisite training before accessing any such database.

It is the Special Assignments Officer's responsibility to determine whether a report or FI contains information that would substantiate an entry into a department approved intelligence database. The Gang Information Officers should forward any such reports or FIs to the Records after appropriate database entries are made. The submitting Gang Information Officer(s) should clearly mark the report/FI as Gang Intelligence Information.

It is the responsibility of the Special Assignments Officer to retain reports and FIs in compliance with the procedures of the department approved gang/intelligence file and 28 C.F.R. § 23.20.

Validation and purging of gang intelligence databases is the responsibility of the Special Assignments Officer.

### **421.5 FIELD CONTACTS**

Officers who contact individuals who are, or may be participants in criminal street gang activity should complete a FI card and document the reasonable suspicion underlying the contact and the exact circumstances leading to the suspicion that the individual is a criminal street gang participant (e.g., subject states he/she is a member of XYZ gang; XYZ tattoo on right hand near thumb; wearing ball cap with gang name printed in blue or red ink).

Photographing known or suspected criminal street gang participants shall be done in accordance with the provisions of Policy Manual § 440 (Photographing of Field Detainees).

### **421.6 INQUIRY BY PARENT OR GUARDIAN**

When an inquiry is made by a parent or guardian as to whether a juvenile's name is in the criminal street gang participant's file, such information shall be provided by the Records supervisor, unless the release of such information can be clearly shown to jeopardize an ongoing criminal investigation.

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### **421.7 DISSEMINATIONS OF THE FILE INFORMATION**

Information from the temporary criminal street gang participant files may only be furnished to Department personnel and other public law enforcement agencies on a need-to-know basis. This means information that may be of use in the prevention of gang-related criminal activity or information concerning the investigation of gang-related crimes shall only be released to members of this department and other law enforcement agencies.

Information from any department approved gang intelligence file must only be released in compliance with the rules for that particular database.

### **421.8 REPORTING CRITERIA AND ROUTING**

Incidents that appear to be criminal street gang related shall be documented on a report form and shall at minimum include the following:

- (a) A description of any document, statements, actions, dress or other information that would tend to support the officer's belief that the incident may be related to the activities of a criminal street gang.
- (b) Whether any photographs were taken and a brief description of what they depict.
- (c) What physical evidence, if any, was observed, collected or booked.
- (d) A specific request to that a copy of the report be routed to the Gang Information Unit.

Any photographs taken or evidence collected shall be booked in accordance with current evidence booking procedures.

## Patrol Lieutenants

### **422.1 PURPOSE AND SCOPE**

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. To accomplish this goal, a Lieutenant heads a patrol team.

### **422.2 DESIGNATION AS ACTING PATROL LIEUTENANT**

When a Lieutenant is unavailable for duty as Patrol Lieutenant and at the discretion of the Chief of Police, in most instances the senior qualified sergeant, corporal, lead patrol officer shall be designated as acting Patrol Lieutenant. This policy does not preclude designating a less senior sergeant, corporal, lead patrol officer as an acting Patrol Lieutenant when operational needs require or training permits.

# Mobile Audio Video Procedure

## 423.1 PURPOSE AND SCOPE

The Aberdeen Police Department has equipped its marked patrol cars with a Mobile Audio and Video (MAV) recording system. The MAV system is intended to assist and complement uniformed officers in the performance of their duties by providing unbiased video images of events and sound recordings that correspond to the video images recorded by the video cameras mounted in law enforcement vehicles.

## 423.2 OFFICER RESPONSIBILITIES

Prior to going into service, each officer will ensure that the MAV system has a hard drive inserted, that the system is turned on, and that the system is operational. At the end of shift each officer will return the video media to the Coban room according to the check-in procedures. Officer(s) shall ensure that the prior to beginning their shift that their name and personnel number is active in the Coban system so that any captured video/audio files reflect the correct operator of the MAV equipped vehicle.

Officers will ensure that they have a MAV wireless microphone on their person.

Officers shall function test the MAV video and audio system at the start of each shift. If the system is malfunctioning, the officer shall advise the on-duty OIC who will decide if the vehicle should be taken out of service. The officer will ensure the malfunctioning system is tagged for repair.

## 423.3 ACTIVATION OF THE MAV

The MAV system is designed to turn on whenever the emergency lights are activated. Once activated the MAV system will remain on until turned off manually. Whenever the MAV system is activated to record an event the audio system shall also be activated and remain activated so that audio is always being recorded simultaneously with the video system. Officers shall not intentionally turn off the audio portion of the MAV system at any time that video images of the event are being recorded.

Whenever reasonably practicable officers shall inform any person being recorded that an audio recording is being made and shall ensure that such advisement informing the person is also recorded (RCW 9.73.090(1)(c)).

### 423.3.1 REQUIRED ACTIVATION OF MAV

This policy is not intended to describe every possible situation where the system may be used to record an event. There are many situations where the use of the MAV system is required. In addition to the required situations, an officer may activate the system any time he/she believes its use would be appropriate or of value to record an event.

The activation of the MAV system should occur in any of the following situations:

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- (a) All field contacts involving actual or potential criminal conduct, which are or may come within video range, which includes:
  - 1. Vehicular pursuits
  - 2. Suspicious vehicles
  - 3. Arrests
  - 4. Pedestrian checks
  - 5. DUI investigations including field sobriety tests
  - 6. Responding to an in-progress call

Once the MAV system is activated, both the audio and video recording systems shall remain on and shall not be turned off until the event being recorded by the video camera has concluded. For purposes of this section, conclusion of an event has occurred when all video images recording arrests, transportation of arrestees, and interviews of witnesses, victims, etc, have been made. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive or other similar situations where there are no video images of an event to be recorded.

### **423.3.2 WHEN ACTIVATION NOT REQUIRED**

Activation of the MAV system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service, or actively on patrol.

Absent legal cause or lawful order no member of this department may surreptitiously record any other member of this department without the expressed knowledge and consent of all parties.

### **423.4 REVIEW OF MAV RECORDINGS**

Recordings may be reviewed in any of the following situations:

- (a) By a command level officer.
- (b) By a supervisor investigating a specific act of officer conduct.
- (c) Officers may view their own video recordings.
- (d) By a department detective after approval of a supervisor who is participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation.
- (e) By court personnel through proper process or with permission of the Chief of Police or his/her designee.
- (f) By media personnel with permission of the Chief of Police or his/her designee.
- (g) Recordings may be shown for training purposes. If an involved officer objects to the showing of recording, his/her objection will be submitted to command staff to determine if the training value outweighs the officer's objection to showing the recording.

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Employees desiring to view any MAV recording shall submit a request in writing to the Patrol Lieutenant.

In no event shall any recording be used or shown for the purpose of ridicule or embarrassing any employee.

### **423.5 DOCUMENTING MAV USE**

Any incident that was recorded with either the video or audio system shall be documented in the officer's 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.

Upon receiving a subpoena to appear in court on a contested traffic citation, the subpoenaed officer should request that the Evidence Specialist provide two copies of the relevant recording to the prosecutor and one copy to the officer for review (Court Rule IRLJ 3.1(b)).

### **423.6 VIDEO MEDIA STORAGE AND INTEGRITY**

Once checked in, all video media will be labeled and placed in a designated secure storage area. All video media that is not booked in as evidence will be retained for as long as any crime may be charged based on the events or communications or conversations recorded. It is department policy to maintain mobile video and or audio for a minimum of ninety (90) days. Mobile video subject to these provisions shall be maintained for a period of time, whichever is longer, after which time they will be erased, destroyed, or recycled (RWC 9.73.090(2)).

#### **423.6.1 COPIES OF VIDEO RECORDINGS**

Original video recording media shall not be used for any purpose other than for initial review by a supervisor. A copy of the original video recording will be made upon proper request for any person authorized in Policy Manual § 446.4.

Original video recording media may only be released in response to a valid court order or upon approval by the Chief of Police or his/her designee. In the event that an original recording is released to court, a copy shall be made and placed in storage until the original is returned.

Copies of video recording may be released in accordance with the Washington State Public Disclosure Act and the policy of this department.

#### **423.6.2 MAV RECORDINGS AS EVIDENCE**

Only in exceptional circumstances will original video media (hard disc drive) be booked into evidence. The exceptions would include a major event such as a homicide or as directed by the Patrol Lieutenant or a member of the command staff. If a video media is booked into evidence, it shall be booked in the same manner as other property and referenced in the case report.



## Mobile Data Network Use

### 424.1 PURPOSE AND SCOPE

The primary use of a mobile data terminal is to provide a communications link between the dispatch center and a patrol unit for voiceless radio traffic; to provide direct access to local, state and federal database systems and word processing functions in the field to patrol units. MDT's shall not be used to access the internet without the approval of the Chief of Police.

Radio and MDT communications are licensed and intended for broadcasting emergency and service information to mobile units. Use and release of information from WACIC, NCIC, DOL, NLETS, and RMS (Records Management System) is governed by Federal, State and Local legislation and rules. All personnel will take reasonable measures to ensure this confidential information remains secure from unauthorized persons.

### 424.2 MDC USE

The MDT shall be used for official police communications only. Messages that are of a sexual, racist, or offensive nature, or otherwise critical of any member of the Department are strictly forbidden. MDT use is also subject to the departments Technology Use Policy.

Messages may be reviewed by Aberdeen Police Department and Harbor Communications supervisors at anytime and without prior notification. Employees generating or transmitting messages not in compliance with this policy are subject to discipline. Users must understand that they have no expectation of privacy when utilizing any messaging system, including the CAD and Mobile Data Systems capabilities such as MAIL or the TO or ROUTE CAD functions.

CAD/MDT messages are public records and are subject to disclosure under RCW 42.56.

All calls dispatched to patrol units should be communicated by voice and MDT unless otherwise authorized by the Patrol Lieutenant.

#### 424.2.1 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.

#### 424.2.2 DOCUMENTATION OF ACTIVITY

MDT and voice transmissions are used to record the officer's daily activity. To ensure the most accurate recording of these activities, the following are required:

- (a) All contacts or activity shall be documented at the time of the contact.

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- (b) Whenever the activity or contact is initiated by voice, it shall be entered into the Computer Aided Dispatch (CAD) system by a dispatcher.
- (c) Whenever the activity or contact is not initiated by voice, the officer shall record it on the MDT.

### 424.2.3 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted either verbally over the police radio system to the 911 center other than those listed in policy §448.3

Officers responding to in-progress calls shall advise changes in status verbally over the radio to assist other officers responding to the same incident.

Other changes in status may be entered by depressing the appropriate keys on the MDT.

### 424.2.4 EMERGENCY ACTIVATION OF MDC

When a unit activates the Emergency Button on their MDT, the following message appears on the CAD terminal of the dispatcher controlling that unit:

Emergency Signal Received From: 6S2 Last Known Location: 123 Main St, COS Last or Current Incident Assignment: #CP05000432 Location of That Incident: 123 Main St, COS

When an emergency alert is received by Harbor, the dispatcher **will not** check the unit's status. The dispatcher **will** activate the warble alert tones on the units' primary frequency and broadcast the emergency alert (including current location if known) and restrict radio traffic. The broadcast shall be made using the following terminology:

**(Warble Alert tones) "6S2 Emergency MDT Activation at 123 Main St, Restricted Traffic on (channel)."**

The dispatcher will make sure the OIC and/or the closest agency, copies the alert and sends the closest unit to check on the field unit. If requested by the OIC, the dispatcher shall check the unit's status. Once the emergency alert has been confirmed false or the OIC has given authorization, restricted traffic shall be lifted.

Units not responding to the emergency shall refrain from transmitting on the radio until restricted radio use is lifted, unless they are themselves handling an emergency.

### 424.3 MDC CONSIDERATIONS

- (a) Officers will receive all their dispatches to calls via the radio. They will acknowledge the receipt of the dispatch via the radio. Officers may respond to any transmission from dispatch with the suffix "MDT". When the officer responds to a radio dispatched call with "MDT" they are assuming all responsibility for obtaining the information from or processing the commands on the MDT.
- (b) Officers shall provide their on-scene status over the radio.

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- (c) If additional information is received by Harbor Communications after the initial information is given, Harbor shall verbally advise the unit there is additional information. (The field unit can access additional call detail as it is entered by Harbor by pushing the RECALL DISPATCH button.)
- (d) All officers shall log and off duty verbally and shall provide the vehicle number to Harbor. The officers should log themselves into the service on the MDT as soon as possible when they enter the vehicle.
- (e) **All traffic stops shall be called out on the radio.**
- (f) Officers shall not on-view/self-dispatch themselves to incidents using the MDT.
- (g) Officers shall clear from calls over the radio. The primary unit shall provide the proper disposition code(s).
- (h) The following is a list of MDT commands that may be used without an accompanying voice transmission, unless the situation is deemed an officer safety issue:
  - 1. Special assignments
  - 2. Call status, i.e., en-route, in the area, cancel location, change location, transport, and transport complete.
- (i) All critical and miscellaneous transmissions for service, i.e., medical or fire assistance, tow truck, will be made over the radio by voice transmission.
- (j) All data checks should be completed by MDT if possible and it is safe to do so. Patrol units conducting ACCESS inquiries must comply with the published ACCESS rules and be certified as an ACCESS Level 1 user. A criminal history check (Triple III) will not be done via MDT. Employees shall also secure the screen so that unauthorized persons cannot have access to the data received via the ACCESS system.
- (k) When a data check results in information that requires confirmation such as an arrest warrant, protection order, runaway or stolen vehicle report, will be routed via the print to dispatcher function to the appropriate dispatcher for confirmation, as well as requesting the confirmation verbally by radio.
- (l) Generally, car to car communications of a non-critical nature should be conducted by the MDT instant messaging feature. Instant messaging sent via the CAD system by any member of this department is intended for official business only. Brief personal messages are allowed as long as they are not offensive or embarrassing to the department or in violation of the citywide computer use regulations or any other laws or regulation.

### 424.3.1 NON-FUNCTIONING MDC

Whenever possible, officers will not use units with malfunctioning MDT's. Whenever officers must drive a unit in which the MDT is not working, they shall notify Grays Harbor Communications. It

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shall be responsibility of Grays Harbor Communications to record all information that will then be transmitted verbally over the police radio.

### 424.3.2 BOMB CALLS

When investigating reports of possible bombs, officers will turn off their MDT's radio modem. Operating the MDT may cause some devices to detonate.

### 424.3.3 WORD PROCESSING

Word processing functions, i.e., report writing should be conducted as time permits on the MDT. To comply with current procedures, reports generated on an MDT should be saved using the department issued USB keys and then uploaded into the department network. The issued USB keys are the only file transfer/storage devices approved for use between the MDT and the department network and are for official use only.

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# Use of Audio Recorders

## 425.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties.

This policy does not apply to surreptitious interception of electronic communications for lawful authorized investigative purposes or to mobile audio video recordings (see Mobile Audio Video Procedure Policy).

## 425.2 POLICY

The Aberdeen Police Department may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

## 425.3 PRIVACY

All recordings made by personnel acting in their official capacity as members of this department shall remain the property of the Department and should not be considered private, regardless of whether those recordings were made with department-issued or personally owned recorders.

## 425.4 MEMBER RESPONSIBILITIES

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful.

When using a recorder, the assigned member shall record his/her name, employee number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

### 425.4.1 RCW 09.73.090

1) The provisions of RCW 9.73.030 through 9.73.080 shall not apply to police, fire, emergency medical service, emergency communication center, and poison center personnel in the following instances:

(a) Recording incoming telephone calls to police and fire stations, licensed emergency medical service providers, emergency communication centers, and poison centers;

(b) Video and/or sound recordings may be made of arrested persons by police officers responsible for making arrests or holding persons in custody before their first appearance in court. Such video and/or sound recordings shall conform strictly to the following:

(i) The arrested person shall be informed that such recording is being made and the statement so informing him shall be included in the recording;

## *Use of Audio Recorders*

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(ii) The recording shall commence with an indication of the time of the beginning thereof and terminate with an indication of the time thereof;

(iii) At the commencement of the recording the arrested person shall be fully informed of his constitutional rights, and such statements informing him shall be included in the recording;

(iv) The recordings shall only be used for valid police or court activities;

(c) Sound recordings that correspond to video images recorded by video cameras mounted in law enforcement vehicles. All law enforcement officers wearing a sound recording device that makes recordings corresponding to videos recorded by video cameras mounted in law enforcement vehicles must be in uniform. A sound recording device that makes a recording pursuant to this subsection (1)(c) must be operated simultaneously with the video camera when the operating system has been activated for an event. No sound recording device may be intentionally turned off by the law enforcement officer during the recording of an event. Once the event has been captured, the officer may turn off the audio recording and place the system back into "pre-event" mode.

No sound or video recording made under this subsection (1)(c) may be duplicated and made available to the public by a law enforcement agency subject to this section until final disposition of any criminal or civil litigation which arises from the event or events which were recorded. Such sound recordings shall not be divulged or used by any law enforcement agency for any commercial purpose.

A law enforcement officer shall inform any person being recorded by sound under this subsection (1)(c) that a sound recording is being made and the statement so informing the person shall be included in the sound recording, except that the law enforcement officer is not required to inform the person being recorded if the person is being recorded under exigent circumstances. A law enforcement officer is not required to inform a person being recorded by video under this subsection (1)(c) that the person is being recorded by video.

(2) It shall not be unlawful for a law enforcement officer acting in the performance of the officer's official duties to intercept, record, or disclose an oral communication or conversation where the officer is a party to the communication or conversation or one of the parties to the communication or conversation has given prior consent to the interception, recording, or disclosure: PROVIDED, That prior to the interception, transmission, or recording the officer shall obtain written or telephonic authorization from a judge or magistrate, who shall approve the interception, recording, or disclosure of communications or conversations with a nonconsenting party for a reasonable and specified period of time, if there is probable cause to believe that the nonconsenting party has committed, is engaged in, or is about to commit a felony: PROVIDED HOWEVER, That if such authorization is given by telephone the authorization and officer's statement justifying such authorization must be electronically recorded by the judge or magistrate on a recording device in the custody of the judge or magistrate at the time transmitted and the recording shall be retained in the court records and reduced to writing as soon as possible thereafter.

## *Use of Audio Recorders*

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Any recording or interception of a communication or conversation incident to a lawfully recorded or intercepted communication or conversation pursuant to this subsection shall be lawful and may be divulged.

All recordings of communications or conversations made pursuant to this subsection shall be retained for as long as any crime may be charged based on the events or communications or conversations recorded.

(3) Communications or conversations authorized to be intercepted, recorded, or disclosed by this section shall not be inadmissible under RCW 9.73.050.

(4) Authorizations issued under subsection (2) of this section shall be effective for not more than seven days, after which period the issuing authority may renew or continue the authorization for additional periods not to exceed seven days.

(5) If the judge or magistrate determines that there is probable cause to believe that the communication or conversation concerns the unlawful manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell, controlled substances as defined in chapter 69.50 RCW, or legend drugs as defined in chapter 69.41 RCW, or imitation controlled substances as defined in chapter 69.52 RCW, the judge or magistrate may authorize the interception, transmission, recording, or disclosure of communications or conversations under subsection (2) of this section even though the true name of the nonconsenting party, or the particular time and place for the interception, transmission, recording, or disclosure, is not known at the time of the request, if the authorization describes the nonconsenting party and subject matter of the communication or conversation with reasonable certainty under the circumstances. Any such communication or conversation may be intercepted, transmitted, recorded, or disclosed as authorized notwithstanding a change in the time or location of the communication or conversation after the authorization has been obtained or the presence of or participation in the communication or conversation by any additional party not named in the authorization.

Authorizations issued under this subsection shall be effective for not more than fourteen days, after which period the issuing authority may renew or continue the authorization for an additional period not to exceed fourteen days.

### **425.5 ACTIVATION OF THE RECORDER**

Members should activate the recorder during all enforcement stops and field interrogation situations and any other time the member reasonably believes that a recording of an on-duty contact may be useful. Once started, recordings should continue without interruption until the contact ends, if feasible.

Absent a court order, no member of this department may record a face to face conversation without first informing everyone present, including the party to the conversation, that the conversation is being recorded, except as provided in RCW 9.73.090.

## *Use of Audio Recorders*

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At no time is a member expected to jeopardize his/her safety in order to activate a recorder or change the recording media. However, the recorder should be activated in required situations as soon as practicable.

### **425.5.1 SURREPTITIOUS RECORDING**

Washington law prohibits any individual from surreptitiously recording any conversation, except as provided in RCW 9.73.040, RCW 9.73.090 and RCW 9.73.210.

### **425.6 PROHIBITED USE**

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with a department-issued or personally owned recorder. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of a supervisor. Any file created from a personally owned recorder for department-related activities shall be subject to the provisions of this policy, including retention and release requirements.

Recordings shall not be used by any member for the purpose of embarrassment or ridicule.

Any member who may have questions regarding the application of this policy is encouraged to seek clarification from supervisory personnel.

### **425.7 RETENTION OF RECORDINGS**

Any time a member records any portion of a contact that the member reasonably believes constitutes evidence in a criminal case, the member shall record the related case number and download the file in accordance with the Computers and Digital Evidence Policy and document the existence of the recording in the related case report.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

Members should upload the file, in accordance with current procedure for storing digital files, at the end of their shift and any time the storage capacity is nearing its limit.

#### **425.7.1 RETENTION REQUIREMENTS**

All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.



## *Use of Audio Recorders*

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### **425.8 RELEASE OF RECORDINGS**

Recordings made using portable recording devices pursuant to this policy are department records and may only be released as provided in the Release of Records and Information Policy or for other authorized legitimate department business purposes.

### **425.9 REVIEW OF RECORDED MEDIA FILES**

When preparing written reports, members should review their recordings as a resource. However, members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct, reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) By media personnel with permission of the Chief of Police or the authorized designee.
- (d) In compliance with a public records request, if permitted, and in accordance with the Release of Records and Information Policy.

# Medical Marijuana

## 426.1 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).

### 426.1.1 DEFINITIONS

Definitions related to this policy include (RCW 69.51A.010):

**Designated provider** - A person who is 18 years of age or older, who has been designated in writing by a patient to serve as a designated provider. 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 patient.

**Medical use of marijuana** - The production, possession, or administration of marijuana, as defined in RCW 69.50.101(q), 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.

**Valid documentation** - Documentation that meets all of the following criteria:

- A statement signed and dated by a qualifying patient's health care professional, written on tamper-resistant paper, which states that in his/her professional opinion, the patient may benefit from the medical use of marijuana.
- Proof of identity, such as a Washington state driver's license or identi-card (RCW 46.20.035).

## 426.2 POLICY

It is the policy of the Aberdeen 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 protection from prosecution for those who use, possess, deliver or produce marijuana to mitigate the symptoms of certain debilitating or

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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.

### **426.3 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 valid documentation when initially contacted.

#### **426.3.1 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.

#### **426.3.2 MEDICAL CLAIMS BY QUALIFYING PATIENTS OR DESIGNATED PROVIDERS**

A qualifying patient or designated provider with valid documentation should not be arrested if he/she possesses no more than 15 cannabis plants and (RCW 69.51A.040; RCW 69.51A.043):

- (a) 24 ounces of usable cannabis, or
- (b) No more cannabis product than what could reasonably be produced with no more than 24 ounces of usable cannabis, or
- (c) A combination of usable cannabis and cannabis product that does not exceed a combined total representing possession and processing of no more than 24 ounces of usable cannabis.

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)(b)).

Officers may take enforcement action against a designated caregiver even when the above thresholds are not exceeded if there is evidence that the provider has converted the marijuana for

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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).

### 426.3.3 EXCESS AMOUNTS OR NO VALID DOCUMENTATION

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 valid documentation when initially contacted by law enforcement (RCW 69.51A.045; RCW 69.51A.047).

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 valid documentation exists, even though it was not presented by a qualified patient or designated caregiver, an arrest generally should not be made.

All facts should be thoroughly documented and if evidence is not seized, it shall be photographed and detailed in the report.

### 426.3.4 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.
  - 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, officers should consider conferring with appropriate legal counsel.
- (c) Investigations regarding collective gardens should consider pertinent City ordinances and that (RCW 69.51A.140; RCW 69.51A.085):
  - 1. No more than 10 qualifying patients may participate in a single collective garden at any time.

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2. The collective garden may contain no more than 15 plants per patient and no more than a total of 45 plants.
  3. The garden may contain no more than 24 ounces of usable cannabis per patient or no more than a total of 72 ounces of usable cannabis.
  4. Each collective garden participant must have a copy of his/her valid documentation and proof of identification available for inspection on site at all times.
  5. No usable cannabis from the collective garden may be delivered to anyone other than one of the qualifying patients participating in the garden.
- (d) 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).

### **426.4 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 cannabis 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 cannabis in a manner or place open to the view of the public.
- (c) Produces fraudulent documentation.

### **426.5 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.

### **426.6 PROPERTY SUPERVISOR RESPONSIBILITIES**

The Evidence Room Supervisor shall ensure that marijuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed.

Upon a determination by the prosecuting attorney that the person from whom marijuana, drug paraphernalia or related property was seized is entitled to possession under the law, the Evidence Room Supervisor should return to that person any usable marijuana, plants, drug paraphernalia or other seized property. That determination is the result of a decision not to prosecute, by the dismissal of charges or an acquittal.

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The Evidence Room Supervisor may destroy marijuana that was alleged to be for medical purposes upon receipt of a court order.

The Evidence Room Supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Investigation Division Supervisor.

# Bicycle Patrol Unit

## 427.1 PURPOSE AND SCOPE

The Aberdeen Police Department has established the Bicycle Patrol Unit (BPU) 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

Patrol bicycles 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 Patrol Lieutenant or on-duty patrol supervisor.

## 427.3 SELECTION OF PERSONNEL

When an opening is posted, interested sworn personnel, who are off probation, shall submit a letter of interest to the appropriate Division commander. Qualified applicants will then be invited to an oral interview. The oral board will consist of a Patrol Lieutenant, a patrol supervisor, and a current bike team member selected by the Division commander. Interested personnel shall be evaluated by the following criteria:

- (a) Recognized competence and ability as evidenced by performance.
- (b) Special skills or training as it pertains to the assignment.
- (c) Good physical condition.
- (d) Willingness to perform duties using the bicycle as a mode of transportation.

### 427.3.1 BICYCLE PATROL UNIT SUPERVISOR

The Bicycle Patrol Unit supervisor will be selected from the ranks of patrol supervisors by the chief of Police, or his/her designee.

The Bicycle Patrol Unit supervisor shall have responsibility for the following:

- (a) Organizing bicycle patrol training.
- (b) Inspecting and maintaining inventory of patrol bicycles and program equipment.
- (c) Scheduling maintenance and repairs.
- (d) Evaluating performance of bicycle officers.
- (e) Coordinating activities with the Investigation Division.

## *Bicycle Patrol Unit*

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- (f) Other activities as required to maintain the efficient operation of the Bicycle Patrol Unit.

### **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 twice yearly 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**

Officers shall wear the department-approved uniform and safety equipment while operating the department bicycle. Safety equipment includes department-approved helmet, riding gloves, protective eyewear and approved footwear.

The bicycle patrol unit uniform consists of the standard short-sleeve uniform shirt or other department-approved shirt with department badge and patches and department-approved bicycle patrol pants or shorts.

Optional equipment includes jacket in colder weather, turtleneck shirts or sweaters when worn under the uniform shirt, and a radio head set and microphone.

Bicycle patrol 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 the necessary forms, citation books and other department equipment needed while on bicycle patrol.

### **427.6 CARE AND USE OF PATROL BICYCLES**

Officers will use a specially marked and equipped patrol bicycle, attached gear bag, two batteries and a charger.

Bicycles are considered vehicles and therefore are subject to all laws, regulations, and privileges applicable to other 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.



## *Bicycle Patrol Unit*

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Bicycles utilized for uniformed bicycle patrol should 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 gear bag should include a first aid kit, tire pump, and security lock. These items are to remain with/on the bicycle at all times.

Each bicycle should be equipped with at least one lamp capable of displaying a red light visible from at least five hundred feet in normal sunlight and a siren capable of giving an audible signal. The siren and lights shall be of a color and type designated by the Washington State Patrol for that purpose (RCW 46.37.190).

Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to ensure 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, a repair work order will be completed and forwarded to the program supervisor for repair by an approved technician.

Each bicycle should have scheduled maintenance yearly to be performed by a department approved repair shop/technician.

At the end of a bicycle assignment, the bicycle should 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 is discouraged.

Bicycles should 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 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 red light and siren and under the conditions required by RCW 46.61.035 and with due regard and caution for the safety of all persons using the highway as required by RCW 46.61.035(4).

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## Goldberg Family Charitable Foundation Fund

### 428.1 PURPOSE AND SCOPE

The purpose of the fund is to allow ready access to monies in order to accommodate persons in distress who find themselves stranded or otherwise in need of, but not limited to, shelter, food or clothing. The amount designated for this fund is \$1,000.

- (a) The Patrol Section Commander is delegated the authority and responsibility for the safekeeping of this fund, and all accounting and records keeping. Reimbursement shall be requested from the Foundation. An internal audit of the fund shall be completed by the Patrol Section Commander each time the fund is replenished and at least quarterly. Audit reports shall be issued to the Foundation directors and on an annual basis outlining any expenditures and the purpose of those expenditures.
- (b) Due to the wide variety of circumstances in which this fund may be used, expenditures shall be authorized by the Patrol Section Commander, Patrol Lieutenant, or on-duty Patrol Supervisor. The supervisor authorizing the expenditure shall record the expenditure in the provided ledger stored with the funds.

# Foot Pursuit Policy

## 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 public, officer or suspect.

### 429.1.1 POLICY

It is the policy of this department when deciding to initiate or continue a foot pursuit that officers must continuously balance the objective of apprehending the suspect with the risk and potential for injury to department personnel, the suspect or the public.

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.

## 429.2 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.

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 pursuit based upon the circumstances and resources available, such as the following:

- Containment of the area
- Canine search
- Saturation of the area with patrol personnel
- 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 pursuit.

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### **429.3 GUIDELINES FOR FOOT PURSUIT**

Unless the officer reasonably believes that exigent circumstances exist (e.g. a serious threat to the safety of personnel or members of the public), officers should consider alternatives to engaging in or continuing a foot pursuit under the following conditions:

- (a) When directed by a supervisor to terminate the foot pursuit. Such an order shall be considered mandatory.
- (b) When the officer is acting alone.
- (c) When 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 or her location and direction of travel.
- (e) When pursuing multiple suspects and the pursuing officers do not reasonably believe that they would be able to control the suspect should a confrontation occur.
- (f) When the physical condition of the officers renders them incapable of controlling the suspect if apprehended.
- (g) When the officer loses radio contact with Grays Harbor Communications or with backup officers.
- (h) The suspect enters a building, structure, confined space or a wooded or otherwise isolated area and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the pursuit and coordinating containment pending the arrival of sufficient officers.
- (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 pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer definitely 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 personnel or the public if the suspect is not immediately apprehended.

## *Foot Pursuit Policy*

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- (o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other conditions.

### **429.4 RESPONSIBILITIES IN FOOT PURSUITS**

#### **429.4.1 INITIATING OFFICER RESPONSIBILITIES**

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit. 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 broadcast the following information as soon as it becomes practicable and available:

- (a) Unit identifier.
- (b) Location and direction of travel.
- (c) Reason for the foot pursuit.
- (d) Whether the suspect is known or believed to be armed.

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 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 Grays Harbor Communications of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary.

#### **429.4.2 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.

Any officers who is in a position to intercept a fleeing suspect, or who can assist the primary officer with the apprehension of the suspect, shall act reasonably and in accordance with department policy, based upon available information and his/her own observations.

#### **429.4.3 SUPERVISOR RESPONSIBILITY**

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information necessary to direct responding resources and to take command,

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control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need not be physically present to exercise control over the 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 unreasonably appears to 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-pursuit activity.

### **429.4.4 GRAYS HARBOR COMMUNICATIONS RESPONSIBILITIES**

Upon being notified or becoming aware that a foot pursuit is in progress, communication personnel should, as soon as practical, notify the field supervisor and provide available information. Communication personnel are also responsible for the following per their policy or when requested by the supervisor or field unit:

- (a) Clear the radio channel of non-emergency traffic.
- (b) Repeat the transmissions of the pursuing officer as needed.
- (c) Ensure that a field supervisor is notified of the pursuit.
- (d) Relay all pertinent information to responding personnel.
- (e) Contact additional resources as directed by a supervisor.
- (f) Coordinate response of additional resources to assist with the foot pursuit.

### **429.5 REPORTING**

The initiating officer shall complete the appropriate crime/arrest reports documenting, at minimum, the following:

- (a) The reason for initiating the foot pursuit.
- (b) The identity of involved personnel.
- (c) The course and approximate distance of the pursuit.
- (d) 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 Department Use of Force Policy.
- (e) Any injuries or property damage.

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 warrant further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

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## **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. Enforcement efforts are directed toward traffic related needs. This may be achieved through the application of such commonly used techniques as directed 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 traffic enforcement, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

### 500.1.1 VIOLATOR CONTACT

Enforcement action should be accomplished in a businesslike, firm, impartial, fair and courteous manner. The officer's action should demonstrate a professional attitude and serve to improve the relationship between the motoring public and the police.

## 500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Aberdeen Police Department. Information provided by the Electronic Traffic Information Processing (eTRIP) data retrieval system is a valuable resource for traffic accident occurrences and officer deployment. 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

## *Traffic Function and Responsibility*

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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 should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

**Speed Violators:** A verbal warning is appropriate for speed violations that are 9 MPH or less over the posted speed limit. Speed in excess of 9 MPH but less than 13 MPH over the posted speed limit may be handled by a verbal warning or Notice of Infraction. A notice of Infraction should be issued for speed in excess of 13 MPH over the posted speed limit. Radar citations should not be reduced more than one bail schedule

### 500.3.2 CITATIONS

The Notice of Infraction/Citation may be issued to violators who jeopardize the safe and efficient flow of vehicular traffic including hazardous moving violations, parking violations, and operating unsafe and/or improperly equipped vehicles and such violations classified as "non-moving" violations as may be appropriate.

It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

- (a) Explanation of the violation or charge.
- (b) Court appearance procedure including the optional or mandatory appearance by the motorist.
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at 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 the 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 violations listed in RCW 10.31.100(3)
- (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,

## *Traffic Function and Responsibility*

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officers should, when practicable, obtain the approval of a supervisor before making an arrest.

### 500.3.4 HAZARDOUS VIOLATIONS

Officers of the Aberdeen Police Department will take enforcement action when traffic violations of a possible or actual accident causing nature occur in their presence, or when probable cause exists upon investigation of an accident or criminal traffic matter. Enforcement may be in the form of a written notice of infraction/citation, verbal warning, or a custodial arrest for those traffic violations enumerated in RCW 46.63.020.

### 500.3.5 LEGISLATORS

During the legislative session, legislators are "privileged from arrest in all cases except treason, felony, and breach of the peace", (Art. II, sec. 16, WA. St. Cont.). Legislators may be issued traffic citations and they may be taken into custody for the purpose of obtaining a breath test, but they should not be incarcerated for infraction or misdemeanor violations during the legislative session.

### 500.3.6 MILITARY PERSONNEL

When a custodial arrest is made of military personnel, the arresting officer should notify the individuals' home base. If this is not possible, we should contact the nearest base of the same service and inform them of the detention. This does not apply to the issuance of a traffic citation when an actual custodial arrest is not made.

### 500.3.7 PUBLIC CARRIER VEHICLE VIOLATIONS

- (a) Local Transit and School Buses: If a local transit or school bus is stopped for a violation, the officer will obtain the driver's 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.
- (b) Public Carriers Not Local: Public carriers from outside the area may be detained in order to issue a notice of infraction to the driver.

### 500.3.8 VOIDING THE NOTICE OF INFRACTION/CITATION

- (a) Notice of Infraction/Citation may be voided if written in error of law or judgment. Reasons for voiding the Notice of Infraction/Citation may include:
  - 1. Violator gave false information, such as wrong name, address, etc. (when voiding the Notice of Infraction/Citation, indicate the number of the new Notice of Infraction/Citation).
  - 2. Officer entered wrong information, which caused the Notice of Infraction/Citation to be invalid. (When voiding the Notice of Infraction/Citation, indicate the number of the new Notice of Infraction/Citation).
  - 3. Vehicle parked in prohibited zone, but was broken down. Driver returned with assistance before officer completed Notice of Infraction/Citation.

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4. Officer unable to complete Notice of Infraction/Citation because of receiving an emergency call, such as a robbery in progress, assist another officer, etc.
  5. Administrative review determines that the issuance of the Notice of Infraction/Citation was not in compliance with Department policy statements or existing traffic laws/ordinances.
- (b) In voiding traditional paper Notice of Infraction/Citation, the following steps should be taken:
1. The officer will contact his/her immediate supervisor as soon as possible to explain the reason the Notice of Infraction/Citation was voided and to permit the supervisor to review the officer's action.
  2. The officer shall print "VOID" along with a brief, concise statement of the reason for the voiding on all copies of the Notice of Infraction/Citation.
  3. Voiding of SECTOR notice of infractions or citations shall follow procedures as defined by SECTOR. A SECTOR notice of infraction or citation cannot be voided if the violator copy of the notice of infraction or citation cannot be retrieved, or after the notice of infraction or citation has been uploaded to the SECTOR web site.

### **500.4 SUSPENDED OR REVOKED DRIVERS LICENSES**

If an officer contacts a traffic violator for driving on a suspended or revoked license, the officer may issue a traffic citation.

If a computer check of a traffic violator's license status reveals a suspended or revoked drivers license and the traffic violator still has his/her license in possession, the license shall be seized by the officer. The officer shall verbally advise the traffic violator of the suspension or revocation and issue the citation.

#### **500.4.1 SUSPENDED, REVOKED OR CANCELED COMMERCIAL LICENSE PLATES**

If an officer contacts a traffic violator who is operating a commercial motor vehicle 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 ANSI Class II high-visibility vests to reduce the danger to employees who may be exposed to hazards presented by passing traffic, construction vehicles and disaster recovery equipment (23 CFR 634.3).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the employee.

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### **500.5.1 REQUIRED USE**

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should 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 should 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 should 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.

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Training Coordinator should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

## **500.6 HAZARDOUS ROAD CONDITIONS**

The Aberdeen Police Department will make all reasonable efforts to address all reported hazardous road conditions in a timely manner as circumstances and resources permit.

## **500.7 SPEEDING IN A SCHOOL ZONE COMPLAINT PROCEDURE**

It is the responsibility of the Patrol Lieutenant to establish a report form and a procedure for school crossing guards to report speed violations to the Aberdeen Police Department. The reporting forms may be made available to adult school crossing guards and to school administrative offices (RCW 46.61.275(1)). The report form should include the following:

- (a) Date, time and location of the violation
- (b) Vehicle license plate number and state
- (c) Vehicle description
- (d) Description of the vehicle operator
- (e) Description of the incident
- (f) Contact information of the school crossing guard
- (g) The signature of the school crossing guard who witnessed the offense, attesting to the accuracy of the report

## *Traffic Function and Responsibility*

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Reports must be submitted to the Aberdeen Police Department no more than 72 hours after the alleged violation occurred (RCW 46.61.275(1)).

### **500.7.1 NOTIFICATION OF INFRACTION**

The Patrol Lieutenant or a designee may initiate an investigation of the reported violation after receiving a report from a crossing guard. The investigator shall contact the last known owner of the violator vehicle and request the owner to supply information identifying the driver. If the driver is identified and there is reasonable cause to believe that a traffic violation has occurred, a notice of infraction may be served upon the driver of the vehicle (RCW 46.61.275(2)).

### **500.8 SCHOOL BUS SAFETY CAMERAS**

Any school district with buses properly equipped with cameras that capture stop-arm violations may report such violations to the Aberdeen Police Department whenever they occur within the department's jurisdiction.

The Patrol Lieutenant should establish a report form and procedure for school districts to report school bus stop-arm violations (RCW 46.63.180).

### **500.8.1 NOTIFICATION OF INFRACTION**

The Patrol Lieutenant or the authorized designee should initiate an investigation of the reported violation after receiving a stop-arm violation report from a school district.

Issuance of a citation shall conform to state requirements (RCW 46.63.180). The notice of infraction shall be mailed to the registered owner or renter, if applicable, of the vehicle within 14 days of the violation.

# Traffic Collision Reporting

## 501.1 PURPOSE AND SCOPE

The Aberdeen Police Department prepares traffic collision reports and as a public service makes traffic collision reports available to the community with some exceptions.

### 501.1.1 TRAFFIC COLLISION INVESTIGATION

Officers will respond to all reportable collisions and in addition, to any collision where there is impairment of an operator due to alcohol or drugs; damage to public vehicles or property; a disturbance between the principals; major traffic congestion as a result of the collision; any collision where damage to the vehicle(s) requires towing; and all hit and run collisions. Officers will respond to other non-reportable collisions when requested, as workload allows.

## 501.2 TRAFFIC COLLISION REPORTS

All traffic collision reports taken by members of this department shall be forwarded to the Patrol Lieutenant through the chain of command for approval. All approved reports shall be forwarded to the Records for data entry into the Records Management System. The Patrol Section Commander will be responsible for monthly and quarterly reports on traffic collision statistics to be forwarded to the Chief of Police, Public Information Officer, and Deputy Chief of Police, or other persons as required.

On non-reportable accidents, the officer assigned will provide the Field Accident Report form to the drivers involved and assist them with the exchange of necessary information and ensure the call is properly documented per department report writing policy.

### 501.2.1 STATEWIDE ELECTRONIC COLLISION AND TICKET ONLINE RECORDS (SECTOR)

This department utilizes SECTOR software to complete traffic citations and traffic collision reports. SECTOR shall only be used by those authorized employees who have completed department-approved training in the use of SECTOR software. All traffic collision reports completed with SECTOR software shall comply with established report approval requirements.

All reports completed using SECTOR software should be downloaded to the designated server as soon as practicable or in any case prior to the end of the employee's shift.

### 501.2.2 ENFORCEMENT ACTIONS

If a collision investigator has probable cause to believe a traffic infraction or criminal violation occurred, the investigating officer will take appropriate enforcement action. Citations may be issued at the scene or mailed to the violator after the investigation is complete.

- (a) Any collision involving a City of Aberdeen vehicle will be referred to the City Attorney's office for determination of proper action before a citation is issued.
- (b) If an emergency vehicle belonging to any public agency is involved, the driver will not be cited for an infraction. Information regarding the collision will be forwarded to the

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driver's agency for an internal review. Any disciplinary action will be the responsibility of the driver's agency.

### **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. A general information report may be taken in lieu of a traffic collision report at the direction of a supervisor when the collision occurs on private property or does not involve another vehicle. Whenever there is damage to a City vehicle, a Vehicle Damage Report shall be completed and forwarded to the appropriate Administration Division managed by the Chief of Police, Investigation is managed by the Deputy Chief, Special Assignments managed by a sergeant or above..

Photographs of the collision scene and vehicle damage may 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 Aberdeen Police Department resulting in a serious injury or fatality, the Deputy Chief of Police, Patrol Captain, or the Patrol Lieutenant, 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 WITH OTHER CITY EMPLOYEES OR OFFICIALS**

The Deputy Chief of Police, Captains, or on-duty Patrol Lieutenant may request assistance from the Washington State Patrol for the investigation of any traffic collision involving any City official or employee where a serious injury or fatality has occurred.

#### **501.3.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY**

Collisions occurring on private property will be addressed in the same manner as non-reportable collisions except for DUI, reckless, negligent driving, hit and run, or any fatal or serious injury incident, which will be handled the same as if on a public roadway.

An Incident Report may be taken at the discretion of any supervisor.

#### **501.3.5 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:

- (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.



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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).

### 501.3.6 FIRE HAZARD

For collisions involving injuries, fire hazards, and/or hazardous materials, the Fire Department will be notified immediately. When necessary, officers will render appropriate first aid until relieved by AFD personnel. In the case of fire hazards or hazardous materials, the officer will clear citizens to a safe distance. The hazardous materials should be identified if possible, and the information relayed to the Fire Department. Non-reportable collisions that involve hazardous materials, will be reported on an offense report.

### 501.4 NOTIFICATION OF TRAFFIC BUREAU SUPERVISION

Whenever a traffic collision results in serious injury or death, or may potentially result in civil action against the city, the responding officer will notify the shift supervisor, who will respond to the scene and take charge of the investigation.

In the event of a serious injury or death related traffic collision, the Patrol Lieutenant, or on-duty patrol supervisor should notify the Patrol Captain, Deputy Chief of Police and Collision Investigation Team Commander to relate the circumstances of the traffic collision. The Patrol Lieutenant, or on-duty patrol supervisor may seek assistance from the Collision Investigation Team, Grays Harbor County Drug Task Force, Washington State Patrol, or other agency as the incident commander deems necessary.

#### 501.4.1 FATAL COLLISION INVESTIGATOR

The shift supervisor is responsible for the supervision of all serious injury or fatal collisions. He/she has the authority to call out the required resources from the Collision Investigation Team to assist with the investigation. The supervisor will make sure that a thorough investigation is completed. This may include photographs and videotape of the collision scene, measurements, searches, statements, blood and urine tests, and an accounting for the activities of the driver(s) and others involved prior to the incident. When there is probable cause to believe the driver/suspect is under the influence of alcohol and/or drugs, the following procedure is to be followed:

- (a) Arrest the suspect for investigation of vehicular assault in the case of serious injury or investigation of vehicular homicide in the case of death.
- (b) Transport the suspect to the hospital as soon as possible and obtain a blood sample. You do not need the suspect's consent, and you do not have to administer 242 Warnings. You should Mirandize the suspect.
- (c) Do not arrest for D.U.I. and do not give a BAC test.
- (d) The Collision Investigation Team and the patrol and investigation section commanders should be notified immediately on all serious injury or fatal traffic collisions.
- (e) On serious injury collisions, where you have a question or concern, and on all fatal traffic collisions, the on-call Deputy Prosecutor should be notified.

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## *Traffic Collision Reporting*

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- (f) When a fatal traffic collision occurs, the Public Works Director should be notified.

In the event the sole person seriously injured in a traffic collision is the driver/suspect, he or she shall be afforded the option of submitting to or refusing a BAC Datamaster or blood test under the circumstances and provisions specified in RCW 46.20.308.

## 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 Aberdeen 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 have the driver select a towing company, if possible, 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 tow truck service companies in Aberdeen Records.

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 dispatcher to call the next towing company of the rotational list of towing companies. The officer will then tow the vehicle using the Uniform Washington State Tow/Impound and Inventory Record.

#### 502.2.2 DRIVING A NON-CITY VEHICLE

Vehicles which have been towed by or at the direction of the Department 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 records section or other designated department employee shall promptly telephone the specified authorized tow truck service. The officer shall be advised when the request has been made and the tow truck service has been dispatched.

When there is no preferred company requested, the department employee shall call the next firm in rotation from the list of approved tow truck service company and shall make appropriate entries on that form to ensure the following firm is called on the next request.

#### 502.2.4 RECORDS SECTION RESPONSIBILITIES

Whenever a stolen vehicle is impounded by the Aberdeen Police Department Records personnel will promptly attempt to notify the legal owner of the recovery. (RCW 7.69.030(7))

### 502.3 TOWING SERVICES

The City of Aberdeen periodically selects a firm to act as the official tow truck service and awards a contract to that firm. This firm will be used in the following situations:

- (a) When it is a city owned vehicle that is being towed.

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- (b) When an unauthorized 24 hour violation vehicle is being impounded. (See policy §524.)
- (c) When a vehicle is being held as evidence in connection with an investigation.
- (d) 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. (See RCW 46.55.010).

Nothing in this policy shall require the Department to tow a vehicle.

### **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 department 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 the offense for which the subject was arrested mandates vehicle impound (i.e. DUI, commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, or promoting travel for commercial sexual abuse of a minor (RCW 9A.88.140(2))).
- (b) Whether someone is available at the scene of the arrest to whom the vehicle could be released.
- (c) Whether the vehicle is impeding the flow of traffic or is a danger to public safety.
- (d) Whether the vehicle can be secured.
- (e) Whether the detention of the arrestee will likely be of such duration as to require protection of the vehicle.
- (f) 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).
- (g) Whether the owner/operator requests that the vehicle be stored.
- (h) Whether the vehicle would be in jeopardy of theft or damage if left at the scene in a high-crime area.

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In cases where a vehicle is not stored, the handling employee shall note in the report that the owner was informed that the Department will not be responsible for theft or damages to the vehicle.

### **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 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 Department against fraudulent claims of lost, stolen, or damaged property.

#### **502.5.1 VEHICLE IMPOUND PROCEDURE**

- (a) All vehicles impounded by the department shall be routinely inventoried. The vehicle owner, if present, is free to reject the protection afforded by the inventory. If the owner of the vehicle does not want the vehicle inventoried it shall be noted on the inventory report form. A specific notation shall be made on the vehicle inventory report when an area is not inspected or inventoried.
- (b) The exterior of the vehicle shall be inspected and any damage or special equipment noted. The interior of the vehicle shall be inventoried and any damage or special equipment shall be noted. Items identified by a unique serial number should be recorded on the vehicle inventory report. Items of substantial value shall be placed into the property room for safekeeping.
- (c) If the officer has probable cause to believe contraband or evidence is located in the vehicle, the vehicle shall be secured and a search warrant obtained before the vehicle is inventoried. This does not preclude a search of a vehicle incident to arrest as established by state and case law guidelines.
- (d) Officers shall complete a vehicle inventory report at the time a vehicle is impounded, stored or seized. The officer shall obtain the signature of the tow operator; the original copy of the vehicle inventory shall be attached to the case report; and the duplicate copy shall be given to the tow truck operator. Officers shall note on the vehicle inventory report if an investigatory hold has been placed on the vehicle.

### **502.6 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.

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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.

## Vehicle Impound Hearings

### 503.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound validity hearings.

### 503.2 IMPOUND HEARING

When a vehicle is impounded by any member of the Aberdeen Police Department pursuant to AMC 10.58.050, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or their agent (RCW 46.55.240).

#### 503.2.1 HEARING PROCEDURES

Any person seeking to redeem a vehicle impounded under AMC 10.58.050 has a right, pursuant to the provisions of RCW 46.55.120(2)(b), to a hearing in the Grays Harbor County District Court, Department Two to contest the validity of the impoundment or the amount of the towing and storage charges. Any request for a hearing must be made in writing on the form provided by the towing company and received by the court within ten (10) days upon contestant's receipt of that form. If the hearing request is not received within that ten (10) days the right to a hearing is waived and the registered owner is liable for any towing, storage or other impoundment charges permitted under Chapter 46.55 of the Revised Code of Washington. At the time of filing the hearing request a filing fee must be paid to the District Court [RCW 46.55.120(2) (a) & (b)]

At the hearing, the person or persons requesting the hearing may produce any relevant evidence to show that the impoundment, towing and storage fees charged were not proper. At the conclusion of the hearing, the court shall determine whether the impound was proper, whether the towing or storage fees charged were in compliance with the posted rates, and who is responsible for payment of the fees. The court may not adjust fees or charges that are in compliance with the posted or contracted rates.

If the impound is found proper, the impoundment, towing and storage fees as permitted under this chapter together with the court costs may be assessed against the person or persons requesting the hearing. If the impound is determined to be in violation of this chapter, then the registered and legal owners of the vehicle or other item of personal property registered or titled with the department shall bear no impound, towing or storage fees, and any security shall be returned or discharged as appropriate, and the person or agency who authorized the Impound shall be liable for all towing, storage or other impound fees permitted under this chapter however, if an impound arising from an alleged violation of RCW 46.20.342 or 46.20.420 is determined to be in violation of this chapter, then the law enforcement officer directing the impoundment and the government employing the officer are not liable for damages if the officer relied in good faith and without gross negligence on the records of the department in assessing that the operator of the vehicle had a suspended or revoked driver license.

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## *Vehicle Impound Hearings*

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If any judgment entered is not paid within fifteen (15) days of notice in writing of its entry, the court shall award reasonable attorney's fees and costs against the defendant in any action to enforce the judgment. Notice of entry of judgment may be made by registered or certified mail, and proof of mailing may be made by affidavit of the party mailing the notice [RCW 46.55.120(3)(e)]



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# Impaired Driving and Evidence Collection

## 504.1 PURPOSE AND SCOPE

This policy explains the procedures to be followed while collecting evidence to establish the blood alcohol level of drivers arrested for driving while intoxicated and unconscious drivers who are suspected of driving while intoxicated.

## 504.2 CHEMICAL TESTING

Except as otherwise allowed by statute, chemical tests to determine alcohol concentration shall be breath (RCW 46.20.308(3)). Whenever an officer has reasonable grounds to believe the person is under the influence of a drug, a blood test shall be administered by qualified personnel (RCW 46.20.308(2)). Blood or breath tests will be administered at the police department, jail, hospital, clinic, doctor's office, emergency medical vehicle, ambulance, or other accepted and approved facility. Two 10ml gray topped vacutainers supplied by the State Toxicology Laboratory will be used to collect blood samples. The tubes will be accompanied by a Toxicology Lab Request for Analysis form and a DRE "Face" sheet if it is a DRE sample. Both sample tubes shall be labeled with the individual's name, date of birth, and date and time of blood draw. The phlebotomist shall place his/ her initials on each vial label after the date and time of the draw. The vials shall be wrapped in absorbent material and place in a "Ziploc" bag. The bag shall be sealed with evidence tape. The vials do not need to be refrigerated because each contains preservatives. The Styrofoam container containing the "Ziploc" bag of blood vials should not be sealed with evidence tape. If the container does not stay closed a small piece of cellophane tape should be used. Nothing in this policy is intended to prevent the withdrawal of blood based on a valid search warrant.

### 504.2.1 TESTING OF AN INJURED BUT CONSCIOUS SUSPECT

Officers may obtain a consensual blood sample per the "Implied Consent Warnings for Blood" requirements of the Washington State Patrol (WSP) DUI Packet (RCW 46.20.308(2)). When an officer has reasonable grounds to believe a person is under the influence of alcohol and/ or drugs and the person is incapable due to physical injury, physical incapacity or other physical limitations, of providing a breath sample or where the person is being treated in a hospital, clinic, doctor's office, emergency medical vehicle, ambulance, or other accepted and approved facility. A blood sample can also be obtained absent any injury or limitation where the officer has reasonable grounds to believe the person is under the influence of drug(s).

### 504.2.2 TESTING OF UNCONSCIOUS OR DECEASED SUSPECT

When there are reasonable grounds to believe that an unconscious driver is under the influence, a blood test may be obtained. This presents an exigent situation, which excuses the requirement of consent. If an individual is unconscious, a blood test may be administered without the consent of the individual per Washington State DUI Arrest Report "Special Evidence Warning" requirements. The "Special Evidence Warning" will be read to the individual prior to the blood draw (RCW46.20.308(3)). The officer shall advise the attending health care provider of the intention to collect a sample of the suspect's blood as evidence. If the health care provider does not

## *Impaired Driving and Evidence Collection*

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object based on medical reasons, the blood will be collected in the prescribed manner (RCW 46.20.308(4)).

### 504.2.3 EMERGENCY DOCTRINE

Under the emergency doctrine, the level of influence of an intoxicant can be important evidence. Since it is not of a permanent nature, it will be lost if not seized immediately. Policy Manual §§ 514.2.2 and 514.2.3 of this chapter come within the guidelines of the emergency doctrine.

### 504.2.4 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, 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)).

### 504.2.5 FORCED WITHDRAWAL OF BLOOD

Blood may be taken by force only in specific impaired driving investigations when the suspect, after having been advised of his/her rights, and of the Special Evidence Rights warnings as described in the Washington State Patrol (WSP) DUI Packet, refuses to take a chemical test. 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 suspect must be under arrest for the crime of vehicular homicide as provided in RCW 46.61.520 or vehicular assault as provided in RCW 46.61.522, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest results from an accident in which there has been serious bodily injury to another person, a breath or blood test may be administered without the consent of the individual so arrested (RCW 46.20.308(3)), or,
- After a suspect refuses a voluntary breath test, an officer may apply for a search warrant to obtain a sample of the suspect's blood.
- The officer must have reason to believe the suspect is intoxicated.
- The blood is taken in a medically approved manner.
- Only reasonable force may be used to restrain the arrestee.

The Shift Supervisor shall be notified, if possible, when blood is to be forcibly extracted from a suspect who is uncooperative or has refused a chemical test. The amount of force used to accomplish the collection of this evidence will be controlled by the officer who should ensure that only force which reasonably appears necessary to overcome the resistance to the blood being withdrawn will be permitted.

## *Impaired Driving and Evidence Collection*

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The Department Evidence Specialist shall retain and transport all blood samples to the State Toxicology Lab 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.

### 504.2.6 COLLECTING BREATH AS EVIDENCE

If the arrested person chooses a breath test and it can be accomplished without undue delay, the arrested person shall first be transported to the jail for booking preparatory to the collection of breath samples. At the jail, an officer trained in the use of the alcohol breath machine will record the blood alcohol level by obtaining samples of the suspect's breath.

### 504.2.7 COLLECTING URINE SAMPLE AS EVIDENCE

If there is significant delay between the incident and blood collection (greater than two hours) a urine specimen may also be useful. In general, blood provides better evidence of drug influence than urine, but drugs will be detected for a longer time in urine than in blood. For

cases in which psilocybin (magic mushrooms) is an expected drug you must also collect urine as current methods do not permit the analysis of psilocybin in whole blood.

## Traffic Citations & Infractions

### **505.1 PURPOSE AND SCOPE**

This policy outlines the responsibility for traffic citations and notice of infractions, including the procedure for dismissal, correction, and voiding of traffic citations and notice of infractions.

### **505.2 RESPONSIBILITIES**

The Records shall be responsible for the supply and accounting of all traffic citations and infractions issued to employees of this department.

### **505.3 DISMISSAL OF TRAFFIC CITATIONS**

Employees of this department do not have the authority to dismiss a citation/infraction once it has been issued. Only the court has the authority to dismiss a citation/infraction that has been issued. Any request from a recipient to dismiss a citation/infraction shall be referred to the Deputy Chief of Police. Upon a review of the circumstances involving the issuance of the traffic citation/infraction, the Deputy Chief of Police may request the City Attorney to consider dismissal of the traffic citation/infraction. If approved, the citation/infraction will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations/infractions whose request for the dismissal of a traffic citation/infraction has been denied shall be referred to the appropriate court.

Should an officer determine during a court proceeding that a traffic citation/infraction should be dismissed in the interest of justice or where prosecution is deemed inappropriate the officer may request the City Attorney's office to dismiss the citation/infraction. 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/infraction dismissal shall then be forwarded to the officer's Section Commander for review.

### **505.4 VOIDING TRAFFIC CITATIONS**

See policy § 500.3.8

### **505.5 DISPOSITION OF TRAFFIC CITATIONS**

The court and file copies of all traffic citations/infractions issued by members of this department shall be forwarded to the Records for filing and distribution.

Traffic Citations and Infractions issued by members of this department using SECTOR will be promptly forwarded to the Records for filing and distribution.

Upon separation from employment with this department, all employees issued traffic citations/infraction books shall return any unused citations/infractions to the Records.

## *Traffic Citations & Infractions*

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### **505.6 JUVENILE CITATIONS**

Completion of traffic citation/infraction forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency, and the type of offense should be considered before issuing the juvenile a citation/infraction.

## TRAFFIC WARNING NOTICES

### 506.1 TRAFFIC WARNING NOTICES

Traffic Warning Notices may be issued to all vehicle operator's, passengers, bicyclists, and pedestrians that have violated a traffic law, and have not been issued a traffic Infraction or Citation.

Traffic Warning Notices will include the CAD reference number and be filled out to the extent the information is available and relevant. The issuance and routing of a Traffic Warning Notice will be the same as the traffic Infraction / Citation.

## Disabled Vehicles

### 507.1 PURPOSE AND SCOPE

This department has adopted the following policy on assisting motorists in disabled vehicles within this jurisdiction.

### 507.2 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. Members should take appropriate action to mitigate potential problems when a vehicle constitutes a traffic hazard or the safety of the motorist is a concern.

### 507.3 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 department resources, and the vulnerability of the disabled motorist.

#### 507.3.1 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.

#### 507.3.2 VEHICLE LOCK OUTS

Department personnel should not unlock private vehicles where the driver has locked the keys inside the vehicle unless exigent circumstances exist. Officers should provide reasonable assistance to the locked out citizen as needed. A locksmith, taxi or tow truck company should be called to unlock the vehicle at the owner's expense.

#### 507.3.3 JUMP-STARTING VEHICLES

Department members shall not use department vehicles to jump start disabled vehicles. If a jump start is needed and the member is not assigned to a higher priority call, a jump pack shall be used. A taxi or tow company can be called to jumpstart the vehicle at the owner's expense.

#### 507.3.4 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

#### 507.3.5 RELOCATION OF MOTORIST

The relocation of a motorist with a disabled vehicle should only occur with the person's consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The department member may stay with the disabled motorist or transport him/her to a safe area to await further assistance.

## *Disabled Vehicles*

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### **507.4 USE OF PUSH BARS**

Vehicles equipped with push bars may be utilized to remove a disabled vehicle from the traveled portion of the roadway when such vehicle is creating an undo hazard to the safe flow of traffic. The use of the push bar will restore normal traffic flow and reduce the threat of injury and/or accidents. Pushing disabled vehicles shall only be for the distance necessary to clear the traveled portion of the roadway.

#### **507.4.1 INSTRUCTIONAL PROCEDURE**

1. Inspect the disabled vehicle for any previous damage and make sure the bumper is secured to the disabled vehicle.
2. If there is previous damage to the disabled vehicle bumper, point out the damage to the driver prior to pushing the vehicle, and if possible, photograph the damage prior to pushing the vehicle.
3. Instruct the driver on proper pushing procedures.
  - a. Advise the driver where you intend to push them.
  - b. The disabled vehicle should be in neutral with the ignition in the on position.
  - c. Advise the driver of the disabled vehicle the power steering and power brakes will not be functional.
  - d. All occupants shall wear their seatbelts.
  - e. If the department member feels the driver is not capable of safely operating the vehicle, then the vehicle should not be pushed.
4. Pushing procedure
  - a. Pushing should only be done in a straight line manner.
  - b. Emergency lights will be activated during the pushing maneuver.
  - c. Slowly pull up behind the disabled vehicle and make contact with the disabled vehicle making sure the push bars align with the disabled vehicle.
  - d. Accelerate slowly to allow the disabled vehicle to be moved into the designated parking area.
  - e. Do not keep in contact with the bumper of the disabled vehicle while negotiating a corner or going up an incline or down a decline in the roadway. Contact can be reestablished after the disabled vehicle completes the maneuver.
5. Recheck both vehicles for any damage caused by pushing the disabled vehicle.
  - a. If any damage was caused by the pushing of the disabled vehicle, the department member shall notify the OIC and photograph the damage.
  - b. All uses of the push bars shall be noted in the CAD call notes.
6. Prohibited Use



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## *Disabled Vehicles*

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- a. Do not use the push bars to push start vehicles.
- b. Do not push vehicles with extended trailer hitches that extend past the depth of the push bar.
- c. Do not push disabled vehicles whose size or weight will cause damage to either vehicle.
- d. Do not push vehicles with previous extensive damage.

# Unauthorized 24/72 Hour Vehicle Violations

## 508.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and impounding of unauthorized vehicles parked in violation of 72 hour time limitations on highways, streets or alley. See Aberdeen City Ordinance 10.58.015.

## 508.2 MARKING VEHICLES

Vehicles suspected of being subject to removal from a highway, street or alley after being left unattended for 72 hours shall be marked and noted on the Aberdeen Police Department Impound Notice. No case number is required at this time (RCW 46.55.010(14)).

A notification sticker, as per RCW, 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 on the Impound Notice.

If a marked vehicle has been moved or the markings have been removed during a 72-hour investigation period, the vehicle shall be re-marked for another 72-hour period and a Impound Notice completed. If a patrol officer completes the impound notice it shall be forwarded to the Parking Enforcement Officer.

### 508.2.1 MARKED VEHICLE FILE

The Parking Enforcement Officer shall be responsible for maintaining a file for all impound notices.

Parking Enforcement Officer shall be responsible for the follow up investigation of all 72-hour unauthorized vehicle violations noted on the impound notice. If a marked vehicle has current Washington registration plates, the Parking Enforcement Officer shall check the records to learn the identity of the last owner of record. The Parking Enforcement Officer shall make a reasonable effort to contact the owner by telephone and provide notice that if the vehicle is not removed within seventy-two hours from the time the sticker was attached, the vehicle may be impounded and stored at the owner's expense (RCW 46.55.085(2)).

### 508.2.2 VEHICLE STORAGE

An officer may impound any vehicle not removed 72 hours after marking (RCW 46.55.085(3)).

The officer or Parking Enforcement Officer authorizing the impound of the vehicle shall complete a uniform impound authorization and inventory form. The completed form shall be submitted to the Records immediately following the impound of the vehicle (RCW 46.55.075(2)).

# Vehicle Seizure and Forfeiture

## 509.1 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).

## 509.2 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.

### 509.2.1 ADMINISTRATIVE RESPONSIBILITIES

All procedures and administrative responsibilities associated with Policy Manual § 526 and its subsections are handled by operations.

## 509.3 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 an Aberdeen Police 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 shall be impounded as provided under the authority of RCW 46.55.113(1).

### 509.3.1 PHYSICAL SEIZURE OF VEHICLE

Physical seizure of the vehicle shall occur only upon the following circumstances:

- (a) Upon conviction of either driving under the influence or physical control of a vehicle while driving under the influence where the person convicted has a prior offense within seven years as defined in RCW 46.61.5055 and the person driving has a financial interest in the vehicle.
- (b) Upon a court order (upon process issued by a court).
- (c) 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, once the officer confirms that a prior court judgment in favor of the state has occurred, the officer may seize the vehicle immediately.

## *Vehicle Seizure and Forfeiture*

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Any vehicle that is seized pursuant to any of the above subsections should immediately be impounded and held pending further court action (RCW 46.61.5058(3)).

### **509.4 VEHICLE FORFEITURE**

It is the policy of the Aberdeen Police Department to initiate forfeiture proceedings on all vehicles seized pursuant to RCW 46.61.5058.

Within fifteen days after vehicle seizure, the legal owner of the seized 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 certified mail with a return of service requested, or any other form of notification required by court order (RCW 46.61.5058(4)).

#### **509.4.1 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. Persons requesting a forfeiture hearing must complete and sign an Aberdeen Police Department Forfeiture Request Form;
  - 2. All hearings shall be scheduled and conducted in a timely fashion.
  - 3. The hearing officer(s) shall be the Chief of Police or his/her designee.
  - 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.
- (c) The vehicle shall be considered forfeited under the following circumstances:
  - 1. If, forty-five days after the seizure, no person has notified the Aberdeen 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.

### **509.5 PROCEDURES FOLLOWING FORFEITURE**

Vehicles that have been lawfully seized and through forfeit the ownership is transferred to the Aberdeen 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 Aberdeen Police Department:

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## *Vehicle Seizure and Forfeiture*

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- (a) The Patrol Lieutenant or his/her designee shall determine the disposition of all vehicles legally forfeited to the Aberdeen 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)).
- (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, officers and detectives shall proceed with due diligence in evaluating 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, unless such input is solicited/requested by the assigned prosecutor. 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 Patrol Section Commander, Grays Harbor County Drug Task Force Commander, Deputy Chief or the Chief of Police.

## **600.3 CONSTITUTIONAL MATTERS**

All employees of the Aberdeen 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 POTENTIALLY EXCULPATORY EVIDENCE OR FACTS**

Officers must include in their reports adequate reference to all material evidence and facts which are reasonably believed to be exculpatory to any individual in the case. If an officer learns of potentially exculpatory information anytime after submission of the case, the officer must notify the prosecutor as soon as practical.

Evidence or facts are considered material if there is a reasonable probability that they may impact the result of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. An officer who is uncertain whether evidence or facts are material should address the issue with a supervisor.

Supervisors uncertain about the materiality of evidence or facts should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the department case file.

## **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.

## *Investigation and Prosecution*

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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 Policy

### 601.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure and liquidation of assets associated with specified controlled substances. This policy applies to forfeited or seized assets in the form of currency, real estate, automobiles, boats, aircraft, or any other items of value.

### 601.2 ASSET SEIZURE AUTHORITY

The seizure and forfeiture of any currency, real and/or personal property, which represents proceeds or was used to facilitate narcotic activity in violation of the law provided the offense(s) involve the manufacturing, distribution, transportation for sale, sales, possession for sale, offer for sale, offer to manufacture, or the conspiracy to commit certain criminal violations is permitted (RCW 69.50.505).

Any officer having probable cause, may seize all monies, negotiable instruments, securities, vehicles, boats, airplanes or other things of value which are forfeitable pursuant to law.

#### 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 FORFEITURE PROCEDURE

Before seizing any currency, vehicle, or personal property pursuant to RCW 69.50.505. The following guidelines will be observed:

## *Asset Forfeiture Policy*

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- (a) The seizing officer or the detective will serve all persons with Notice of Seizure and Intended Forfeiture forms that include information on how to appeal the seizure.
- (b) When someone has made notification other than the Grays Harbor County Drug Task Force Commander, a copy of all reports and all applicable asset forfeiture paperwork must be forwarded to the Grays Harbor County Drug Task Force Commander, for review.
- (c) Interview all persons involved concerning their possession of the seized assets, financial situation, employment, income, and other resources. If a defendant has not given a Miranda waiver before an interview regarding assets, the detective or officer will conduct a further criminal interview as necessary.
- (d) Attempt to promptly determine all lienholders or all persons who may have a legal interest in the seized currency, vehicle or property for further contact, investigation and notification.
- (e) The seizure of assets subject to forfeiture is a civil proceeding filed through the county of origin, County Prosecutor or City Attorney.

### 601.3.1 SEIZED PROPERTY

Property seized subject to forfeiture will be inventoried and booked into Property. The property will be checked through the Records Management System to determine if the property has been stolen.

The property will be booked 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.

### 601.3.2 SEIZED CURRENCY

Currency seized subject to forfeiture will be counted by the seizing officer and a supervisor. The currency will be placed in a evidence bag with the denomination of the currency documented on a cash count form which shall be attached. The officer counting and supervisor verifying money will initial and sign the evidence tag when sealed.

Currency seized will be placed into the property room per department policies.

### 601.3.3 SEIZED VEHICLES

Vehicles seized subject to forfeiture will be taken to a designated secure storage facility. A seized vehicle should not be impounded. The officer seizing the vehicle shall notify the detective supervisor of the seizure of the vehicle and circumstances of the seizure.

If the vehicle cannot be driven, a tow truck will be used to tow the vehicle to the storage facility using the current citywide towing services contract provider.

## *Asset Forfeiture Policy*

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### **601.4 ASSET FORFEITURE LOG**

An inventory of all asset forfeiture cases shall be kept with the Grays Harbor County Drug Task Force Commander. The inventory shall include the following:

- Case number.
- Date of seizure.
- Value.
- Status of the seizure.

Information maintained on the log will be provided to the Chief of Police or authorized staff, as requested.

#### **601.4.1 FORFEITED PROPERTY (DRUG RELATED)**

When property is seized by the Aberdeen Police Department and subsequently forfeited in accordance with RCW 69.50, the investigations section commander will ensure that the following records are maintained and reports submitted.

- (a) A record will be kept including:
  - 1. The identity of the prior owner if known.
  - 2. A description of the property.
  - 3. The disposition of the property.
  - 4. The value of the property at the time of seizure.
  - 5. The amount of proceeds realized from disposition of the property.
  - 6. Records of forfeited property shall be retained for at least seven years.
- (b) A report including a copy of records of forfeited property shall be filled with the state treasurer each calendar quarter, with a copy forwarded to the Chief of Police.
- (c) By January 31st of each year, an amount equal to ten percent of the net proceeds of any property forfeited during the proceeding calendar year, shall be remitted to the state treasurer in accordance with RCW 69.50.505 (h) (1) (2) and (3).

### **601.5 PROCEEDS FROM FORFEITURE**

Proceeds received from seized assets shall be maintained in separate funds and shall be subject to accounting controls and annual financial audits.

# 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 Aberdeen 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 Grays Harbor County Drug Task Force Commander 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) Briefs of information provided by the informant and his/her subsequent reliability. If an informant is determined to be unreliable, the informant's file is marked as "Unreliable".
- (j) Name of officer initiating use of the informant.
- (k) Signed informant agreement.
- (l) Update on active or inactive status of informant.

The informant files shall be maintained in a secure area within the Grays Harbor County Drug Task Force Commander's Office. 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, the Grays Harbor County Drug Task Force Commander, or their designees.

## *Confidential Informants*

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### **602.3 USE OF INFORMANTS**

Before using an individual as a confidential informant, an officer must receive approval from the Grays Harbor County Drug Task Force Supervisor. 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.

#### **602.3.1 JUVENILE INFORMANTS**

The use of juvenile informants under the age of 13-years is prohibited.

For purposes of this policy, a juvenile informant means any juvenile who participates, on behalf of this department, in a prearranged transaction or series of prearranged transactions with direct face-to-face contact with any party, when the juvenile's participation in the transaction is for the purpose of obtaining or attempting to obtain evidence of illegal activity by a third party and where the juvenile is participating in the transaction for the purpose of reducing or dismissing a pending juvenile petition against the juvenile.

### **602.4 GUIDELINES FOR HANDLING CONFIDENTIAL INFORMANTS**

All confidential informants are required to sign and abide by the provisions of the departmental Informant Agreement. 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**

No member of the Aberdeen Police Department shall knowingly maintain a social relationship with a confidential informant while off duty, or otherwise become intimately involved with a confidential informant. Members of the Aberdeen Police Department shall neither solicit nor accept gratuities nor engage in any private business transaction with a 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 shall not be condoned.
- (d) Informants shall be told they are not acting as police officers, employees or agents of the Aberdeen Police Department, and that they shall not represent themselves as such.
- (e) The relationship between officers and informants shall always be ethical and professional.
- (f) Social contact shall be avoided unless necessary to conduct an official investigation, and only with prior approval of the Grays Harbor County Drug Task Force supervisor.

## *Confidential Informants*

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- (g) Officers shall not meet with informants of the opposite sex in a private place unless accompanied by at least one additional officer. Officers may meet informants of the opposite sex alone in an occupied public place such as a restaurant. When contacting informants of either sex for the purpose of making payments officers shall arrange for the presence of another officer.
- (h) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

### **602.5 NARCOTICS INFORMANT PAYMENT PROCEDURES**

The potential payment of large sums of money to any confidential informant must be done in a manner respecting public opinion and scrutiny. Additionally, to maintain a good accounting of such funds requires a strict procedure for disbursements.

#### **602.5.1 PAYMENT PROCEDURE**

The amount of funds to be paid to any confidential informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case.
- The quality of the violator arrested.
- The amount of assets seized.
- The quantity of the drugs seized.
- The informant's previous criminal activity.
- The level of risk taken by the informant.

The Grays Harbor County Drug Task Force Supervisor will discuss the above factors with the Grays Harbor County Drug Task Force Commander and arrive at a recommended level of payment that will be subject to the approval of the Chief of Police. The amount of payment will be based on a percentage of the current market price for the drugs or other contraband being sought, not to exceed 15-percent.

#### **602.5.2 CASH DISBURSEMENT POLICY**

The following establishes a cash disbursement policy for confidential informants. No informant will be told in advance or given an exact amount or percentage for services rendered.

- (a) When both assets and drugs have been seized, the confidential informant shall receive payment unless working under an agreement between the informant and prosecutors office in exchange for a plea bargain.
- (b) A confidential informant may receive a cash amount for each quantity of drugs seized whether or not assets are also seized.

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## *Confidential Informants*

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### 602.5.3 PAYMENT PROCESS

The case number shall be recorded justifying the payment. Payments shall be paid in cash out of the Grays Harbor County Drug Task Force Buy/Expense Fund.

To complete the transaction with the confidential informant the case agent shall have the confidential informant initial the receipt. The confidential informant will sign the 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 Aberdeen Police Department case number shall be recorded on the receipt. The form will be kept in the confidential informant's file.

Each confidential informant receiving a cash payment shall be informed of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income.

### 602.5.4 REPORTING OF PAYMENTS

Each confidential informant receiving a cash payment shall be informed of his/her responsibility to report the cash to the IRS as income. If funds distributed exceed \$600 in any reporting year, the confidential informant should be provided IRS Form 1099 (26 CFR § 1.6041-1). If such documentation or reporting may reveal the identity of the confidential informant and by doing so jeopardize any investigation, the safety of peace officers or the safety of the confidential informant (26 CFR § 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the confidential informant shall be provided a letter identifying the amount he/she must report on a tax return as "other income" and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the confidential informant's file.

## Investigative Imprest Fund

### 603.1 PURPOSE AND SCOPE

The Investigative Imprest Fund is created and operated in accordance with City Resolution 1993-28. The amount designated for this fund is \$2,000, which upon expenditure, is reimbursable up to the amount set by the current police budget.

The Detective Division Commander is delegated the authority and responsibility for the safekeeping of this fund, and all accounting and records keeping in accordance with the enabling Resolution. Reimbursement will be handled by the voucher process, signed by the Chief of Police or Deputy Chief, with corresponding receipts attached. (Reimbursement checks are issued by the Finance Department in the name of and endorsed by the Chief of Police.) An internal audit shall be conducted by the investigation section commander each time the fund is replenished and at least quarterly. The status of such fund will be reported to the finance director's office annually, as directed by Resolution 1993-28, no later than January 31st.



# Eyewitness Identification

## 604.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques.

### 604.1.1 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.

## 604.2 POLICY

This 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.

## 604.3 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.

## 604.4 EYEWITNESS IDENTIFICATION FORM

The Investigation Division 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.

## *Eyewitness Identification*

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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's photograph 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.

### **604.5 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.

Each witness should be admonished that he/she is not required to make an identification of any person shown during an eyewitness identification process.

#### **604.5.1 PHOTOGRAPHIC AND LIVE LINEUP CONSIDERATIONS**

When practicable, the person composing the lineup and the person presenting the lineup should not be directly involved in the investigation of the case. When this is not possible, the member presenting the lineup must take the utmost care not to communicate the identity of the suspect in any way.

When practicable, the employee presenting a lineup to a witness should not know which photograph or person is the suspect.

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.

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.

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### 604.5.2 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination or show-up identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

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.
- (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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### **604.6 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

## 605.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called Brady information ) to a prosecuting attorney.

### 605.1.1 DEFINITIONS

Definitions related to this policy include:

Brady information - Information known or possessed by the Washington State Master PD that is both favorable and material to the current prosecution or defense of a criminal defendant.

## 605.2 POLICY

The Washington State Master PD will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Washington State Master PD 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 exculpatory information, as provided in this policy.

## 605.3 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. A copy of the memo should be retained in the Department case file.

## 605.4 DISCLOSURE OF PERSONNEL INFORMATION

If a member of this department is a material witness in a criminal case, 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 Brady information is located, the following procedure shall apply:

## *BRADY MATERIAL DISCLOSURE*

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- (a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and department member shall be notified of the potential presence of Brady material in the member's personnel file.
- (b) The prosecuting attorney or department counsel should be requested to file a motion in order to initiate an in camera review by the court.
  - 1. If no motion is filed, the supervisor should work with counsel to determine whether the records should be disclosed to the prosecutor.
- (c) The Custodian of Records shall accompany all relevant personnel files during any in camera inspection to address any issues or questions raised by the court.
- (d) If the court determines that there is relevant Brady material contained in the files, only that material ordered released will be copied and released to the parties filing the motion.
  - 1. Prior to the release of any materials pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.
- (e) If a court has determined that relevant Brady information is contained in the member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

The person or persons designated by the Chief of Police should periodically examine the personnel files and/or internal affairs files of all officers who may be material witnesses in criminal cases to determine whether they contain Brady information. The obligation to provide Brady information is ongoing. If any new Brady information is identified, the prosecuting attorney should be notified.

### **605.5 INVESTIGATING BRADY ISSUES**

If the 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.

### **605.6 TRAINING**

Department personnel should receive periodic training on the requirements of this policy.

## 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.

### 700.1.1 DIVISION COMMANDERS

Division commanders shall be responsible for all equipment issued and used by their division.

### 700.1.2 EQUIPMENT USE AUTHORIZED

Department personnel may use any and all equipment whether for general or specialized use provided said person:

- (a) Has department authority to use the equipment.
- (b) Has the legal authority to use the equipment.
- (c) Has received the department authorized training necessary to use the equipment.
- (d) Uses only department issued or otherwise authorized weapons, including less-lethal weapons.

## 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 through their chain of command, 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.



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- (f) Upon termination of employment, all department owned property will be returned.
- (g) With the exception of what would generally be considered routine maintenance and cleaning, employees will not dismantle, modify or attempt to repair equipment unless authorized to do so.

### 700.2.1 DEPARTMENT KEY PROCEDURES

The security of the police facility is of utmost importance for the protection of employees, Department property, records, and property or evidence held in trust. All employees are expected to ensure that the following procedures are strictly adhered to.

- (a) Employees of this department shall not make or cause to be made any duplications of departmental keys. Employees will possess only those Police Department and City of Aberdeen keys which they are authorized to have. Loss of departmental keys will be reported immediately by the employee to their supervisor. A memo will be submitted detailing the circumstances surrounding the loss.
- (b) Security Key Locker: A security key locker is located on the north wall of the records area. The on-duty clerk will maintain the key to the locker in the Records area.
  - 1. Anyone needing a key from the security locker will contact the on-duty clerk who will open the key locker and obtain the necessary key. The removal of any key from the locker will be recorded immediately in the Key Loan Record book by the on-duty clerk.
  - 2. Only keys with a white cloverleaf tag attached may be loaned. After the key is returned the Key Loaned Record is completed.
  - 3. The keys with the red octagonal tag may not be loaned out except with the express authorization of the Chief of Police, Deputy Chief, or Section Commanders. These keys are the permanent file key used only for making copies.
- (c) No copies of any key may be made or possessed without the authorization of the Chief of Police or Deputy Chief.
- (d) Any violation of this policy is grounds for immediate dismissal.
- (e) Employees will not possess keys to business establishments unless they have received prior permission from the Chief of Police or Deputy Chief.
- (f) Each member of the patrol section shall be issued a Knox-Box key and shall be responsible for the security of that key.

### 700.2.2 INSTALLATION OF PERSONAL EQUIPMENT

Unless authorized in writing by the Chief of Police or Deputy Chief of Police, no member shall install or have installed, either permanently or temporarily, any personal equipment, which will in any way alter the electrical wiring system, mechanical aspects of the vehicle, sheet metal construction on

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the exterior or the interior of the vehicle. Any such personal equipment authorized for installation shall be installed at the risk of the owner and the department shall not be responsible for damage or loss.

### **700.2.3 LOAN OF POLICE EQUIPMENT**

The Patrol Lieutenant or on-duty patrol supervisor may loan police equipment to other law enforcement agencies, provided the item or items with serial numbers, if any, are listed on a written form with the signature of the officer receiving the equipment. The form will be forwarded to the Division Commander responsible for the loaned equipment.

### **700.2.4 DEPARTMENT ASSIGNED EQUIPMENT**

Members and employees of the Aberdeen Police Department may be assigned departmentally owned vehicles, lockers, desks, cabinets and cases for the mutual convenience of the department and its personnel. All personnel are advised that the retention of personal items in such containers or facilities is at the risk of the employee and the department will not be responsible for any losses. Such equipment is subject to entry and inspection without notice, even if the employee has placed a personally owned lock on departmental property.

### **700.2.5 AUDIO INTELLIGENCE EQUIPMENT**

Any use of audio intelligence devices must be approved by the Chief of Police or Deputy Chief of Police prior to its use, and will only be used in accordance with state law.

### **700.2.6 FURNISH RECORD OF PERSONAL POLICE EQUIPMENT**

All members of this department shall furnish for record purposes, the serial numbers and description of all authorized firearms, handcuffs, or other personally owned police equipment, if the equipment will be used for police purpose.

- (a) This record shall be kept current by giving the above information on described equipment which is bought, sold, acquired, lost, traded, given away, or in which any degree of ownership is either acquired or given up.
- (b) This information shall be given to the Special Assignments Commander in writing and will be made a part of the personnel file.
- (c) No unauthorized equipment will be used in any police operation or purpose.

### **700.3 FILING CLAIMS FOR PERSONAL PROPERTY**

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the appropriate Section Commander through the chain of command, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

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Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police.

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

### **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 section commander.

#### **700.4.2 DAMAGE TO PERSONALLY OWNED PROPERTY**

Department approved personal property that is damaged; through no fault or negligence of the officer, will be repaired or replaced up to \$50 per item.

- (a) Property damaged by an arrestee should be handled through court restitution, payable to the officer or to the City if the item was repaired or replaced by the City.
- (b) All requests for repair or replacement must be authorized by the Chief of Police who may, for cause, exceed the \$50 limit

# Personal Communication Devices

## 701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of departmentally issued mobile phones and personal communication devices, and the on-duty use of such devices personally owned by personnel.

Because of technical advances and varying manufacturer nomenclature, this policy will generically refer to all personal communication devices (PCDs) as such, but is intended to include all mobile phones, PDAs, and other such wireless two-way communication and/or portable internet access devices.

### 701.1.1 PRIVACY POLICY

Any employee utilizing any computer, internet service, phone service or other wireless service provided by or funded by the Department expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender and recipient of any communication utilizing such service might otherwise have, including as to the content of any such communication. The Department also expressly reserves the right to access and audit any and all communications (including content) sent, received and/or stored through the use of such service.

## 701.2 DEPARTMENTALLY ISSUED PCD

Depending on an employee's assignment and needs of the position, the Department may, at its discretion, issue a personal communication device (PCD). Such devices 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 reason.

### 701.2.1 INDIVIDUALLY OWNED PCD

Employees may carry their own individually owned PCD while on duty subject to the following conditions:

- (a) Carrying an individually owned personal communication device is optional.
- (b) The device shall be purchased, used and maintained at the employee's expense.
- (c) Any loss or damage of a individually owned PCD is the sole responsibility of the owner.

### 701.2.2 USE OF PERSONAL COMMUNICATION DEVICES

PCDs, whether provided by the Department or personally owned, should only be used by on-duty employees for legitimate department-related business except as provided for below.

Employees may use a PCD to communicate with other personnel in situations where the use of the radio is either impractical or not feasible. PCDs however, should not be used to replace regular radio communications.

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- (a) PCDs shall not be carried in a manner that allows it to be generally visible while in uniform.
- (b) PCDs may not be used to conduct personal business while on duty except when brief personal communications may be warranted by the circumstances (e.g., inform family of extended hours). While employees may use personally owned PCDs for personal business during authorized breaks, such usage should be limited as much as practical to areas where the communication will not be seen or heard by members of the public.
- (c) Extended or frequent use of departmentally issued or personally owned PCDs while on duty for personal use is prohibited and may be subject to discipline. Employees may be responsible for reimbursing the Department for any charges incurred as a result of personal use.

### 701.2.3 USE WHILE DRIVING

The use of a PCD while driving can cause unnecessary distractions and presents a negative image to the public. This policy governs the use of all cell phones while operating city owned vehicles.

In no case may an employee create, send or read an incoming text message or email while operating a motor vehicle while engaged in City business. No employee shall initiate a conversation on any cellular telephone (business or personal) when operating a motor vehicle while engaged in City business. The operator of the vehicle is directed to stop at a safe location prior to initiating any phone call except under the following exemptions;

- (a) Commissioned personnel responding to, or investigating, an emergent call for service where the police radio is not a viable option and time is of the essence.
- (b) While operating a city owned vehicle the employee is permitted to receive an incoming cellular telephone call when it is safe to do so using a hands-free device. An employee must use his/her discretion prior to answering an incoming call to determine if the call can be answered safely given the existing traffic and road conditions. If in doubt, the employee is directed to let the call go to voicemail and retrieve the message when stopped at a safe location. Answered calls are to be kept to the shortest duration necessary to meet the immediate need of the call.
- (c) With the permission of the Chief of Police or his/her designee.

The use of private cell phones by employees while on duty may be limited or restricted if they become a distraction or affect any operation of the department.

### 701.2.4 OFFICIAL USE

The use of PCD may be appropriate the following situations:

- (a) Barricaded suspects.
- (b) Hostage situations.
- (c) Mobile Command Post.

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## *Personal Communication Devices*

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- (d) Catastrophic disasters, such as plane crashes, earthquakes, floods, etc.
- (e) Major political/community events.
- (f) Investigative stakeouts where regular phone usage is not practical.
- (g) Emergency contact with outside agency or outside agency field unit equipped with PCDs.
- (h) When immediate communication is needed and the use of the radio is not 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.

### 702.1.1 VEHICLE USE

All members assigned a police vehicle, either temporarily or permanently, shall keep the interior of the vehicle free from debris and clutter. Each member shall cause the interior of his assigned vehicle to be kept as clean as practical.

Jumper cables will not be used to start other vehicles, unless it is done by maintenance personnel.

All weapons in vehicles will be removed and secured at the police department when the vehicle is left at the garage for repair or servicing

## 702.2 DEFECTIVE VEHICLES

All department vehicles should be inspected by officers for damage and faulty equipment prior to being driven. Special attention will be given to brakes, lights, and emergency equipment (siren, lights).

When damage or faulty equipment is discovered, it shall be reported to the on duty Shift Supervisor immediately. The supervisor shall check the damage and/or faulty equipment. If it is of a minor nature, and the vehicle is drivable, the supervisor shall complete a damage report. If the damage is major, the supervisor will take the vehicle out of service pending repair.

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. Proper documentation 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 vehicle maintenance for repair.

## 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 should inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- Minimum of 10 Emergency road flares
- Yellow crayon, chalk, or paint markers.
- 1 Roll barricade tape
- 1 First aid kit

## *Vehicle Maintenance*

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- Emergency food kit
- 1 Fire extinguisher
- Blanket
- Broom and Dustpan
- Rope
- Light Sticks
- Traffic Baton
- Safety Vest
- Rescue Disc
- Spike Strip
- Personal Protective Equipment per § 1016 and § 1024

### Inside the vehicle

- Patrol Rifle/ammunition
- Patrol Less-Lethal Shotgun/flexible batons
- Digital Camera
- PBT
- Binoculars

### 702.3.2 UNMARKED VEHICLES

An employee driving unmarked department vehicles should ensure that the minimum following equipment is present in the vehicle:

- Minimum of 10 Emergency road flares
- Paint marker, yellow crayon or chalk
- 1 Roll barricade tape
- 1 First aid kit
- Emergency food kit
- Patrol Rifle/ammunition
- 1 Fire extinguisher
- Personal Protective Equipment per § 1016 and § 1024



## *Vehicle Maintenance*

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### **702.4 VEHICLE REFUELING**

When an officer begins his/her shift and finds the patrol vehicle at half a tank of fuel or below, he/she should fuel up the patrol vehicle as soon as practical. Vehicles shall only be refueled at the authorized location.

Whenever a police vehicle is in operation and the operator is nearing the end of shift, he/she should check for remaining gasoline in the vehicle. When the gauge indicates half of a tank or less, the operator should refuel before going off shift.

Fluid levels are checked periodically by maintenance personnel on a random and scheduled basis, but should be monitored each shift by the operating officer while refueling the vehicle.

### **702.5 WASHING OF VEHICLES**

All units should be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance.

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.

### **702.6 NON-SWORN EMPLOYEE USE**

Non-sworn employees should not drive marked vehicles at anytime except under the following conditions.

For use by Explorer Scouts see policy §1048.

During scheduled vehicle maintenance.

As approved by a supervisor.

## Vehicle Use

### 703.1 PURPOSE AND SCOPE

The Department utilizes city owned motor vehicles in a variety of applications operated by department personnel. In order to maintain a system of accountability and ensure City owned vehicles are used appropriately, regulations relating to the use of these vehicles have been established. The term "City owned" as used in this section also refers to any vehicle leased or rented by the City.

### 703.2 USE OF VEHICLES

Operating in General:

- (a) All employees will operate their vehicles with due regard for safety. Even when responding in emergency situations or while in pursuit of another vehicle, employees will take into consideration the condition of the road, the surrounding traffic and other hazards. Vehicles will be operated within the scope of 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. Nor, shall such provisions or exceptions protect an employee from the consequences of his reckless disregard for the safety of others.
- (b) When equipped with seat belts, all employees operating a police car or other vehicle, shall fasten seat belts when the vehicle is in motion, and shall require passengers to do the same. See policy §1022.
- (c) Departmental guidelines for routine, emergency and pursuit operation of departmental vehicles shall be adhered to by all employees. Any vehicle involved in a pursuit will be removed from service until a safety check has been completed by maintenance personnel.
- (d) Officers of the Aberdeen Police Department will not operate police vehicles in the performance of patrol or enforcement activities until they have completed the basic law enforcement academy training in emergency vehicle operation, or its equivalent
- (e) All employees of the department are authorized to operate department vehicles provided they have the appropriate training and license with endorsement, if required.
  - 1. Members of the Senior Volunteer Unit and the Explorer Post shall obtain vehicle use authorization from a command level officer.
  - 2. Vehicle maintenance personnel may operate department vehicles on a needed basis.
- (f) Patrol Officers are prohibited from leaving the city jurisdiction in patrol police vehicles unless on official business and with the approval of their supervisor.

## *Vehicle Use*

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- (g) When assigned to escort, convoy or funeral escort, the patrol car shall be operated in a safe manner and at a reasonable speed. The operator shall display the headlights and blue emergency light. The siren may be used in the event of imminent danger.

### 703.2.1 SHIFT ASSIGNED VEHICLES

Personnel assigned to routine scheduled field duties shall log onto the MDT inputting the required information when going on duty. If the vehicle is not equipped with a working MDT, they shall notify Grays Harbor Communications for entry of the vehicle number on the shift roster. If the employee exchanges vehicles during the shift, the new vehicle number shall be entered.

The Patrol Lieutenant shall ensure a copy of the unit roster indicating personnel assignments and vehicle numbers is completed for each shift and maintained for a minimum period of two years.

Employees shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shift. A thorough inspection of the vehicle interior shall be completed before and after transporting any prisoner. 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.

### 703.2.2 UNSCHEDULED USE OF VEHICLES

Personnel utilizing a vehicle for any purpose other than their normally assigned duties shall first notify the Patrol Lieutenant or on-duty patrol supervisor of the reasons for use. This section does not apply to personnel permanently assigned an individual vehicle (e.g., command staff, detectives).

### 703.2.3 UNDERCOVER VEHICLES

Unmarked units, if not assigned to an individual employee, shall not be used without first obtaining approval from the respective unit supervisor.

### 703.2.4 DETECTIVE SECTION VEHICLES

Detective Section vehicle use is restricted to detective personnel Monday through Friday from 7:00 AM to 5:00 PM. Use by other personnel should not occur unless approved by a detective supervisor, patrol Lieutenant, or on-duty patrol supervisor. The Grays Harbor County Drug Task Force Captain's vehicle will be available to him/her at all times.

If a Grays Harbor County Drug Task Force vehicle is used by non-detective section personnel, the employee using the vehicle will ensure that the fuel level is full and it is left in a clean condition. The number of the vehicle used will be logged on the employees Daily Time Log.

### 703.2.5 AUTHORIZED PASSENGERS

Personnel operating department owned vehicles shall not permit persons other than City employees or persons required to be conveyed in the performance of duty or as otherwise authorized to ride as a passenger in their vehicle.

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### 703.2.6 PARKING

Employees shall not park privately owned vehicles in any stall assigned to a City owned vehicle or in other areas of the parking lot not designated as a parking space unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

### 703.2.7 INSPECTIONS

The interior of any vehicle that has been used to transport any person other than an employee should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized items have not been left in the vehicle.

### 703.3 ASSIGNED VEHICLE AGREEMENT

City owned vehicles assigned to personnel for their use within their job assignment may be used to transport the employee to and from their residence for work-related purposes.

The vehicle shall only be used for work-related purposes and shall not be used for personal errands, or transports, unless special circumstances exist and the on-duty patrol supervisor gives authorization. The agreement also requires the employee to be responsible for the vehicle's care and maintenance. The Department will provide necessary care/maintenance and supplies.

The assignment of vehicles is at the discretion of the Chief of Police. Assigned vehicles may be changed at any time and/or permission to take home a vehicle may be withdrawn at any time.

### 703.3.1 VEHICLES SUBJECT TO INSPECTION

All City owned vehicles are subject to inspection and or search at any time by a supervisor and no employee assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

### 703.4 SECURITY

Employees may take home City owned vehicles only with prior approval from their Division Commander and shall meet the following criteria:

- (a) The employee lives within a 30-minute (rules of the road obeyed and based on average traffic flow) response time of the Aberdeen City limits.
  - 1. A longer response time may be appropriate depending on the special assignment of the employee. In that event, the response time shall not exceed 60 minutes.
- (b) 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 secured in the vehicle gun lock, placed in the trunk or properly secured in the residence when the vehicle is not attended (refer to Firearms policy § 312 regarding safe storage of firearms at home).

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### 703.4.1 KEYS

Personnel assigned a permanent vehicle shall be issued keys for their respective vehicle. The loss of any assigned key shall be promptly reported in writing through the employee's chain of command.

### 703.5 ENFORCEMENT ACTIONS

When driving an assigned vehicle to and from work outside of the jurisdiction of the Aberdeen Police Department, an officer shall not become involved in self-initiated enforcement actions except in those circumstances where a potential threat to life or serious property damage exists.

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 police facility or maintenance yards (trusties may be used to clean vehicles, when available).
  - 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 supplier.
  - 1. When needing vehicle maintenance, the employee will complete a vehicle repair card explaining the service or repair, and leave it on the board in the patrol office.
  - 2. Vehicles requiring warranty service shall be taken to the nearest authorized dealer after receiving clearance from the Deputy Chief.

#### 703.6.1 ACCESSORIES AND/OR MODIFICATIONS

No modifications, additions or deletions of any equipment or accessories shall be made to the vehicle without permission from the Deputy Chief.

### 703.7 ACCIDENT DAMAGE, ABUSE, AND MISUSE

- (a) Any time a vehicle is involved in a traffic collision within the city jurisdiction, either singularly or with another vehicle, a supervisor will be requested to respond to the scene, supervise the investigation, and ensure that the necessary reports are

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completed and forwarded without unnecessary delay, including the Department traffic accident or incident report, State Collision Report, as required. The responding supervisor will assign an uninvolved officer to investigate the cause and responsibility. The employee involved in the collision shall complete the City provided vehicle accident form. If the employee is incapable, the supervisor shall complete the form.

- (b) If the collision occurs outside the city jurisdiction the involved officer will check the welfare of any others involved and report the incident to the appropriate jurisdiction. The officer will notify a supervisor as soon as practical who should ensure the collision is investigated by a member of this department if practical.
- (c) The involved officer(s) should not move their vehicle(s) until directed to do so by the investigating agency.
- (d) Employees involved in the collision and the investigating officer(s) will refrain from making statements concerning liability or fault to other parties involved in the collision. Statements made to investigating authorities should be confined to factual observations.
- (e) All information concerning the accident (reports, photographs, statements, etc.) shall be forwarded to the Deputy Chief of Police no later than 24 hours following the accident. All material concerning the accident shall remain in the official file until final disposition of the accident.
- (f) The Deputy Chief of Police shall review all the information concerning the accident and shall forward that information to the Chief of Police, along with a recommendation as to whether a Traffic Review Board should or should not be convened. The Chief of Police shall have final determination as to whether a Traffic Review Board will be held.
- (g) The City Risk Manager will be contacted when any accident investigation involving City employees or City vehicles is initiated.
- (h) 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 memorandum format and forwarded to the shift supervisor.
- (i) An administrative investigation will 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.

### **703.8 TOLL ROAD USAGE**

Law enforcement vehicles are not routinely exempted from incurring toll road charges. Pursuant to the non-revenue policy of the toll roads, law enforcement agencies responding to an emergency or incident on the toll roads, while on duty, are exempt from paying the toll. Commuting, or returning to the City after an emergency does not qualify for this exemption and personnel using City

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owned vehicles are subject to the toll charge. To avoid unnecessary toll road violation charges, all employees operating a City owned vehicle upon the toll road shall adhere to the following:

- (a) All employees operating a City owned vehicle for any reason other than an initial response to an emergency shall stop and pay the appropriate toll charge. Employees may submit for reimbursement from the City for any toll fees.
- (b) All employees passing through the Toll Plaza or booth during a response to an emergency shall submit a memo to their respective Division Commander within five working days explaining the circumstances.

## **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
- Electronic Traffic Information Processing (eTRIP) 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.

# Property and Evidence

## 801.1 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.

The handling and processing of evidence or found property must be conducted in an efficient, legal manner. It is the goal of this department to have a property/evidence system which protects the property rights of citizens, guards the integrity of the department, and maintains the chain of evidence.

It is the duty of all officers to care for, control and process correctly all evidence or property that may come into their possession.

## 801.2 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.
- 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.

## 801.3 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 along with the property form. 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 property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the item(s).

### 801.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. 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, finder's name, and other identifying information or markings.

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- (b) Mark each item of evidence with the booking employee's initials and the date booked using the appropriate method so as not to deface or damage the value of the property.
- (c) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.
- (d) Place the case number in the upper left hand corner of the evidence card.
- (e) The original property form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if property is stored somewhere other than a property locker.
- (f) When the property is too large to be placed in a locker, the item may be retained in the exterior storage building. Submit the completed property record into a numbered locker indicating the location of the property.

### 801.3.2 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 the designated locker accompanied by the two-part evidence card and one copy of the Master Evidence Record (MER). The remaining copy will be detached and submitted with the case report.

### 801.3.3 EXPLOSIVES

Explosives that are known or suspected to be armed or live, other than fixed ammunition, should not be retained in the police facility. The Washington State Patrol Bomb Squad should be called to pick up all fireworks, railroad flares, or fuses that are considered safe. These items should be placed into the exterior storage building and paperwork should be forwarded to the evidence clerk.

Officers who encounter an explosive device shall immediately notify the immediate supervisor and/or Patrol Lieutenant. The Bomb Squad will be called to handle situations involving explosive devices and all such devices will be released to them for disposal.

### 801.3.4 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) License plates found not to be stolen or connected with a known crime, should be released directly to the evidence clerk, or placed in the designated container for return to the Department of Motor Vehicles. No formal property booking process is required.
- (c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the evidence clerk, or placed in the bicycle storage area until a evidence clerk can log the property.

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- (d) All cash shall be counted in the presence of a supervisor and the envelope initialed by the booking officer and the supervisor.
  - 1. The employee shall arrange that another employee examines any money, valuables or narcotics, and witness the placement of the property in an evidence container and the sealing and deposit of the container in a temporary storage property locker.
    - (a) Employees shall use a 'cash count' form to accurately document the amount of money taken into custody in every instance. The cash count form shall be signed by a second officer or by the evidence clerk.
    - (b) The monies shall be placed in a clear envelope with the evidence tag and cash count form securely attached.
- (e) 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

### 801.3.5 PROPERTY SUBJECT TO FORFEITURE

Whenever property seized by the Department is subject to forfeiture, specific notification procedures must be followed. It shall be the responsibility of the assigned officer, detective or the evidence clerk to ensure that the following notifications are completed.

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 § 606.3.

### 801.3.6 EVIDENCE REQUIRING ADDITIONAL PROCESSING

- (a) The evidence processing room contains 2 temporary-sue transfer lockers with individual keyed locks.
- (b) These lockers will be used to store low value items of evidence requiring fingerprinting or other processing beyond the capability or time resource of the seizing officer.
- (c) Only items seized by the same officer for a single case may be placed together in a locker.
- (d) High value items, including but not limited to, guns, narcotics, money, jewelry and other valuables, requiring further processing shall not be placed in these lockers. They will

## *Property and Evidence*

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be placed in a regular evidence locker along with an evidence tag and a red "evidence processing" tag.

- (e) Low value items such as broken pieces of glass, bottles, bags and items that will be discarded after they no longer have evidentiary value, may be placed into an empty evidence processing locker. An evidence tag and a red "Evidence Processing Required" tag must be placed in the locker.
- (f) Place the locker key and the top copy of the evidence tag in one of the regular evidence transfer lockers.

### **801.3.7 EVIDENCE PROCEDURE MANUAL**

The Aberdeen Police Department is creating and adopting an Evidence Handling Procedure Manual which will contain the detailed instructions on the operation of the evidence room along with the packaging and handling of evidence and property obtained by employees of this department. The manual will be maintained by the Evidence Locker Supervisor. Until this manual is completed and adopted the existing APD policy relating to these issues, that are not addressed in Policy §804, shall remain in affect.

### **801.4 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.

#### **801.4.1 PACKAGING CONTAINER**

Employees shall package all property, except narcotics and dangerous drugs in a suitable container available for its size. Knife boxes should be used to package knives.

Syringes should not be submitted to the evidence room. They should be photographed by the officer and placed in the department sharps container.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

#### **801.4.2 PACKAGING NARCOTICS**

The officer seizing narcotics and dangerous drugs shall retain such property in their possession until it is properly weighed, packaged, tagged, and placed in the designated evidence locker, accompanied by the MER. 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.

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Narcotics and dangerous drugs shall be packaged in a package of appropriate size available. The seizing officer shall cover the seals of the envelope with evidence tape and place their initials on the evidence tape covering each seal. Narcotics and dangerous drugs shall not be packaged with other property.

A completed property tag shall be attached to the outside of the container, initialed across the evidence tape attached to the evidence item.

### **801.4.3 FIREARMS**

All firearms shall be individually tagged with a property record/receipt. All firearms shall be unloaded prior to placement into a temporary storage locker. If it becomes necessary to leave a firearm loaded (for evidence purpose, unable to open due to malfunction) a warning note shall be placed on the firearm and the outside of the temporary storage locker door.

Magazines should be placed empty with the handgun unless needed in a separate package for specific evidentiary reasons. Ammunition should be removed from magazines and packaged in its own evidence container.

### **RELEASE**

- (a) Prior to releasing any firearm the evidence clerk shall run the following checks on the claimant before releasing the firearm.
  - 1. Criminal history check
  - 2. WCIC/NCIC warrant check
  - 3. DSHS (local mental health)

Although the weapon(s) are checked in the DOL database for stolen and registration upon receipt into the property room, they should be checked in the DOL database again prior to release.

### **801.5 RECORDING OF PROPERTY**

The evidence clerk receiving custody of evidence or property shall record his/her signature, the date and time the property was received and where the property will be stored on the property control card.

A property number shall be obtained for each item or group of items. This number shall be recorded on property tag and the property control card.

Any changes in the location of property held by the Aberdeen Police Department shall be noted on the evidence item and in the property log within the Spillman computer system. The Spillman system will create a unique property number for each evidence item entered.

### **801.6 PROPERTY CONTROL**

Each time the evidence clerk receives property or releases property to another person, he/she shall enter this information on the property control card. Officers desiring property for court shall contact the evidence clerk at least one day prior to the court day.

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### 801.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an entry on the property control card 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, prosecuting or city attorney.

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the evidence clerk. This request may be filled out any time after booking of the property or evidence.

### 801.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time on the property control card and the request for laboratory analysis.

The evidence clerk releasing the evidence must complete the required information on the property control card. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the transporting person will record the delivery time on both copies, and indicate the locker in which the item was placed or the employee to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned to the evidence clerk for filing in the evidence room.

### 801.6.3 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 on the property control card, stating the date, time and to whom released.

The evidence clerk shall document what 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 property or properly released to another authorized person or entity. The receiving person shall sign the appropriate document required by the evidence clerk.

The return of the property should be recorded on the property control card, indicating date, time, and the person who returned the property.

### 801.6.4 AUTHORITY TO RELEASE PROPERTY

The Investigation Division shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

### 801.6.5 RELEASE OF PROPERTY

The Aberdeen 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 clerk shall make a reasonable attempt to identify the lawful owner 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, or, in the case of property held as evidence, sixty days from the date when the case has

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been finally adjudicated and the property has been released as evidence by order of the court, the Department may (RCW 63.32.010, 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 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 63.40.020) and the right of the owner, or the owner's legal representative, 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 clerk 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 the original property form. After release of all property entered on the property control card, the card shall be maintained by the Evidence Clerk. If some items of property have not been released the property card will remain with the Evidence Room. Upon release, the proper entry shall be documented in the Property Log.



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### **801.6.6 DISPUTED CLAIMS TO PROPERTY**

Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved 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.

### **801.6.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS**

The evidence clerk will be responsible for the storage, control, and destruction of all narcotics and dangerous drugs coming into the custody of this department.

### **801.6.8 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. 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.

## **801.7 DISPOSITION OF PROPERTY**

All property not held for evidence in a pending criminal investigation or proceeding, and held for 90 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.

### **801.7.1 PRESERVATION OF BIOLOGICAL EVIDENCE**

The Evidence Room supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor
- (d) Any sexual assault victim
- (e) The Investigation Division supervisor

Biological evidence shall be retained for a minimum period established by law, the Evidence Room supervisor, or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of

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the biological evidence should be retained in the appropriate file and a copy forwarded to the Investigation Division supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

### **801.8 INSPECTIONS OF THE EVIDENCE ROOM**

- (a) On a quarterly basis, the supervisor of the evidence clerk 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.
- (c) An annual audit of evidence held by the department shall be conducted by an employee of the City of Aberdeen Finance Department not routinely or directly connected with evidence control.
- (d) 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(s) not associated to the property room or function to ensure that records are correct and all evidence property is accounted for.

#### **801.8.1 PROPERTY SECTION SECURITY**

Access to the Aberdeen Police Department Evidence Room is restricted to authorized department personnel only. It shall be the responsibility of the evidence clerk to control all access to the Evidence Room.

The evidence clerk shall maintain a log of all persons entering the secured area of the Evidence Room. Personnel, other than those assigned to the Evidence Room, who have legitimate business in the secured area will be required to record their name, the date, time and purpose for entry.

### **801.9 PROPERTY ROOM ALARM PROCEDURE**

When the alarm has been turned on and someone enters the Property Room without authorization, a light will come on and a buzzer will sound in the Records. The records clerks will follow the below procedures in the event the Property Room alarm sounds.

- (a) Determine if one of the following persons, who have keys to the Property Room, are working: Evidence Clerk, assigned Investigations Detective (back-up Evidence Clerk).
  - 1. If one of the above persons is working, make contact and advise them of the alarm.
- (b) If unable to contact one of the above-listed persons, make contact with the Grays Harbor County Drug Task Force Commander, Detective Sergeant, or Detective, in this order. If these employees are unavailable then the Patrol Lieutenant or on-duty Patrol supervisor shall be contacted and advised of the problem.

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1. Obtain the key to the Property Room from the Investigation Captain's office.
  2. The Grays Harbor County Drug Task Force Commander, Patrol Lieutenant, or Shift OIC will advise a second officer to accompany him into the Property Room.
  3. The officers will then check out the Property Room and upon completion will return the key to the Investigation Captain's drawer.
- (c) The Shift OIC will then make a complete report of the alarm occurrence and forward the report directly to the Investigations Captain.
- (d) Whenever the Property Room alarm sounds, the Records Clerk on duty at the time of the occurrence shall notify the Investigations Captain, or in his/her absence, the Detective Sergeant, Detective, Patrol Lieutenant or on-duty Patrol supervisor of the alarm. The Records Clerk shall make a brief narrative report including; the time and date of the alarm; the circumstances of the alarm (if known); and any other relevant information. Notification to the Grays Harbor County Drug Task Force Commander shall be made by the next business day.
- (e) Whenever a Shift OIC checks out the Property Room keys from the Investigation Captain's office, the OIC shall notify the Investigations Captain and Evidence Clerk by the next business day.

# Records

## 802.1 PURPOSE AND SCOPE

The Special Assignments Officer shall maintain the Department Records Procedures Manual on a current basis to reflect the procedures being followed within the Records. Policies and procedures that apply to all employees of this department are contained in this chapter.

### 802.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically within the Records by Records personnel.

Reports are numbered commencing with the last two digits of the current year followed by a sequential number beginning with 00001 starting at midnight on the first day of January of each year. As an example, case number 09-00001 would be the first new case beginning January 1, 2009.

### 802.1.2 UNIFORM CRIME REPORTING

The Aberdeen Police Department participates in Uniform Crime Reporting Program (UCR) and/or the National Incident Based Reporting System (NIBRS). The Special Assignments Officer is responsible for ensuring that UCR/NIBRS reports are provided to WASPC on a regular basis.

## 802.2 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 accessible only to authorized Records personnel. Access to report files after hours or when records personnel are otherwise not available may be obtained through the Patrol Lieutenant.

Aberdeen 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.

### 802.2.1 REQUESTING ORIGINAL REPORTS

Generally, original reports shall not be removed from the Records. Should an original report be needed for any reason the requesting employee shall first obtain authorization from the Special Assignments Officer. All original reports removed from the Records shall be recorded on the Report Check-Out Log which shall constitute the only authorized manner by which an original report may be removed from the Records.

### 802.2.2 RECORDS CONCERNING JUVENILES

The Special Assignments Officer shall be responsible for ensuring that the following files, when involving juveniles, are distinguishable from adult files:

- Photos
- Fingerprints

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- 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 Special Assignments Officer shall ensure that all records pertaining to that juvenile are destroyed within 30 days (RCW 13.50.050).

### **802.3 USE OF A CENTRAL COMPUTERIZED ENFORCEMENT SERVICE SYSTEM (ACCESS)**

A Central Computerized Enforcement Service System (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 WACIC. There are specific requirements for agencies accessing the information in the group of computers systems in ACCESS.

#### **802.3.1 ACCESS USE REQUIREMENTS**

No member of the Aberdeen Police Department shall operate any of the ACCESS systems without first complying with the training requirements as they are listed in the WSP ACCESS manual.

#### **802.3.2 ACCESS REQUIREMENTS**

As an authorized ACCESS user, the Aberdeen Police Department complies with all of the following ACCESS requirements:

- Warrant Entry
- Receiving information from outside agencies
- Recording information
- Verifying information
- Cancelling information
- Providing 24 hour access to agency warrants

It is the responsibility of the Special Assignments Officer to ensure that all ACCESS computer and network security requirements are in place and operational.

### **802.4 OFFICER SAFETY ADVISORIES**

A person of interest database is maintained by the Washington Crime Information Center (WACIC) 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 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 7 I,B):

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- (a) Any physical assault or attempted assault where the subject is booked for assault or charges are later filed by the prosecutor's office.
- (b) Threats of physical violence toward an officer or his/her family. Discretion should be used with resisting arrest unless assaultive or combative behavior is demonstrated.
- (c) Threats of suicide by cop: Information such as a mental health report will be acceptable.

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 is responsible for making the appropriate entry into WACIC.

Whenever an Officer Safety Advisory is initiated by the Aberdeen Police Department, it is the responsibility of the Special Assignments Officer 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.

# Restoration of Firearm Serial Numbers

## 803.1 PURPOSE AND SCOPE

The primary purpose for restoring firearm serial numbers is to determine the prior owners or origin of the item from which the number has been recovered. Thus, property can be returned to rightful owners or investigations can be initiated to curb illegal trade of contraband firearms. The purpose of this plan is to develop standards, methodologies, and safety protocols for the recovery of obliterated serial numbers from firearms and other objects using procedures that are accepted as industry standards in the forensic community. All personnel who are involved in the restoration of serial numbers will observe the following guidelines.

## 803.2 PROCEDURE

Any firearm coming into the possession of the Aberdeen Police Department as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

### 803.2.1 PRELIMINARY FIREARM EXAMINATION

- (a) Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tubular magazine) as well as the chamber contents.
- (b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.
- (c) Accurately record/document the condition of the gun when received. Note the positions of the various components such as the safeties, cylinder, magazine, slide, hammer, etc. Accurately record/document cylinder chamber and magazine contents. Package the ammunition separately.
- (d) If the firearm is to be processed for fingerprints or trace evidence, process before the serial number restoration is attempted. First record/document important aspects such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

### 803.2.2 PROPERTY BOOKING PROCEDURE

Any employee taking possession of a firearm with removed/obliterated serial numbers shall book the firearm into property following standard procedures. The employee booking the firearm shall indicate on the property form that serial numbers have been removed or obliterated.

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### **803.2.3 OFFICER RESPONSIBILITY**

The evidence clerk receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the crime lab for restoration and maintain the chain of evidence.

### **803.2.4 DOCUMENTATION**

Case reports are prepared in order to document the chain of custody and the initial examination and handling of evidence from the time it is received/collected until it is released.

This report must include a record of the manner in which and/or from whom the firearm was received. This may appear on the request form or property form depending on the type of evidence.

### **803.2.5 FIREARM TRACE**

After the serial number has been restored (or partially restored) by the criminalistics laboratory, the Evidence Specialist will complete a Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center (NTC) Obliterated Serial Number Trace Request Form (ATF 3312.1-OBL) and forward the form to the NTC in Falling Waters, West Virginia or enter the data into the ATF [eTrace](#) system.

### **803.3 OTHER CONSIDERATIONS**

Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to digitize and compare unique markings made by a firearm on bullets and cartridge casings recovered from crime scenes.



# Release of Records and Information

## 804.1 PURPOSE AND SCOPE

The purpose of this section is to establish a comprehensive reference and procedure for the maintenance and release of Department reports and records in accordance with the Public Records Act (RCW 42.56, et seq.).

## 804.2 DEFINITIONS

**Privacy Violation (right of privacy, right to privacy, personal privacy)** - An invasion or violation of privacy occurs only if disclosure of information about the person would be highly offensive to a reasonable person, and is not of legitimate concern to the public. The rights to privacy in certain public records do not create any right of privacy beyond those rights that are specified by law as express exemptions from the public's right to inspect, examine, or copy public records (RCW 42.56.050).

**Public Record** - Includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics (RCW 42.56.010(2)).

**Writing** - Means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated (RCW 42.56.010(3)).

## 804.3 PUBLIC RECORDS OFFICER

The Special Assignments Officer is designated as the Public Records Officer and is responsible as the point of contact for members of the public when requesting disclosure of public records and in overseeing the agency's compliance with the public records disclosure requirements.

The Special Assignments Officer will post his/her name, role as the Public Records Officer, and contact information in the facility conspicuously visible to the public, and on the department Internet site, and upon appropriate publications so as to provide easy access to members of the public for directing requests for disclosure of public records (RCW 42.56.580).

## 804.4 PUBLIC REQUESTS FOR RECORDS

The Public Records Act provides that public records created by a public agency shall be subject to inspection and copying pursuant to request, except pursuant to exemptions set forth in the Act or otherwise established by statute (RCW 42.56.070(1)).

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The Special Assignments Officer shall publish, maintain, and make available to the public, a current list containing every law that exempts or prohibits disclosure of specific information or records of the department (RCW 42.56.070(2)).

The Records shall also establish, maintain, and make available for public inspection and copying a statement of the actual per page cost or other costs, if any, that it charges for providing photocopies of public records and a statement of the factors and manner used to determine the actual per page cost or other costs, if any (RCW 42.56.070(7) and (8)).

Public requests for records of this Department shall be processed as follows (RCW 42.56.070):

### 804.4.1 PROCESSING OF REQUESTS

Any member of the public, including the media and elected officials, may access unrestricted records of this department by submitting a request for each record sought and paying any associated fees. The processing of requests is subject to the following limitations:

- (a) The employee processing the request shall determine if the requested record is available and/or subject to any exemption from disclosure. Processing of such requests shall be in accordance with this policy and RCW 42.56.520.
- (b) The Department shall not be required to create records that do not otherwise exist in order to accommodate any request under the Public Records Act.

### 804.4.2 PROMPT RESPONSE REQUIRED

Responses to requests for public records shall be made promptly. Within five business days of receiving a public record request, the Department must respond by either (RCW 42.56.520):

- (a) Providing the record.
- (b) Acknowledging receipt of the request and providing a reasonable estimate of the time required to respond to the request.
- (c) Denying the public record request.
- (d) Providing an internet address and link on the agency's web site to the specific records requested, except that if the requester notifies the agency that he/she cannot access the records through the internet, then the agency must provide copies of the record or allow the requester to view copies using an agency computer.

Additional time required to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request. In acknowledging receipt of a public record request that is unclear, a request to clarify what information the requestor is seeking may be made. If the requestor fails to clarify the request, the Department need not respond to it.

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Denials of requests must be accompanied by a written statement of the specific reasons for denial. The Special Assignments Officer will establish mechanisms for the most prompt possible review of decisions denying inspection.

### **804.5 REPORT RELEASE RESTRICTIONS**

Absent a valid court order or other statutory authority, records and/or unrestricted portions of such records of this department shall be made public subject to the following restrictions:

#### **804.5.1 GENERAL CASE AND CRIME REPORTS**

Reports containing any of the items listed below will not be released (RCW 42.56.240):

- (a) **Intelligence and investigative records** - Specific intelligence information and specific investigative records, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy. Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved or information that would endanger the successful completion of the investigation or a related investigation shall not be made public.
- (b) **Victim and witness information** - Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints, if at the time a complaint is filed the complainant, victim or witness indicated a desire for disclosure or nondisclosure.
- (c) **Sex offenses** - Investigative reports pertaining to sex offenses under RCW 9A.44 et seq., 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** - Copies of license applications, including concealed pistol license applications or information on the applications may only be released to law enforcement or corrections agencies under RCW 9.41.070.
- (e) **Child sexual assault victims** - 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.
- (f) **Personal information** - Personal information in files maintained for employees, to the extent that disclosure would violate their right to privacy. This includes credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers, except when disclosure is expressly required by or governed by other law (RCW 42.56.230).

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### 804.5.2 ARREST REPORTS

Arrest reports shall not be disseminated pursuant to the Criminal Records Privacy Act except to those agencies and under those circumstances necessary for a purpose in the administration of criminal justice as governed by RCW 10.97 et seq.

A person who is the subject of the record who requests information must comply with requirements of RCW 10.97.080. Arrest reports shall not be copied or disseminated, but any member of the public may inspect an arrest report unless the report is exempt under RCW 42.56. See, Hudgens v. Renton, 49 Wn. App. 842 (1987).

Jail booking photos are confidential and not subject to public disclosure or inspection. RCW 70.48.100 (2)

In addition to the restrictions stated above, all requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the County Prosecutor, City Attorney or the courts.

Local criminal history information including, but not limited to, arrest history and disposition, fingerprints and booking photos shall only be subject to release to those agencies and individuals set forth in Policy Manual § 812.

### 804.5.3 TRAFFIC COLLISION REPORTS

Traffic collision reports (and related supplemental reports) are for official use only and may only be released without redaction pursuant to (RCW 46.52.080) to the following:

- The Washington State Patrol
- Department of Motor Vehicles
- Other Law Enforcement Agencies
- As authorized by law or valid court order

Upon request, parties having proper interest or involvement in the specific reported collision shall receive all of the factual data submitted in the report with the exception of the reports signed by the drivers involved in the accident. Such parties include the following (RCW 46.52.083):

- Involved Drivers
- Legal guardians of the drivers
- Parent of a minor driver
- Injured parties
- Owners of damaged property
- Authorized attorney or insurance carrier

Requests for traffic collision reports from individuals or entities other than those listed above are entitled to receive reports in redacted format.

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### 804.5.4 PERSONNEL RECORDS

The following employment and licensing information is exempt from public inspection and copying (RCW 42.56.250):

- (a) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.
- (b) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.
- (c) The residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, and emergency contact information of employees or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency that are held in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency.
- (d) Information that identifies a person who, while a Department employee:
  - 1. Seeks advice, under an informal process established by the employing agency, in order to ascertain his/her rights in connection with a possible unfair practice under RCW 49.60 et seq. against the person.
  - 2. Requests his/her identity or any identifying information not be disclosed.
- (e) Investigative records compiled while conducting an active and ongoing investigation of a possible unfair practice under RCW 49.60 et seq. or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.
- (f) Photographs and month and year of birth in the personnel files of employees and workers of criminal justice agencies. The news media, as defined in RCW 5.68.010(5), shall have access to the photographs and full date of birth.
  - 1. News media does not include any person or organization of persons in the custody of a criminal justice agency.
  - 2. Any such request by the media for the date of birth of an employee should be forwarded to the Administration Supervisor and the affected employee should be promptly advised of the request.
  - 3. A court may issue an injunction, at the request of the Department or the employee, if it finds that such examination would clearly not be in the public interest and would substantially and irreparably damage the employee or would substantially and irreparably damage vital government functions.

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### **804.6 OTHER RECORDS**

This Department maintains the right to refuse to disclose or release any other record when it would appear that the public's interest in accessing such record is outweighed by the need for non-disclosure.

Any record which was created exclusively in anticipation of potential litigation involving this Department shall not be subject to public disclosure.

Any other record not addressed in this policy shall not be subject to release where such record is exempted or prohibited from disclosure pursuant to state or federal law, including, but not limited to:

- (a) Drafts, Notes Recommendations, Memorandums: Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended are exempt under this chapter, except that a specific record is not exempt when publicly cited by an agency in connection with any agency action (RCW 42.56.280).
- (b) Department Party to Controversy: Records that are relevant to a controversy to which the Department 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).
- (c) Security: Those portions of records assembled, prepared, or maintained to prevent, mitigate, or respond to criminal terrorist acts, which are acts that significantly disrupt the conduct of government or of the general civilian population of the state or the United States and that manifest an extreme indifference to human life, the public disclosure of which would have a substantial likelihood of threatening public safety, consisting of (RCW 42.56.420):
  - 1. Specific and unique vulnerability assessments or specific and unique response or deployment plans, including compiled underlying data collected in preparation of or essential to the assessments, or to the response or deployment plans.
  - 2. Records not subject to public disclosure under federal law that are shared by federal or international agencies, and information prepared from national security briefings provided to state or local government officials related to domestic preparedness for acts of terrorism.
- (d) Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility or any individual's safety, including:

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1. Information compiled by school districts or schools in the development of their comprehensive safe school plans under RCW 28A.320.125, to the extent that they identify specific vulnerabilities of school districts and each individual school.
2. Information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities.
3. The security section of transportation system safety and security program plans required under RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, and 81.112.180.

### **804.6.1 PERSONAL IDENTIFYING INFORMATION**

Employees shall not access, use or disclose personal identifying information, including an individual's photograph, social security number, driver identification number, name, address, telephone number and the individual's medical or disability information, which is contained in any driver license record, motor vehicle record or any department record except as authorized by the Department and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721 and 18 USC § 2722).

### **804.7 SUBPOENA DUCES TECUM**

Any Subpoena Duces Tecum (SDT) should be promptly provided to a supervisor 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.

All questions regarding compliance with any Subpoena Duces Tecum should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

### **804.8 RELEASED RECORDS TO BE STAMPED**

The face page of any record released pursuant to a Public Records Act request or Subpoena Duces Tecum shall be stamped in red ink with a departmental stamp identifying the individual to whom the record was released.

# Criminal History Record Information (CHRI)

## 805.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of criminal offender information, security of that information, and persons authorized to release that information.

## 805.2 AUTHORITY

This policy is established pursuant to RCW 10.97 et seq., the Criminal Records Privacy Act, which delineates who has access to CHRI, and establishes penalties for the improper use of CHRI.

## 805.3 DEFINITIONS

**Criminal History Record Information (CHRI)** - Means manual/automated rap sheets and abstracts, rap sheet crime summaries, criminal history transcripts, FBI rap sheets, and any APD documents containing a list of prior arrests, descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, including acquittals by reason of insanity, dismissals based on lack of competency, sentences, correctional supervision, and release (RCW 10.97.030(1)).

CHRI includes information contained in records maintained by or obtained from criminal justice agencies, other than courts, which records provide individual identification of a person together with any portion of the individual's record of involvement in the criminal justice system as an alleged or convicted offender.

CHRI does not include posters, announcements, or lists for identifying or apprehending fugitives or wanted persons; original records of entry maintained by criminal justice agencies to the extent that such records are compiled and maintained chronologically and are accessible only on a chronological basis; court indices and records of public judicial proceedings, court decisions, and opinions, and information disclosed during public judicial proceedings; records of traffic violations which are not punishable by a maximum term of imprisonment of more than ninety days; records of any traffic offenses as maintained by the department of licensing for the purpose of regulating the issuance, suspension, revocation, or renewal of drivers' or other operators' licenses and pursuant to RCW 46.52.130; records of any aviation violations or offenses as maintained by the department of transportation for the purpose of regulating pilots or other aviation operators, and pursuant to RCW 47.68.330; announcements of executive clemency.

**Criminal Justice Agency** - Means a court or a government agency which performs the administration of criminal justice pursuant to a statute or executive order and which allocates a substantial part of its annual budget to the administration of criminal justice (RCW 10.97.030(5)).

**Administration of Criminal Justice** - Means performance of any of the following activities: Detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The term



## *Criminal History Record Information (CHRI)*

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also includes criminal identification activities and the collection, storage, dissemination of criminal history record information, and the compensation of victims of crime (RCW 10.97.030(6)).

**Dissemination** - Means disclosing criminal history record information or disclosing the absence of criminal history record information to any person or agency outside the agency possessing the information, subject to the following exceptions (RCW 10.97.030(8)):

- (a) When criminal justice agencies jointly participate in the maintenance of a single record keeping department as an alternative to maintaining separate records, the furnishing of information by that department to personnel of any participating agency is not a dissemination.
- (b) The furnishing of information by any criminal justice agency to another for the purpose of processing a matter through the criminal justice system, such as a police department providing information to a prosecutor for use in preparing a charge, is not a dissemination.
- (c) The reporting of an event to a record keeping agency for the purpose of maintaining the record is not dissemination.

### **805.4 AUTHORIZED RECIPIENTS OF CHRI**

CHRI may be released only to authorized recipients who have both a right to know and a need to know. All law enforcement personnel with proper identification are authorized recipients, if they have an official need to know.

CHRI shall only be disseminated to those entities authorized for dissemination that are listed under [RCW 10.97.050](#).

#### **805.4.1 CRIMINAL RECORD SECURITY OFFICER**

The Special Assignments Officer is the designated Criminal Record Security Officer for the Aberdeen Police Department. This supervisor is responsible for ensuring compliance with this procedure and with applicable records security regulations and requirements imposed by federal and state law. The Criminal Record Security Officer will resolve specific questions that arise regarding authorized recipients of CHRI.

#### **805.4.2 RELEASE OF CHRI**

Only the persons listed below are authorized to release CHRI. Each authorized person releasing CHRI is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient with a right and need to know.

- (a) Special Assignments Supervisor.
- (b) Full-time employees of the Records.
- (c) Personnel specifically designated by the Chief of Police with the concurrence of the Special Assignments Officer.

## *Criminal History Record Information (CHRI)*

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### **805.4.3 RELEASE OF CHRI TO FIELD PERSONNEL**

Personnel shall not have access to CHRI until a background investigation has been completed and approved.

CHRI shall not be transmitted by radio broadcast or through computer terminals to field personnel or vehicle MDT's that are not equipped with approved encryption and advanced authentication protection. Nothing in this procedure is intended to prohibit broadcasting warrant information concerning wanted persons.

### **805.4.4 RECORDS SUITABLE FOR RELEASE**

Conviction Records may be disseminated without restriction (RCW 10.97.050(1)).

### **805.5 JUVENILE RECORDS**

Nothing in this procedure is intended to alter existing statutes, case law, or the policies and orders of the Superior Court regarding the release of juvenile offender records. Refer to Policy Manual § 324 for more specific information regarding cases involving juveniles.

### **805.6 REVIEW OF CRIMINAL OFFENDER RECORD**

RCW 10.97.080 provides the authority and procedure whereby an individual may review his/her own rap sheet.

Individuals shall be allowed to review their arrest or conviction record on file with the Department after complying with all legal requirements.

### **805.7 PROTECTION OF CHRI**

CHRI shall be stored in the Records where constant personnel coverage will be provided. CHRI stored elsewhere shall be secured in locked desks, locked file cabinets, or in locked rooms.

Direct access to CHRI stored in the Records shall be restricted to the Records personnel authorized to release it. Direct access to CHRI stored in desks, file cabinets, and rooms outside the Records shall be restricted to those persons who possess both the right to know and the need to know the information.

Also see the Media Protection policy found in the Records Policy and Procedures Manual.

#### **805.7.1 COMPUTER TERMINAL SECURITY**

Computer terminal equipment capable of providing Criminal Justice Information will be safeguarded by complying with the Physical Protection Policy found in the Records Policy and Procedures Manual.

No employee shall be authorized to operate computer terminal equipment with access to CHRI until the operator has completed the appropriate training.

## *Criminal History Record Information (CHRI)*

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### **805.7.2 DESTRUCTION OF CHRI**

When any document providing CHRI has served the purpose for which it was obtained, it shall be destroyed by shredding. See Disposal of Media Policy found in the Records Section Policy and Procedures Manual.

Each employee shall be responsible for destroying the CHRI documents they receive.

### **805.8 TRAINING PROGRAM**

All personnel authorized to process or release CHRI shall be required to complete a training program prescribed by the Criminal Record Security Officer. The Training Bureau shall coordinate the course to provide training in the proper use, control, and dissemination of CHRI.

### **805.9 PENALTIES FOR MISUSE OF RECORDS**

RCW 10.97.120 makes it a misdemeanor to furnish, buy, receive, or possess rap sheets without authorization by a court, statute, or case law.

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of Policy Manual § 340.3.7(a).

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 Policy Manual § 340.3.7(a) which may subject an employee to formal discipline and which is incorporate here by reference:

**340.3.7 SECURITY** Unauthorized, intentional release of designated confidential information, materials, data, forms or reports.

# Computers and Digital Evidence

## 806.1 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.

## 806.2 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, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.
- (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 shut it down normally and 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. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery.
- (e) Label each item with case number, evidence sheet 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.
  2. Who was using it at the time.
  3. Who claimed ownership.

## *Computers and Digital Evidence*

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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 as a precursor to forfeiture.

### **806.2.1 BUSINESS OR NETWORKED COMPUTERS**

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. Officers should contact a certified forensic computer examiner for instructions or a response to the scene. 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.

### **806.2.2 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) An exact duplicate 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.

### **806.3 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.
- (b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request the Evidence Room to copy the contents to an appropriate form of storage media.
- (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.

## *Computers and Digital Evidence*

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- (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 designed to protect the media, or other protective packaging, to prevent damage.

### **806.4 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.

- (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 may be wrapped in aluminum foil and 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.

### **806.5 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.

#### **806.5.1 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. Video and audio files will not be altered in any way.

#### **806.5.2 SUBMISSION OF DIGITAL MEDIA**

The following are required procedures for the submission of digital media used by cameras or other recorders:

- (a) Any seized recording media (smart card, compact flash card or any other media) shall be entered into the property room as soon as possible for submission as evidence using the appropriate evidence handling, packaging and submitting procedures.
- (b) Officers are not authorized to review or copy memory cards such as those contained in seized cell phones, PDA's and other digital storage equipment without the authorization of a command level officer, valid consent, or with a court order.

## *Computers and Digital Evidence*

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### 806.5.3 DOWNLOADING OF DIGITAL FILES

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed:

- (a) Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.
- (b) Once photographs have been taken by a department employee and have been sent to the APD server the employee should confirm that the photographs were correctly saved to the server. Prior to using the camera again the camera's memory should be formatted.
- (c) As soon as possible following the collection of photographs, the camera operator is to send the photos to the appropriate APD server under the appropriate case number. The officer shall note in the appropriate report the following:
  - 1. Name of the officer who took the photographs.
  - 2. Date and time the photographs were taken.
  - 3. Location of where photographs were taken.
  - 4. Serial number of the camera used to take the photographs.
  - 5. Name of the officer who sent the photographs to the appropriate APD server.
  - 6. The camera operator shall not alter or erase any of the photos taken.

### 806.5.4 PRESERVATION OF DIGITAL EVIDENCE

- (a) Only 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.

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# Animal Control Procedures

## 807.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for animal control officers and Aberdeen Police Department personnel in dealing with animal control related calls for service and to set forth procedures regarding animal control services, the handling of injured animals, and the abatement of animal nuisances.

## 807.2 ANIMAL CONTROL OFFICER RESPONSIBILITY

The Animal Control Officer (ACO) shall be responsible for enforcing local, state and federal laws relating to animals, and for appropriately resolving or referring animal problems as outlined in this policy. The ACO shall be under the operational control of the Patrol Commander. The Animal Control Officer's assigned working hours will be scheduled by the Patrol Commander.

During hours when the ACO is on duty, requests for animal control services shall be assigned by Grays Harbor Communications, Patrol Commander, the Patrol Lieutenant or on-duty patrol supervisor.

Requests for assistance by the ACO shall be acknowledged and responded to promptly.

## 807.3 OFFICER RESPONSIBILITY

During hours when the Animal Control Officer is off duty, or if the ACO is otherwise unavailable, the following animal related calls for service will be handled by the appropriate on-duty officer.

Officers may be dispatched to animal related calls and should take appropriate actions to control the situation until the arrival of an ACO. Due to the hazards of handling animals without proper equipment, responding officers generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of the ACO. The following are examples of when an officer may consider acting before the arrival of the ACO:

- (a) When there is a threat to the public safety.
- (b) When an animal has bitten someone, officers should take measures to confine the animal and prevent further injury.
- (c) When an animal is creating a traffic hazard.
- (d) When the owner/handler has been arrested and there is no other alternative placement for the animal.
- (e) When the animal is gravely injured.

### 807.3.1 ANIMAL CRUELTY COMPLAINTS

Officers shall conduct a preliminary investigation on all reports of animal cruelty and forward the information to the ACO for follow-up when the ACO is off-duty. Officers shall not hesitate to take any immediate actions deemed necessary. The assistance of an animal control officer may



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be requested to assist with the investigation when appropriate for the purpose of handling the disposition of any animal(s) associated with the case.

### **807.3.2 STRAY DOGS**

If the dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued if appropriate. If a dog is taken into custody, it shall be transported to the Animal Shelter (9am-4pm) while making sure the animal has food, water, and bedding.

The animal pick-up form must be completely filled out and placed in the ACO's box. Release of impounded dogs requires a fee be paid. Releases will be handled by the ACO. The City Finance Department will accept fees and issue receipts.

The ACO will transport any animals to the Animal Shelter as soon as he/she comes on duty. Once a dog has been taken into custody, all releases should be handled by the Animal Shelter. In cases where the ACO is not available, the Patrol Lieutenant shall designate an alternate to transport any animal to the Animal Shelter.

### **807.3.3 ANIMAL BITE REPORTS**

When the ACO is off-duty, patrol officers shall respond and obtain as much information as possible for forwarding to the ACO for follow-up. Officers shall instruct the owner of a biting animal, if contacted, to keep the animal confined on the property until contacted by the ACO. If the animal is a stray, then every effort shall be made to capture and impound the animal immediately.

### **807.3.4 PUBLIC NUISANCE CALLS RELATING TO ANIMALS**

The ACO shall obtain as much information as possible regarding the nature of the complaint, complaining person, owner information (if possible), location of problem, etc. The ACO should also document any actions taken, citation(s) issued, related report numbers, etc.

In the event responding officers cannot fulfill urgent requests for service because the animal is difficult or dangerous to handle, the ACO may be called to duty to handle. If the ACO is unavailable, the patrol supervisor may request the assistance of an animal control officer from an allied agency.

All requests to call in the ACO must be approved by a field supervisor or the Patrol Lieutenant.

## **807.4 DECEASED ANIMALS**

Deceased animals on public property will be removed and properly disposed of by the ACO. The sanitation company will remove deceased animals when the ACO is not on duty. The deceased animals may be placed in the freezer located at the Animal Shelter.

- (a) For health and sanitary reasons, deceased animals should be placed in a sealed plastic bag prior to placing in the ACO truck.
- (b) Neither the ACO nor any patrol officer will be required to climb onto or under any privately owned structure for the purpose of removing a deceased animal.

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### **807.5 INJURED ANIMALS**

When any injured domesticated animal is brought to the attention of a member of this agency, all reasonable attempts shall be made to contact the owner or responsible handler. When the owner or responsible handler cannot be located and the animal is not an immediate danger to the community, it may be taken to a doctor of veterinary medicine as described below (RCW 16.52.085(2)).

- (a) During normal business hours, the animal should be taken to an authorized veterinary care clinic.
- (b) If after normal business hours, the animal should be taken to the department authorized veterinary emergency clinic.
- (c) The only exception to the above is when the animal is an immediate danger to the community or the owner of the animal is identified and takes responsibility for the injured animal.
  - 1. When the need to kill a seriously injured or dangerous animal is necessary, the department Use of Force Policy § 304 shall be followed. Destruction of an animal shall be undertaken with reasonable prudence and, whenever possible, in consultation with a licensed veterinarian and the owner of the animal (RCW 16.52.210). The decision to dispose of a seriously injured animal will rest with the Patrol Commander, on-duty Patrol Lieutenant, or on-duty patrol supervisor.
  - 2. Injured wildlife should be referred to the Department of Fish and Game as applicable.
- (d) When handling dead or injured animals department employees shall attempt to identify and notify the owner of the final disposition of the animal.
- (e) Each incident shall be documented and include, at minimum, the name of the reporting party and veterinary hospital and/or person to whom the animal is released. If the ACO is off duty, the information will be forwarded for follow-up.

### **807.6 CITATIONS**

It should be at the discretion of the officer or the Field Supervisor as to the need for, or advisability of, the issuance of a citation for a violation.

### **807.7 POST-ARREST PROCEDURES**

The arresting officer should make a reasonable effort to ensure that animals or pets under a person's care will be provided with adequate care when that person is arrested. This is only required when there is no person to provide care and the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animals.

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Relatives or neighbors may be contacted, with the owner's consent, to care for the animals. If no persons can be found or the owner does not consent, the appropriate animal control authority should be notified.

## **Chapter 9 - Custody**

## Jail Policies

### 900.1 PURPOSE AND SCOPE

- (a) On December 30, 1987 the Aberdeen City Council and Mayor adopted custodial care standards mandated for the Aberdeen City Jail.
  - 1. Jail Policies and Separate Manual: The Aberdeen jail policies are contained in a separate manual last revised June 11, 1996. Copies of this manual are maintained at the booking desk, records, and sergeant's office, and issued to the jailers, Special Assignments, Patrol Captain, Deputy Chief and others as required.
  - 2. Applicability: The Aberdeen Police Department Jail Facility Policies and Procedures have the same intent and force as the contents of this manual and apply to all members of the department.

#### 900.1.1 ABERDEEN CITY JAIL INMATE SECURITY

- (a) In order to ensure the highest possible level of security involving inmates/prisoners of the Aberdeen City Jail the following procedure is effective immediately:
  - 1. Any prisoner escorted or transported from the jail facility itself to points of destination as described in the Aberdeen Police Department Jail Facility Policies and Procedures Manual shall be handcuffed and/or secured with leg irons.
  - 2. Use of belly chains or other means of security may be used as necessary at the discretion of the transporting officer.
  - 3. Removal of such restraint devices will be in accordance with the Aberdeen Police Department Jail Facility Policies and Procedures Manual.

# Custody Searches

## 901.1 PURPOSE AND SCOPE

The purpose of this policy is to establish consistent department procedures regarding pat-down, search incident to arrest, booking and strip searches of pre-arraignment detainee as provided by RCW 10.79.060, et. seq. It is important to note that the legislature has specified their intent to "restrict the practice of strip searching and body cavity searching persons booked into holding, detention, or local correctional facilities to those situations where such searches are necessary" (RCW 10.79.060).

## 901.2 DEFINITIONS OF SEARCHES

**Pat-Down Search** - This is the normal type of search used by officers in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the prisoner, or other prisoners.

**Search Incident to Arrest** - This search is used in the field after making an custodial arrest and involves the patting down of an individual's clothing. All pockets, cuffs, etc., on the clothing are checked to locate all personal property, evidence, contraband, or weapons.

**Booking Search** - This search is used in the jail and again involves a thorough patting down of an individual's clothing. All pockets, cuffs, etc., on the clothing are checked to locate all personal property, contraband, or weapons. The prisoner's personal property is taken and inventoried.

**Strip Search or Visual Body Cavity Search** - This is a search that requires a person to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks or genitalia of such person (RCW 10.79.070(1)). This includes monitoring of an arrestee showering or changing clothes where the arrestee's private underclothing, buttocks, genitalia or female breasts are visible to the monitoring employee.

**Physical Body Cavity Search** - This is the touching or probing of a person's body cavity, whether or not there is actual penetration of the body cavity (RCW 10.79.070(2)). Body cavity means the stomach or rectal cavity of a person, and the vagina of a female person (RCW 10.79.070(3)).

## 901.3 PAT DOWN SEARCHES

- (a) When any officer has reasonable suspicion to believe that a person being lawfully detained may possess weapons or other dangerous items, or in such circumstances the officer reasonably believes that the individual may present a threat to officer safety, that officer may conduct a normal pat-down search of that individual.
- (b) Prior to detaining any individual in any police vehicle, an officer should conduct a normal pat-down search of that individual.
- (c) Whenever practical, a pat-down 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

## *Custody Searches*

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sex officer, it is recommended that a witness officer be present during any pat-down search of an individual of the opposite sex as the searching officer. Officer should also consider the use of the mobile video recording system installed in numerous patrol vehicles to document the search.

### **901.3.1 SEARCH INCIDENT TO ARREST.**

- (a) When any officer has probable cause to believe that a person should be lawfully arrested the arresting officer should search that person for weapons, evidence, contraband, or other dangerous items. All items seized or removed from the possession of the person searched shall be documented in the relevant department procedure and on the appropriate department form.
- (b) Prior to placing the arrested person into any police vehicle, an officer should conduct a normal search incident to arrest of that individual.
- (c) Whenever practical, a search incident to arrest 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 incident to arrest of an individual of the opposite sex as the searching officer. Officer should also consider the use of the mobile video recording system installed in numerous patrol vehicles to document the search.

### **901.4 BOOKING SEARCHES**

- (a) Absent emergency circumstances in which no reasonable alternative exists, no person arrested for a misdemeanor or infraction not involving weapons, controlled substance or violence may be placed in the general jail population, unless all of the following conditions exist:
  - 1. The person is not cited and released.
  - 2. The person is not released on his/her own recognizance.
  - 3. The person is not able to post bail within a reasonable time not less than three hours.
- (b) Any person taken into custody may be subjected to pat-down searches, metal detector searches, and thorough clothing searches in order to discover and retrieve concealed weapons and contraband prior to being placed in a booking cell.

### **901.5 STRIP SEARCHES**

No person shall be strip searched without a warrant unless (RCW 10.79.130):

- (a) There is a reasonable suspicion to believe that a strip search is necessary to discover weapons, criminal evidence, contraband, or other thing concealed on the body of the

## *Custody Searches*

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person to be searched, that constitutes a threat to the security of a holding, detention, or local correctional facility.

- (b) There is probable cause to believe that a strip search is necessary to discover other criminal evidence concealed on the body of the person to be searched, but not constituting a threat to facility security.
- (c) There is a reasonable suspicion to believe that a strip search is necessary to discover a health condition requiring immediate medical attention.

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

### RCW 9.94A.030 Definitions of Violent Offense:

- (a) Any felony defined under any law as a class A felony or an attempt to commit a class A felony.
- (b) Criminal solicitation of or criminal conspiracy to commit a class A felony.
- (c) Manslaughter in the first degree.
- (d) Manslaughter in the second degree.
- (e) Indecent liberties if committed by forcible compulsion.
- (f) Kidnapping in the second degree.
- (g) Arson in the second degree.
- (h) Assault in the second degree.
- (i) Extortion in the first degree.
- (j) Robbery in the second degree.
- (k) Drive-by shooting.
- (l) Vehicular assault.
- (m) Vehicular homicide, when proximately caused by the influence of intoxication liquor or any drugs as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner.

No employee should view an arrestee's private underclothing, buttocks, genitalia or female breasts while that person is showering or changing clothes unless the arrestee otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the arrestee with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the arrestee's consent and/or otherwise protect the arrestee's privacy and dignity.



## *Custody Searches*

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Nothing in this policy section shall prohibit the otherwise lawful collection of trace evidence from an arrestee based on a valid exigency, consent or a search warrant.

### **901.5.1 STRIP SEARCHES PROCEDURES**

Strip searches shall be conducted as follows:

- (a) No strip search shall be conducted without prior written authorization from a supervisor. The date, time and place of the search, the name and gender of the person conducting the search, a statement of the results of the search and a description of the nature and extent of the search shall be recorded in the arrest record. A copy of the written authorization and recorded information shall be retained and made available to the arrestee or other authorized representative upon request.
- (b) All strip searches shall be conducted under sanitary conditions and in an area of privacy so the search cannot be observed by persons not participating in the search.
- (c) Unless conducted by a physician or other licensed medical personnel, the officer(s) conducting the strip search shall be of the same gender as the person being searched.
- (d) Whenever possible, an officer of the same gender as the arrestee should also be present during the search for the purpose of security and to act as a witness to the finding of evidence. No unnecessary persons shall be present or able to view the procedure.
- (e) Persons conducting the strip search shall not touch the person being stripped except as reasonably necessary to complete the strip search of the person.

### **901.6 PHYSICAL BODY CAVITY SEARCH**

No person may be subjected to a body cavity search unless a search warrant is obtained (RCW 10.79.080(1)). Body cavity searches are subject to the following conditions:

- (a) No body cavity search shall be authorized or conducted unless other less invasive (visual or strip search) methods do not satisfy the safety, security, or evidentiary concerns of the agency (RCW 10.79.080(3)).
- (b) A warrant may not be sought without specific authorization in writing from the ranking shift supervisor. Authorization for the cavity search may be made electronically provided it is reduced to writing and signed by the ranking supervisor (RCW 10.79.080(2)).
- (c) Before the body cavity search is authorized or conducted, a thorough pat-down search, electronic metal-detector search, and a thorough clothing search must be used to search for and seize any evidence (RCW 10.79.080(3)).

### **901.7 CONDUCTING PHYSICAL BODY CAVITY SEARCHES**

Body cavity searches shall be conducted as follows:

## *Custody Searches*

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- (a) The search must be performed under sanitary conditions.
- (b) The search must be conducted by a physician, registered nurse or physician's assistant.
- (c) Privacy will be afforded to the person. This includes while the person is dressing and undressing. Anyone not physically conducting or assisting shall be excluded from observing the search, except as necessary to ensure the safety of the people involved in the search.
- (d) The search shall be performed or observed only by persons of the same sex as the person being searched, except for licensed medical professionals as required by subsection (b) and (c) above.

### **901.8 DOCUMENTATION OF A BODY CAVITY SEARCH**

The officer requesting a body cavity search shall prepare and sign a report regarding the body cavity search, which shall include (RCW 10.79.080(4)):

- (a) A copy of the written authorization required under Policy Manual § 902.6(b).
- (b) A copy of the warrant and any supporting documents.
- (c) The name and sex of all persons conducting or observing the search.
- (d) The time, date, place and description of the search.
- (e) A statement of the results of the search and a list of any items removed from the person as a result of the search.

### **901.9 LIABILITY**

The Revised Code of Washington expressly provides that a person who suffers damage or harm as a result of an improper search may bring a civil action to recover damages (RCW 10.79.110).

The agency and its employees are not liable for injury, death, or damage caused by a person in custody when the injury, death or damage was made possible by contraband that would have been discovered sooner but for the delay caused by having to seek a search warrant (RCW 10.79.170).

# Custodial DNA Samples

## 902.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the collection of DNA evidence from those individuals required to provide such samples for the DNA data bank as mandated in the DNA Identification System (RCW 43.43.753).

## 902.2 PERSONS SUBJECT TO DNA COLLECTION

Every person convicted of, or adjudicated guilty of the equivalent juvenile offense of a felony, stalking under RCW 9A.46.110, harassment under RCW 9A.46.020, communicating with a minor for immoral purposes under RCW 9.68A.090, must have a biological sample collected for purposes of DNA identification analysis.

This department is only responsible to obtain samples from persons convicted of the listed offenses or adjudicated guilty of an equivalent juvenile offense who do not serve a term of confinement in a department of corrections facility, and do serve a term of confinement in this department's jail facility, for convictions on or after July 1, 2002 (RCW 43.43.754(1)).

### 902.2.1 POINT OF COLLECTION

As soon as administratively practicable after confinement, persons required to provide DNA samples shall be processed for the necessary samples by the appropriate jail staff.

## 902.3 PROCEDURE

Upon a determination that any individual is qualified and required to provide DNA samples, the appropriate jail staff member, or other employee designated by a supervisor shall obtain DNA samples in accordance with this policy.

### 902.3.1 BLOOD SAMPLES

Health care providers trained and qualified to draw blood are the only persons authorized to perform the withdrawal of blood in a medically approved manner.

### 902.3.2 BUCCAL SWABS

Buccal swab samples (taken from the inside of the mouth) may only be procured by employees who have successfully completed departmentally approved training in the collection of buccal swabs. If an individual violently resists or presents other officer safety issues, employees may omit buccal swab samples upon approval of a supervisor.

### 902.3.3 FULL PALM PRINTS

Full palm print impressions shall be obtained on appropriate forms along with all DNA samples.

### 902.3.4 USE OF FORCE TO OBTAIN SAMPLES

If, after a written or oral request, an individual required to provide samples refuses to provide any or all of the required DNA samples, a sworn member of this department may use reasonable force

## *Custodial DNA Samples*

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necessary and consistent with constitutional and legal requirements to compel them to submit to collection of the required sample (RCW 43.43.750).

Use of force to obtain such sample(s) should occur only under the following conditions

- (a) Prior to the use of reasonable force, the officers shall take and document reasonable steps to secure voluntary compliance.
- (b) Prior to the use of reasonable force, the Officers shall obtain written authorization from a supervisor which shall minimally include that the individual was asked to provide the sample(s) and refused.
- (c) If the authorized use of reasonable force includes a cell extraction, such extraction shall be videotaped.

For the purpose of this section, the "use of reasonable force" shall be defined as the force that an objective, trained, and competent officer faced with similar facts and circumstances would consider necessary and reasonable to gain compliance.

### **902.4 PROCESSING DNA SAMPLES**

All DNA or biological sample taken pursuant to RCW 43.43.752 through 43.43.758 shall be delivered to the forensic laboratory services bureau of the Washington State Patrol and shall be used solely for the purpose of providing DNA or other tests for identification analysis and prosecution of a criminal offense or for the identification of human remains or missing persons (RCW 43.43.754(2)).

## **Chapter 10 - Personnel**

# Recruitment and Selection

## 1000.1 PURPOSE AND SCOPE

The employment policy of the Aberdeen shall provide equal opportunities for applicants and its employees regardless of race, sexual orientation, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, marital status, veteran status, or sex, and shall not show partiality or grant any special favors to any applicant, employee or group of employees. The rules governing employment practices for this department are maintained by the Aberdeen Department of Human Resources.

## 1000.2 APPLICANT QUALIFICATIONS

Candidates for job openings will be selected based on merit, ability, competence and experience and in compliance with city and department personnel and civil service rules.

### 1000.2.1 APPLICANT TESTING REQUIREMENTS

Prior to appointment, all candidates for sworn positions will, at a minimum, be screened through the following methods:

- (a) A background investigation, proof of which will subsequently be submitted to the Washington State Criminal Justice Training Commission (RCW 43.101.095(2)(a)).
- (b) A medical examination, including a drug screening, performed by a licensed physician.
- (c) A psychological fitness examination conducted by a qualified professional (e.g., a licensed psychologist or psychiatrist); the qualified professional, examination and subsequent report shall meet the standards as established in WAC 139-07-010, 020 and 030.
- (d) A polygraph examination administered by a licensed polygraph technician.

### 1000.2.2 SECURITY OF APPLICANT FILES

All applicant files will be secured and available only to those who are authorized to participate in the selection process.

## 1000.3 STANDARDS

Employment standards shall be established for each job classification and shall include minimally, the special training, abilities, knowledge and skills required to perform the duties of the job in a satisfactory manner. The City of Aberdeen Department of Human Resources maintains standards for all positions.

The dilemma facing the Department is one of developing a job-valid and non-discriminatory set of policies which will allow it to lawfully exclude persons who do not meet the City of Aberdeen or State of Washington hiring standards.

The following standards have been adopted for public safety applicants:

## *Recruitment and Selection*

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### 1000.3.1 OPERATION OF A MOTOR VEHICLE

- (a) The ability to possess a valid Washington driver's license.
- (b) The ability to drive safely.
- (c) The ability to control a motor vehicle at high speeds.
- (d) The ability to operate a motor vehicle in all types of weather conditions.
- (e) The following shall be disqualifying:
  - 1. Receipt of three or more moving violations (or any single violation of a potential life threatening violation, such as reckless driving, speed contest, suspect of a pursuit, etc.) within three years prior to application. Moving violations for which there is a factual finding of innocence shall not be included.
  - 2. Involvement as a driver in two or more chargeable (at fault) collisions within three years prior to date of application.
  - 3. A conviction for driving under the influence of alcohol and/or drugs within three years prior to application or any two convictions for driving under the influence of alcohol and/or drugs.

### 1000.3.2 INTEGRITY

- (a) Refusing to yield to the temptation of bribes, gratuities, payoffs, etc.
- (b) Refusing to tolerate unethical or illegal conduct on the part of other law enforcement personnel.
- (c) Showing strong moral character and integrity in dealing with the public.
- (d) Being honest in dealing with the public.
- (e) The following shall be disqualifying:
  - 1. Any material misstatement of fact or significant admission during the application or background process shall be disqualifying, including inconsistent statements made during the initial background interview or polygraph examination or discrepancies between this background investigation and other investigations conducted by other law enforcement agencies.
  - 2. Any forgery, alteration, or intentional omission of material facts on an official employment application document or sustained episodes of academic cheating.

### 1000.3.3 CREDIBILITY AS A WITNESS IN A COURT OF LAW

- (a) The ability to give testimony in a court of law without being subject to impeachment due to his/her honesty or veracity (or their opposites) or due to prior felony conviction.
- (b) The following shall be disqualifying:

## *Recruitment and Selection*

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1. Conviction of any criminal offense classified as a misdemeanor under Washington law within three years prior to application.
2. Conviction for two or more misdemeanor offenses under Washington law as an adult.
3. Conviction of any offense classified as a misdemeanor under Washington law while employed as a peace officer (including military police officers).
4. Admission(s) of having committed any act amounting to a felony (including Gross-misdemeanor offenses) under Washington law, as an adult, within five years prior to application or while employed as a peace officer (including military police officers).
5. Admission(s) of administrative conviction of any act while employed as a peace officer (including military police officers) involving lying, falsification of any official report or document, or theft.
6. Admission(s) of any act of domestic violence as defined by law, committed as an adult.
7. Admission(s) of any criminal act, whether misdemeanor or felony, committed against children including but not limited to: molesting or annoying children, child abduction, child abuse, lewd and lascivious acts with a child, or indecent exposure. Acts of consensual unlawful intercourse accomplished between two minors shall not be included, unless more than four years difference in age existed at the time of the acts.
8. Any history of actions resulting in civil lawsuits against the applicant or his/her employer may be disqualifying.

### 1000.3.4 DEPENDABILITY

- (a) Having a record of submitting reports on time and not malingering on calls, etc.
- (b) A record of being motivated to perform well.
- (c) A record of dependability and follow through on assignments.
- (d) A history of taking the extra effort required for complete accuracy in all details of work.
- (e) A willingness to work the hours needed to complete a job.
- (f) The following shall be disqualifying:
  1. Missing any scheduled appointment during the process without prior permission.
  2. Having been disciplined by any employer (including military) as an adult for abuse of leave, gross insubordination, dereliction of duty, or persistent failure to follow established policies and regulations.



## *Recruitment and Selection*

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3. Having been involuntarily dismissed (for any reason other than lay-off) from two or more employers as an adult.
4. Having held more than seven paid positions with different employers within the past four years, or more than 15 paid positions with different employers in the past ten years (excluding military). Students who attend school away from their permanent legal residence may be excused from this requirement.
5. Having undergone personal bankruptcy more than once, having current financial obligations for which legal judgments have not been satisfied, currently having wages garnished, or any other history of financial instability.
6. Resigning from any paid position without notice shall be disqualifying, except where the presence of a hostile work environment is alleged.
7. Having any outstanding warrant of arrest at time of application.

### 1000.3.5 LEARNING ABILITY

- (a) The ability to comprehend and retain information.
- (b) The ability to recall information pertaining to laws, statutes, codes, etc.
- (c) The ability to learn and to apply what is learned.
- (d) The ability to learn and apply the material, tactics and procedures that are required of a law enforcement officer.
- (e) The following shall be disqualifying:
  1. Being under current academic dismissal from any college or university where such dismissal is still in effect and was initiated within the past two years prior to the date of application.
  2. Having been academically dismissed from any CJTC certified basic law enforcement academy wherein no demonstrated effort has been made to improve in the deficient areas, except: subsequent successful completion of another CJTC basic law enforcement academy shall rescind this requirement.

### 1000.3.6 PERSONAL SENSITIVITY

- (a) The ability to resolve problems in a way that shows sensitivity for the feelings of others.
- (b) Empathy.
- (c) Discretion, not enforcing the law blindly.
- (d) Effectiveness in dealing with people without arousing antagonism.
- (e) The ability to understand the motives of people and how they will react and interact.
- (f) The following shall be disqualifying:

## *Recruitment and Selection*

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1. Having been disciplined by any employer (including the military and/or any law enforcement training facility) for acts constituting racial, ethnic or sexual harassment or discrimination.
2. Uttering any epithet derogatory of another person's race, religion, gender, national origin or sexual orientation.
3. Having been disciplined by any employer as an adult for fighting in the workplace.

### 1000.3.7 JUDGMENT UNDER PRESSURE

- (a) The ability to apply common sense during pressure situations.
- (b) The ability to make sound decisions on the spot.
- (c) The ability to use good judgment in dealing with potentially explosive situations.
- (d) The ability to make effective, logical decisions under pressure.
- (e) The following shall be disqualifying:
  1. Admission(s) of administrative conviction or criminal convictions for any act amounting to assault under color of authority or any other violation of federal or state Civil Rights laws.
  2. Any admission(s) of administrative conviction or criminal conviction for failure to properly report witnessed criminal conduct committed by another law enforcement officer.

### 1000.3.8 ILLEGAL USE OR POSSESSION OF DRUGS

- (a) The following examples of illegal drug use or possession will be considered automatic disqualifiers for public safety applicants, with no exceptions:
  1. Any adult use or possession of a drug classified as a hallucinogenic within seven years prior to application for employment.
  2. Any illegal use or possession of marijuana within one year prior to application for employment.
  3. Any other illegal adult use or possession of a drug not mentioned above (including cocaine) within three years prior to application for employment.
  4. Any illegal adult use or possession of a drug while employed in any law enforcement capacity, military police, or as a student enrolled in college-accredited courses related to the criminal justice field.
  5. Any adult manufacture or cultivation of a drug or illegal substance.

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## *Recruitment and Selection*

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6. Failure to divulge to the Department any information about personal illegal use or possession of drugs.
  7. Any drug test of the applicant, during the course of the hiring process, where illegal drugs are detected.
- (b) The following examples of illegal drug use or possession will be considered in relationship to the overall background of that individual and may result in disqualification:
1. Any illegal use or possession of a drug as a juvenile.
  2. Any illegal adult use or possession of a drug that does not meet the criteria of the automatic disqualifiers specified above (e.g., marijuana use longer than one year ago or cocaine use longer than three years ago).
  3. Any illegal or unauthorized use of prescription medications.

# Evaluation of Probationary 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**

The Aberdeen Police Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to sex, race, color, national origin, religion, age, disability or other protected classes.

## **1001.3 FULL TIME PROBATIONARY PERSONNEL**

An evaluation is completed monthly for all full-time non-sworn personnel during the probationary period.

Probationary sworn personnel are evaluated daily, weekly and monthly during the probationary period, using the FTO guidelines.

## **1001.4 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 answer 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. Permanent employees may also write comments in the Employee Comments section of the performance evaluation report.

## **1001.5 EVALUATION REVIEW**

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the Patrol Lieutenant or the rater's immediate supervisor, whichever is applicable. The Patrol Lieutenant, or the rater's immediate supervisor shall review the evaluation for fairness, impartiality, uniformity, and consistency and shall evaluate the supervisor on the quality of ratings

## *Evaluation of Probationary Employees*

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given. The Patrol Lieutenant or rater's immediate supervisor shall sign the evaluation and forward to the Section Commander. The Section Commander shall review the evaluation for fairness, impartiality, uniformity, and consistency. Once satisfied the Section Commander shall sign and forward the evaluation to the Deputy Chief of Police. The Chief of Police should review all performance evaluations.

### **1001.6 EVALUATION DISTRIBUTION**

The original performance evaluation shall be maintained in the employee's personnel file in the Human Resources Office for the tenure of the employee's employment. A copy will be provided to the employee.

#### **1001.6.1 EVALUATION DISPUTES**

If the evaluated employee disagrees with their evaluation in part or in whole, and is unable to settle the issue(s) with the evaluating supervisor, they may submit in writing their specific disagreement(s) to the Section Commander. If the evaluated employee is still in disagreement with the evaluation after reviewing the document with the Section Commander the evaluated employee may submit in writing an appeal to the Deputy Chief of Police. If the employee still disagrees with his or her evaluation after the review by the Deputy Chief the employee may appeal the specific issue(s) of disagreement in writing to the Chief of Police who will review the appeal and issue a binding decision.

### **1001.7 REMEDIAL TRAINING**

When a probationary employee fails to perform a job function at the level prescribed in this policy manual, remedial training 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 unacceptable, receives a Special Evaluation to document a performance deficiency or is receiving discipline for a performance deficiency, the supervisor should consider whether remedial training would be appropriate to assist the employee in improving their performance.

- (a) If remedial training is deemed to be appropriate, the supervisor shall document the following items in a Personnel Improvement Plan (PIP):
  - 1. The remedial training being provided.
  - 2. The timeline for providing the training.
  - 3. The timeline for evaluating the employee's subsequent performance.
  - 4. The consequences if the employee fails to perform.
  - 5. The desired outcome if the remediation is successful.
- (b) Prior to implementing the remedial training, the supervisor shall present the PIP to the employee.

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## *Evaluation of Probationary Employees*

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- (c) If the employee fails to provide a timely written response or expresses no desire to respond, the employee's signature and the date 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.

The remedial training process is for use with all employees. It is not limited to use with probationary employees.

# Promotional and Transfer Policy

## 1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a procedure for notifying all personnel of specialized assignment openings and promotional opportunities.

Nothing in this policy should be construed to supersede city ordinance, civil service rules, or any applicable collective bargaining agreement.

### 1002.1.1 PROMOTIONAL OPPORTUNITIES

Promotions will be made in accordance with City Ordinance Chapter 2.48 and Civil Service rules. Notification of promotional examinations will be posted on the department bulletin board at least two weeks prior to the date of the examination. Such notification should clearly identify the position, minimum requirements for application, the date, time, location, and types of examinations.

## 1002.2 SWORN NON-SUPERVISORY SELECTION PROCESS

The following positions are considered transfers and are not considered promotions:

- (a) Special Enforcement Team member to include but not limited to.
  - 1. Crisis Response Unit/Special Tactics Team/Crisis Negotiator Team
  - 2. Collision Investigation Team
  - 3. DART
- (b) Detective.
- (c) Traffic Officer.
- (d) Field Training Officer.
- (e) Clan Lab Team.
- (f) Drug Task Force Detective
- (g) School Resource Officer.
- (h) Explorer Adviser.
- (i) Emergency Medical Technician.
- (j) Any Instructor Positions to include but not limited to:
  - 1. Force Training Unit
  - 2. Domestic Violence Instructor
  - 3. EVOC
  - 4. Radar/Lidar
  - 5. SFST Instructor

## *Promotional and Transfer Policy*

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### 6. Capstun Instructor

#### 1002.2.1 DESIRABLE QUALIFICATIONS

The following qualifications apply to consideration for transfer:

- (a) Three years experience.
- (b) Off probation.
- (c) Has demonstrated an expressed interest in the position applied for.
- (d) Education, training and demonstrated abilities in related areas; such as, enforcement activities, investigative techniques, report writing, public relations, etc.
- (e) Complete any training required by CJTC or law.

#### 1002.2.2 SPECIALIZED ASSIGNMENTS

Openings for specialized assignments will be posted on the department bulletin board in accordance with any applicable collective bargaining agreement. See policy §1005 for more information.

#### 1002.3 SELECTION PROCESS

The following criteria apply to transfers.

- (a) Administrative evaluation as determined by the Chief of Police and Command Staff. This should include a review of supervisor recommendations. Each supervisor who has supervised or otherwise been involved with the candidate may submit these recommendations.
- (b) The supervisor recommendations will be submitted to the Section Commander for whom the candidate will work for review.
- (c) Based on supervisor recommendations and those of the Command Staff, the Section Commander for whom the candidate will work for will submit his/her recommendation(s) to the Chief of Police.
- (d) Appointment by the Chief of Police

The policy and procedures for all positions may be waived for temporary assignments, emergency situations or for training.

#### 1002.4 PROMOTIONAL SPECIFICATIONS

Specifications for promotional opportunities are on file with the Aberdeen Department of Human Resources and City of Aberdeen Civil Service Commission.



# SPECIALIZED ASSIGNMENT OPENINGS

## 1003.1 PURPOSE AND SCOPE

- (a) In an effort to provide effective law enforcement services to the public and provide for the continuing development of our employees it is the policy of the Aberdeen Police Department to identify and fill specialized part-time assignments within the department.
- (b) Nothing in this policy should be considered to supersede any effective collective bargaining agreements.
- (c) It is the policy of the Aberdeen Police Department to establish the length of time an employee may serve in a particular position or temporary assignment within the police department. An employee may have the time extended or shortened if it is deemed advantageous by the Chief of Police. The time in a position could be of a shorter duration if the goals of the police department are not being met. Officers in these positions serve at the discretion of the Chief of Police.
- (d) Openings for specialized assignments will be posted on the department bulletin board.
  - 1. Detective Sergeant - Five years
  - 2. S.A. Supervisor - Open
  - 3. DTF Sergeant One - Six years
  - 4. DTF Detective One - Six years
  - 5. Detective - Five years
  - 6. Training Officer - Open
  - 7. Range Officer - Open
  - 8. K-9 Officer - Open
  - 9. Polygraph Open
  - 10. SRO - Five years
  - 11. Traffic Officer - Five years
- (e) The Chief of Police may temporarily reassign an officer to administrative duties or administrative leave with pay when such assignment is deemed to be in the best interest of the department.

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# Reporting of Employee Convictions

## **1003.1 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.

## **1003.2 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.

## **1003.3 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.

## **1003.4 PROCEDURE FOR RELIEF**

Relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Each employee shall seek relief from firearm restrictions on their own time and through their own resources.

Pending satisfactory proof of relief from any legal restriction imposed on an employee's duties, the employee may be placed on administrative leave, reassigned or disciplined. The Department may, but is not required to return an employee to any assignment, reinstate any employee or

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## *Reporting of Employee Convictions*

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reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

# Alcohol and Drug Use

## 1004.1 PURPOSE AND SCOPE

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 Aberdeen Police Department discourages alcohol and drug abuse and strives to achieve a work force free from the influence of drugs and alcohol.

## 1004.2 GENERAL GUIDELINES

The consumption of alcohol or other intoxicants is generally prohibited by on-duty personnel except as necessary in the performance of an official special assignment. Personnel who consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Employees who have consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect their senses or judgment shall not report for duty.

Reporting to work under the influence of alcohol and/or illegal drugs, or the use, sale or possession by an employee of illegal drugs is strictly prohibited and may result in disciplinary action including immediate termination.

### 1004.2.1 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.

### 1004.2.2 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(6)).

## 1004.3 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. There is also available a variety of insurance coverage which provide treatment for drug and alcohol abuse. Employees may contact the Department of

## *Alcohol and Drug Use*

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Human Resources, their insurance provider, or the Employee Assistance Program for additional information.

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.

Any employee who voluntarily seeks treatment for a personal alcohol problem or for a substance abuse disorder, not involving criminal conduct, may do so through employee assistance programs of the employee's own choosing in complete confidence and without jeopardizing the employee's employment with the City.

### **1004.4 WORK RESTRICTIONS**

If an employee informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with the safe and efficient performance of his/her duties, the employee may be required to obtain clearance from his/her physician before he/she continues to work.

If a supervisor reasonably believes, based upon objective facts, that an employee's ability to perform his/her duties safely and efficiently may be impaired by the consumption of alcohol or other drugs, the supervisor may ask the employee whether he/she has consumed any alcohol or other drugs and, if so the amount and type of alcohol or other drug consumed and the time of consumption, and the name of the person who prescribed the controlled substance.

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 employee from continuing work and shall transport him/her or cause him/her to be transported safely away from the Department.

### **1004.5 REQUESTING SCREENING TESTS**

The Department may request an employee to submit to a screening test if the Department:

- (a) Reasonably believes, based upon objective facts, that the 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 a written record of those facts, and:
  - 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.

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### 1004.5.1 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.

### 1004.6 EMPLOYEE DRUG TESTING

In an effort to provide a safe and drug-free work environment for all employees the employee drug testing procedures have been established.

#### 1004.6.1 DEFINITIONS

For the purpose of administering this policy the following definition of terms is provided:

- (a) Reasonable Suspicion - is based on specific objective facts and reasonable inferences from those facts in light of experience, that discovery testing will produce evidence of illegal drugs or improper alcohol use by that particular employee.
- (b) Illegal Drugs - are defined as all forms of narcotics, depressants, stimulants, hallucinogens, cannabis, or other controlled substances, which sale, purchase, transfer, or unauthorized use or possession is prohibited by law, as defined in 69.50.101.
- (c) Over-The-Counter Drugs - are those which are generally available without a prescription and are limited to those drugs which are capable of impairing the judgment of an employee to safely perform the employee's duties.
- (d) Prescription Drugs - are defined as those drugs which are used in the course of medical treatment and have been prescribed and authorized for use by a licensed practitioner/physician or dentist.
- (e) Medical Review Officer (MRO) - are physician licensed to practice medicine in the State of Washington, and utilized as a consultant/adviser by the Aberdeen Police Pension Board.

#### 1004.6.2 PROCEDURE

Drug testing is prohibited unless a supervisory employee of the Department has reasonable suspicion to believe that an employee is currently or has recently been engaged in the illegal use of drugs, or is under the influence of alcohol.

The employee in question will be asked to submit to discovery testing that may include breath tests, urinalysis and/or a blood screen to identify any involvement with alcohol or illegal drugs. An employee who refuses to submit to discovery testing for alcohol and/or illegal drugs when requested to do so under the circumstances described above, may be disciplined for such refusal.

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Before any employee may be tested for drugs, the employer must meet the following prerequisites:

- (a) All employees must be clearly informed in writing of substances that are prohibited by the employer. Distribution of this policy to all employees satisfies this provision.
- (b) This drug testing policy applies equally to all commissioned Department employees. Non-commissioned employees are subject to the drug testing procedures adopted on October 11, 1995 in the City's policy to ensure a drug free workplace.
- (c) The employee shall be given an opportunity to explain the reasons for the employee's condition, such as reaction to a prescribed drug, fatigue, exposure to toxic substances, or any other reasons known to the employee, to the MRO and Chief after the test results have been received by the Chief.
- (d) The employer may request breath samples and urine or blood samples.
- (e) Urine and blood samples shall be collected at a local laboratory, hospital or medical facility. The employee shall not be required to be observed by the employer or by any other party when the urine specimen is given. The privacy rights of the employee shall be respected.
- (f) All specimen containers and vials and bags used to transport the specimen shall be sealed to safeguard their integrity, and proper chain-of-custody procedures shall be followed.
- (g) Immediately after the sample has been given, it will be divided into two equal parts. Each of the two portions of the sample will be separately sealed, labeled, and stored in a secure and refrigerated atmosphere. One of the samples will then be sent or delivered to a testing laboratory mutually agreeable to the bargaining unit and the employer.
- (h) Each step in the collecting and processing of the urine specimens shall be documented to establish procedural integrity and a chain of evidence.

### 1004.6.3 TESTING

Any drug or alcohol testing shall be paid for by the City and employees required to submit to such testing will be required to do so only on City time.

- (a) Any screening shall be performed using the Radio immunoassay (RIA) method, the Enzyme Immunoassay (EMIT) method, and/or the Gas Chromatography Mass Spectrometry (GC/MS) method.
- (b) Any positive results on the initial screening test shall be confirmed through the use of Gas Chromatography/Mass Spectrometry (GC/MS), or through blood test with a higher rate of reliability than the tests referred to in this section. Such tests shall be used at the option of the employee in place of the tests referred to in this section.

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- (c) If the confirmatory test is positive for the presence of an illegal drug, the employee will be notified of the positive result within 24 hours after the employer learns of the result, and will be provided with copies of all documents pertinent to the test sent to the employer by the laboratory. The employee will then have the option of having the untested sample submitted to a laboratory of the employee's own choosing. Failure to exercise this option may not be considered as evidence in an arbitration or other proceeding concerning the drug test or its consequences.
- (d) If at any point the results of the testing procedures specified in this policy are negative, testing shall be discontinued. The employee will be provided a copy of the results, and all other copies of results shall be destroyed within 24 hours after the test.
- (e) The employee shall be informed of the results of all tests, and provided with all documentation regarding the tests as soon as the test results are available. Any employee who tests positive shall be given access to all written documentation available from the testing laboratory which verifies the accuracy of the equipment used in the testing process, the chain of custody of the specimen, the accuracy of the laboratory and the qualifications and experience of the technicians.
- (f) The employer shall designate a Medical Review Officer (MRO) to review all confirmed positive test results and communicate those results to the Chief. The results of the tests are confidential and shall not be released to anyone other than the MRO, the Chief or designated representative, and the employee. The MRO shall be responsible for determining when an individual has failed a drug test, interpreting test results, and serving as a consultant to the employer.
- (g) Whether the results are negative or positive, the employee shall have the right to challenge whether reasonable suspicion existed for the ordering of the test.
- (h) Nothing in this policy is intended to limit the right of the employee to contest the result of any drug test or to appeal any disciplinary action.
- (i) Nothing in this policy is intended to contradict any provision of the American with Disabilities Act (ADA). If any section of this policy is found to conflict with the ADA, the ADA will take precedence.

### **1004.7 CONFIDENTIALITY**

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.



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### **1004.8 COMPLIANCE**

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.

# Sick Leave Reporting

## 1005.1 PURPOSE AND SCOPE

Employees of this department are provided with a sick leave benefit that gives them continued compensation during times of absence due to personal or family illness. The number of hours available is detailed in the employee's respective labor agreement. Employees may also 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).

## 1005.2 EMPLOYEE RESPONSIBILITIES

Sick leave may be used for absences caused by illness, injury, temporary disability (including pregnancy/maternity), or for medical, dental or vision exams or medical treatment of the employee or the employee's immediate family when it is not possible to schedule such appointments during non-working hours.

Sick leave is not considered vacation, and abuse of sick leave may result in discipline and/or denial of sick-leave benefits.

Upon return to work, employees shall complete and submit a leave request describing the type of leave used and the specific amount of time taken.

### 1005.2.1 NOTIFICATION

Employees are encouraged to notify the Patrol Lieutenant or appropriate supervisor as soon as they are aware that they will not be able to report to work. At a minimum, employees shall make such notification no less than one hour before the start of their scheduled shift. If an employee is unable to contact the supervisor in the case of an emergency, every effort should be made to have a representative contact the supervisor.

When the necessity for leave is foreseeable, such as an expected birth or planned medical treatment, the employee shall, whenever possible, provide the Department with no less than 30-days notice of the intent to take leave.

## 1005.3 EXTENDED ILLNESS

Employees on extended absences shall, if possible, contact their unit supervisor at three-day intervals to provide an update on their absence and expected date of return. Employees absent from duty due to personal illness in excess of three consecutive days may be required to furnish a statement from their health care provider supporting the use of sick leave and/or the ability to return to work.

Nothing in this section precludes a supervisor, with cause, from requiring a physician's statement if three or fewer sick days are taken.

## *Sick Leave Reporting*

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### **1005.4 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. Supervisors should address sick-leave use in the employee's performance evaluation when it has negatively affected the employee's performance or ability to complete assigned duties, and when unusual amounts of sick leave by the employee has had a negative impact on department operations. When appropriate, supervisors should counsel employees regarding the excessive use of sick leave and should consider referring the employee to the Employee Assistance Program.

# Communicable Diseases

## 1006.1 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.

## 1006.2 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.).

### 1006.2.1 EXPOSURE CONTROL OFFICER

The Chief of Police shall appoint a qualified person as the Department's Exposure Control Officer. The Exposure Control Officer (ECO) shall be responsible for the following:

- (a) The overall management of the BBP Exposure Control Plan (ECP).
- (b) Establishing written procedures and a training program related to aerosol transmissible diseases.
- (c) Work with management to develop and administer any additional related policies and practices necessary to support the effective implementation of this plan and remain current on all legal requirements concerning BBP and other communicable diseases.
- (d) Act as a liaison during OSHA inspections and shall conduct program audits to maintain an up-to-date exposure control plan.
- (e) Maintain an up-to-date list of police personnel requiring training, develop and implement a training program, maintain class rosters and quizzes, and periodically review the training program.
- (f) Review and update the Exposure Control Plan annually (on or before January 1st of each year).

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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.

### 1006.2.2 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).

### 1006.2.3 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
- 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.

### 1006.2.4 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).

### 1006.2.5 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.

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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.

### **1006.3 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.

#### **1006.3.1 USE OF WASTE CONTAINERS**

Officers shall dispose of biohazards with the on-scene fire response vehicle, or at the attending clinic/hospital with its approval, or in an appropriately marked biohazard waste container at the station immediately upon arrival.

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).

#### **1006.3.2 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 disinfectant as soon as possible. If the skin becomes grossly contaminated, body washing shall be followed by an approved hospital strength disinfectant. If large areas of the employee's skin are contaminated, the employee shall shower as soon as possible, using warm water and soap and/or an approved disinfectant. 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 disinfectant 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. Cleaning shall not be done in the kitchen, bathrooms or other locations not designated as the cleaning or decontamination area (WAC 296-823-14030).

#### **1006.3.3 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 evidence preservation, employees are not to recap sharps. If recapping is necessary, a one-

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handed method shall be employed to avoid a finger prick. Disposal, when practicable, 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).

### 1006.3.4 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 or police station. 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).

### 1006.3.5 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 if the job has not been terminated. If this situation resulted in a contaminated non-intact skin event, the measures above shall be implemented.

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).

### 1006.3.6 DECONTAMINATION OF NON-DISPOSABLE EQUIPMENT

Contaminated non-disposable equipment (e.g., flashlight, gun, baton, clothing, portable radio) shall be decontaminated as soon as reasonably practicable. 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 a hospital, fire station or police station for proper cleaning and disinfecting. 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 using a minimal amount of a type of germicide that is approved by Environmental Protection Agency (EPA).

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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).

### 1006.3.7 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 and give it to the ECO. The ECO will secure a dry cleaner that is capable of cleaning contaminated clothing, and inform them of the potential contamination. This dry 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.

### 1006.3.8 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.

### 1006.3.9 DECONTAMINATION OF STATION AND CLEANING AREA

The ECO shall designate a location at the station that will serve as the area for cleaning/decontamination. This area is to be used to keep equipment clean and sanitary and for the employees to wash any potential contamination from their bodies. This area is to be thoroughly cleaned after each use and maintained in a clean and sanitary order at all times between each use. The application of cosmetics, smoking cigarettes and consuming food and drink are prohibited in this designated area at all times.

## **1006.4 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.).

### 1006.4.1 EMPLOYEE RESPONSIBILITY TO REPORT EXPOSURE

In order to provide appropriate and timely treatment should exposure occur, all employees shall verbally report the exposure to their immediate supervisor and complete a written exposure report as soon as possible following the exposure or suspected exposure. That report shall be submitted to the employee's immediate supervisor.



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### 1006.4.2 SUPERVISOR REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure that occurs as soon as reasonably practicable following the incident, while gathering the following information (WAC 296-823-16005):

- (a) Names and social security numbers of the employees exposed
- (b) Date and time of incident
- (c) Location of incident
- (d) The potentially infectious materials involved
- (e) Source of material or person
- (f) Current location of material or person
- (g) Work being done during exposure
- (h) How the incident occurred or was caused
- (i) PPE in use at the time of incident
- (j) Actions taken post-event (clean-up, notifications, etc.)

The supervisor shall use the above information to prepare a written summary of the incident, its causes and recommendations for avoiding similar events. This report will be provided to the ECO, the consulting physician and to the City's Risk Manager.

### 1006.4.3 MEDICAL CONSULTATION, EVALUATION, AND TREATMENT

Any employee who was exposed or suspects he/she was exposed to any bodily fluids should be seen by a physician (or qualified health care provider) immediately following the exposure or as soon as practicable thereafter. The doctor (or qualified health care provider) should review the supervisor's report, the employee's medical records relevant to the visit and examination and the Communicable Disease Notification Report. The medical consultation, evaluation and treatment shall be provided at no cost to the affected employee.

The health care professional shall provide the ECO and/or the City's Risk Manager with a written opinion/evaluation of the exposed employee's situation. This opinion shall only contain the following information:

- If a post-exposure treatment is indicated for the employee.
- If the employee received a post-exposure treatment.
- Confirmation that the employee received the evaluation results.
- Confirmation that the employee was informed of any medical condition resulting from the exposure incident that will require further treatment or evaluation.
- Whether communicable disease testing from the source is warranted, and if so, which diseases should the testing include.

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All other findings or diagnosis shall remain confidential and are not to be included in the written report (WAC 296-823-16005).

### **1006.4.4 COUNSELING**

The Department shall provide the exposed employee (and his/her family if necessary) the opportunity for counseling and consultation (WAC 296-823-16005).

### **1006.4.5 CONFIDENTIALITY OF REPORTS**

Most of the information involved in the process must remain confidential. The ECO shall ensure that all records and reports are kept in the strictest confidence.

The ECO shall be responsible for maintaining records containing the employee's HBV status and the results of examinations, medical testing and follow-up procedures that took place as a result of an exposure.

The Risk Manager 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).

## **1006.5 SOURCE TESTING**

Testing for communicable diseases of a person who was the source of an exposure shall be sought whenever the source is a known individual.

- (a) A licensed health care provider should notify the person to be tested of the exposure and make a good faith effort to obtain voluntary informed consent from the person or his/her authorized legal representative to perform a test for HIV, hepatitis B, hepatitis C and other communicable diseases the health care provider deems appropriate.
- (b) The voluntary informed consent obtained by the health care provider must be in writing and include consent for three specimens of blood for testing. The ECO should document the consent as a supplement to the exposure report.
- (c) The results of the tests should be made available to the source and the exposed employee.

It is the responsibility of the ECO to ensure the proper testing and reporting occur (WAC 296-823-16010). If consent is not obtained, the ECO should document that fact and promptly consult with the City Attorney to consider requesting that a court order be sought for appropriate testing.

When an employee is exposed to the bodily fluids of an arrestee, the ECO shall file a report with the county health officer. The county health officer may pursue testing for HIV or hepatitis B or C (RCW 70.24.360 and WAC 246-100-206).

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Since there is potential for overlap between attempts to obtain consent and the duties of the county health officer, the ECO is responsible for coordinating the testing with the county health officer to prevent unnecessary or duplicate testing.

# Smoking and Tobacco Use

## **1007.1 PURPOSE AND SCOPE**

This policy establishes limitations on the use of tobacco products by employees and others while on-duty or while in Aberdeen Police Department facilities or vehicles.

## **1007.2 POLICY**

The Aberdeen Police Department recognizes that tobacco use is a health risk and can be offensive to other employees and to the public. It is the policy of the Aberdeen Police Department to prohibit the use of tobacco by employees while on-duty or at any time the employee is acting in an official capacity for the Department.

### **1007.2.1 COMPLAINT PROCEDURE**

Employees have the right to work in a smoke-free environment. Any employee who is subjected to secondary tobacco smoke in the workplace may submit a complaint in writing to their division commander. The employee may request that their name remain confidential, if so desired, and that request will be honored by the department administration. The complaint and an appropriate recommendation for resolving it will be forwarded by the division commander to the Chief of Police. All such complaints will be resolved in a manner that provides the non-smoking employee with a smoke free work environment.

## **1007.3 EMPLOYEE USE**

Tobacco use by employees is prohibited anytime employees are in public view representing the Department.

Smoking and other use of tobacco products is not permitted inside department facilities or any department vehicle.

It shall be the responsibility of all employees to ensure that no person smokes or uses any tobacco product inside department facilities and vehicles.

## **1007.4 ADDITIONAL PROHIBITIONS**

No person shall smoke tobacco products within 25 feet of a main entrance, exit, or operable window of any building (RCW 70.160.175).

# Personnel Complaint Procedure

## 1008.1 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.

### 1008.1.1 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. Informal complaints should be documented on a personnel complaint form and the responsible supervisor shall have the discretion to handle the complaint in any manner consistent with this policy.

**Formal** - A matter in which the complaining party requests further investigation or which a department supervisor determines that further action is warranted. Such complaints may be investigated by a department supervisor of rank greater than the accused employee or referred to the Deputy Chief depending on the seriousness and complexity of the investigation.

**Incomplete** - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Deputy Chief, such matters need not be documented as personnel complaints, but may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

### 1008.1.2 SUPERSEDE

This policy is not intended to supersede collective bargaining agreements, ordinances, or civil service commission rules.

## 1008.2 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

### 1008.2.1 AVAILABILITY OF COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public lobby. Forms may also be available at other government facilities.

### 1008.2.2 SOURCE OF COMPLAINTS

- (a) A department employee becoming aware of alleged misconduct shall immediately notify a supervisor.

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- (b) A supervisor receiving a complaint from any source alleging misconduct of an employee which, if true, could result in disciplinary action.
- (c) Anonymous complaints and third party complaints should be accepted and investigated to the extent that sufficient information is provided.

### 1008.2.3 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 Patrol Lieutenant 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.
- (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.
- (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.

### 1008.2.4 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.

If a supervisor is not available the person making the complaint should be supplied a complaint form and advised they may return to speak with a supervisor, leave contact information, mail in or drop off their complaint.

Every complaint shall be recorded on a department complaint report form. If the uninvolved on duty supervisor taking the complaint resolves the complaint to the satisfaction of the supervisor and the complainant, the on duty supervisor shall note such on the report.

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. In an effort to ensure accuracy in any complaint, it is recommended that a recorded statement be obtained from the reporting party. A refusal by a party to be recorded shall not alone be grounds to refuse to accept a complaint. Whether handwritten or dictated, the complainant's signature should be obtained at the conclusion of the statement.

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The uninvolved on duty supervisor shall record the complaint in report form and forward the original to the Section Commander with a copy going to the supervisor of the employee who is the subject of the complaint as long as supervisor is not involved in the complaint. The Section Commander shall review the complaint and forward the complaint to the Deputy Chief with his/her recommendation on whether an internal investigation should be opened.

### **1008.3 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 a personnel complaint shall rest with the employee's immediate supervisor. The Chief of Police or authorized designee may, however, direct that another supervisor investigate the 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 Patrol Lieutenant, if relevant, Section Commander and Deputy Chief of Police are notified as soon as practicable.
- (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 Commanding Officer of the accused employee, via the chain of command, who will take appropriate action or forward the complaint to the Deputy Chief for further action.
  - 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 as well as accessible areas of non-injury should be taken.
  - 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 Section Commander 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 and any relevant collective bargaining agreement.
- (d) When the nature of a personnel complaint relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination, the Section Commander receiving the complaint shall immediately contact Human Resources and the Deputy Chief of Police for direction regarding their role in investigation and/or addressing the complaint.

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### **1008.4 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 Deputy Chief may assign the accused employee to inactive duty pending completion of the investigation or the filing of administrative charges.

#### **1008.4.1 ADMINISTRATIVE LEAVE**

An employee placed on administrative leave 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) It shall be the responsibility of the Deputy Chief to promptly notify the employee's Section Commander and the Chief of Police.
- (f) At such time as any employee placed on administrative leave is returned to full and regular duty, the employee shall be returned to their regularly assigned shift with all badges, identification card and other equipment returned.

### **1008.5 ALLEGATIONS OF CRIMINAL CONDUCT**

Where an employee of this department is accused of potential criminal conduct, an outside law enforcement agency may be requested to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

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 investigator.

No information or evidence administratively coerced from an employee may be provided to a criminal investigator.



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Any law enforcement agency is authorized to release information concerning the arrest or detention of a peace officer, which has not led to a conviction, however, 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.

### **1008.6 ADMINISTRATIVE INVESTIGATION OF COMPLAINT**

Whether conducted by a supervisor or an assigned member of the Deputy Chief, 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.
- (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. This admonishment shall be given administratively whether or not the employee was advised of these rights during any separate criminal investigation.
- (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. However, in order to maintain the integrity of each individual employee's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (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.

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### 1008.6.1 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 involved in a serious injury or fatal accident while on duty.
- When the employee is involved in an injury or fatal accident while operating any City owned vehicle whether on or off-duty
- 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.

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.

### 1008.6.2 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.

**Conclusion** - A recommendation regarding further action or disposition should be provided.

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**Exhibits** - A separate list of exhibits (recordings, photos, documents, etc.) should be attached to the report.

### **1008.7 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.

**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.

### **1008.8 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 commanding officer of the involved employee(s).

Once received, the Deputy Chief shall review the report and return to the investigator, through the chain of command for additional investigation or forward to the Chief of Police with a recommendation for disciplinary action.

Within 30 days of the final review 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.

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### 1008.8.1 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., and 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 for a period of no less than five years. All non-citizen (e.g., those that originate internally) initiated complaints shall be maintained no less than two years.

Sustained complaints shall be maintained in the employee's personnel file. Complaints which are unfounded, exonerated or not sustained shall be maintained by the Deputy Chief apart from the employee's personnel file.

# Seat Belt Procedure

## 1009.1 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 ensure 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).

## 1009.2 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.

### 1009.2.1 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.

## 1009.3 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.

## 1009.4 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.

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

### 1010.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

### 1010.2 POLICY

It is the policy of the Aberdeen 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.

### 1010.3 ISSUANCE OF BODY ARMOR

The Administration supervisor shall ensure that body armor is issued to all officers when the officer begins service at the Aberdeen Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administration supervisor 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.

#### 1010.3.1 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.

#### 1010.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness and signs of damage, abuse and wear.

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### **1010.3.3 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.

### **1010.4 RANGEMASTER RESPONSIBILITIES**

The Rangemaster 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.



## Peace Officer Personnel Files

### 1011.1 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.

### 1011.2 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.

### 1011.3 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.

**Supervisor Log Entries** - Any written comment, 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.

**Internal Affairs Files** - Those files that contain complaints of employee misconduct and all materials relating to the investigation into such allegations, regardless of disposition.

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**Medical File** - That file which is maintained separately that exclusively contains material relating to an employee's medical history.

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.

### **1011.4 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 § 1026.2 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 Mayor, City Attorney, or other attorneys or representatives of the City in connection with official business.

### **1011.5 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. Residential addresses and telephone numbers (RCW 42.56.250).
  - 3. Performance evaluations which do not discuss specific instances of misconduct.
  - 4. Medical information (RCW 70.02).
  - 5. Industrial insurance (workers' compensation) claim files and records (RCW 51.28.070).
  - 6. Employee identification numbers.
  - 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.

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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 Special Assignments Officer 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.

### 1011.5.1 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.

The disposition of any citizen's complaint shall be released to the complaining party within 30 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.

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### **1011.6 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).

### **1011.7 TYPES OF PERSONNEL FILES**

Peace officer personnel files can be located in any of the following places:

#### **1011.7.1 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 Training Coordinator or immediate supervisor with evidence of completed training/education in a timely manner.
  - 2. The Training Coordinator 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.

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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.

### 1011.7.2 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.
1. All materials intended for this interim file shall be provided to the employee prior to being placed in the file.
  2. 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.
  3. 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.

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- (b) All rules of confidentiality and disclosure shall apply equally to the division file.

### 1011.7.3 INTERNAL AFFAIRS FILE

The internal affairs file shall be maintained under the exclusive control of the Deputy Chief 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 Deputy Chief. 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 Local Government Common Records Retention Schedule (CORE), investigative files shall be maintained as follows:
  - 1. Employee misconduct reports (i.e. document(s) detailing the final disposition of allegations of employee misconduct and implementation of discipline where applicable) shall be maintained for a minimum of three years after the employee separates from employment with the Aberdeen Police Department.
  - 2. After the case is closed, plus three years, an investigative summary report for all sustained investigations shall be placed in the employee's personnel file. The remainder of the documentation compiled during the investigation may be destroyed (Washington State Archives, Secretary of State, CORE Retention Schedule Ver. 2.1 July 2010).
  - 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.

### 1011.7.4 TRAINING FILES

An individual training file shall be maintained by the special assignments supervisor for each employee. Training files should be placed in the employee's personnel file and will contain records of all training (original or photocopies of available certificates, transcripts, diplomas and other documentation) and education.

- (a) It shall be the responsibility of the involved employee to provide the Special Assignments Officer with evidence of completed training/education in a timely manner
- (b) The Special Assignments Officer or supervisor shall ensure that copies of such training records are placed in the employee's training section of the personnel File.

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### 1011.7.5 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.

### 1011.8 PURGING OF FILES

Personnel records shall be maintained and destroyed as specified in the current [Records Management Guidelines and General Records Retention Schedules](#) (Schedule Number L02 and L03). The Local Government General Records Retention Schedule (LGGRS) is the controlling schedule for records retention and management ([RCW](#) Chapter 40.14).

- (a) The Deputy Chief of Police should determine whether any prior sustained disciplinary file should be retained beyond the statutory period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If the Deputy Chief determines that records of prior discipline should be retained beyond the applicable statutory period, approval for such retention shall be obtained from the Chief of Police.
- (c) During the preparation of each employee's performance evaluation, all complaints and discipline should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. If, in the opinion of the Chief of Police, a complaint or disciplinary action beyond the statutory retention period is no longer relevant, all records of such matter may be destroyed pursuant to resolution or other lawful records retention schedules.

### 1011.9 BRADY MATERIAL IN PERSONNEL FILES

The purpose of this section is to establish a procedure for releasing potentially exculpatory information (so-called Brady material) contained within confidential peace officer personnel files.

## Peace Officer Personnel Files

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### 1011.9.1 DEFINITIONS

**Brady material** - In the *Brady v. Maryland* decision (373 U.S. 83 (1963)) the United States Supreme Court held that the prosecution has an affirmative duty to disclose to the defendant evidence which is both favorable and material to the guilt and/or punishment of the defendant.

**The prosecution** - Refers to any prosecuting attorney and all investigative agencies involved in the criminal prosecution of a defendant, including this department.

### 1011.9.2 RELEASE OF PERSONNEL FILES TO THE PROSECUTING ATTORNEY

Absent a specific investigation of the identified officer(s) or a specific investigation of this department (or the consent of an involved officer, no confidential information from any officer's personnel file shall be released to the Prosecuting Attorney or grand jury without a court order. The prosecution of a criminal defendant is not considered an investigation of any involved officer.

Should an officer's credibility or other issues related to an officer's personnel file arise in the context of an officer acting as a witness for the prosecution, access to that officer's personnel file by either the Prosecuting Attorney or the criminal defendant shall be limited to that which is authorized.

### 1011.9.3 PROCEDURE

If an officer is a material witness in a criminal case, a person or persons designated by the Chief of Police may examine the subject officer's personnel file to determine whether there are *Brady* materials contained therein (e.g., evidence which is both favorable and material to the guilt and/or punishment of the defendant). If *Brady* material is located, the following procedure shall apply:

- (a) If the relevant personnel files are not exempt from public disclosure:
  - 1. In the event that a public records request has not already been filed by the criminal defendant or other party, the Prosecuting Attorney shall be notified of the potential presence of *Brady* material in the officer's personnel file.
  - 2. The Prosecuting Attorney should be encouraged to file a public records request in order to obtain the relevant personnel records.
  - 3. Prior to any release of the files to a defendant or the Prosecuting Attorney, the subject officer shall be notified in writing that a public records request has been filed. The employee may then seek to block disclosure by using the procedure provided in RCW 42.56.540.
  - 4. The responsible Custodian of Records shall process and comply with the public records request in compliance with statute requirements and according to the requirements of the Release of Records and Information Policy.
- (b) If the relevant personnel files are exempt from public disclosure:
  - 1. The Prosecuting Attorney shall be notified of the potential presence of *Brady* material in the officer's personnel file and that the relevant files are exempt from public disclosure.



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## *Peace Officer Personnel Files*

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2. The Prosecuting Attorney should be informed that personnel files that are exempt from public disclosure may only be released upon court order.
3. Prior to any review of the files by the court, the subject officer shall be notified in writing that a court order has been filed.
4. The responsible Custodian of Records shall accompany all relevant personnel files during any in camera inspection and address any issues or questions raised by the court in determining whether or not any material contained in the file is both material and favorable to the criminal defendant.
5. If the court determines that there is relevant *Brady* material contained in the file, only that material ordered released will be copied and released to the parties filing the court order.
6. Prior to the release of any materials pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.

# Request for Change of Assignment

## 1012.1 PURPOSE AND SCOPE

It is the intent of the Department that all requests for change of assignment are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

## 1012.2 REQUEST FOR CHANGE OF ASSIGNMENT

When there is a posted opening for full-time position within the department personnel wishing a change of assignment are to complete a Request for Change of Assignment letter. The request shall be submitted to the appropriate command officer and prior to the deadline written in the posted open position notification.

Notification of any opening for a full-time position within the department shall follow all department policy, personnel and civil service rules and be in compliance with any relevant collective bargaining agreements.

### 1012.2.1 PURPOSE OF LETTER

The letter is designed to aid employees in listing their qualifications for specific assignments. All relevant experience, education and training should be included when completing this letter.

# Employee Commendations

## 1013.1 PURPOSE AND SCOPE

Special recognition may be in order whenever an employee performs his/her duties in an exemplary manner. This procedure provides general guidelines for the commending of exceptional employee performance.

## 1013.2 WHO MAY MAKE COMMENDATIONS

A written commendation may be made by any supervisor regarding any other employee of the Department, provided the reporting person is superior in rank or is the person-in-charge of the individual being commended. Additionally, investigating officers may commend uniformed officers for exceptional assistance in investigative functions, with approval from the investigator's supervisor. Any employee may recommend a commendation to the supervisor of the employee subject to commendation.

## 1013.3 COMMENDABLE ACTIONS

A meritorious or commendable act by an employee of this department may include, but is not limited to, the following:

- Superior handling of a difficult situation by an employee.
- Conspicuous bravery or outstanding performance by any employee of the Department.
- Any action or performance that is above and beyond the typical duties of an employee.

### 1013.3.1 COMMENDATION INCIDENT REPORT

The Commendation Incident Report shall be used to document the commendation of the employee and shall contain the following:

- (a) Employee name, section, and assignment at the date and time of the commendation.
- (b) A brief account of the commendable action shall be documented on the form with report numbers, as appropriate.
- (c) Signature of the commending supervisor.

Completed reports shall be forwarded to the appropriate section commander for his/her review. The Division Commander shall sign and forward the report to the Chief of Police for his/her review.

The Chief of Police will return the commendation to the employee for his/her signature. The report will then be returned to the special assignments supervisor for entry into the employee's personnel file.

### 1013.3.2 DEPARTMENT AWARDS

It shall be the policy of the Aberdeen Police Department to accept recommendations for recognition of significant acts by its members and private citizens, and to make awards to those deemed qualified.

## *Employee Commendations*

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### 1013.3.3 AWARDS PROCEDURE

- (a) The command staff shall:
  - 1. Receive and evaluate documentation leading to award of medals, citizen awards, and letters of commendation. Recommendations can originate at any level in the Department, and shall be forwarded through the Chain of Command.
  - 2. Receive all documents, diagrams, or photos pertinent to making a decision.
  - 3. Interview witnesses, as necessary, who would aid in the determination of the award.
  - 4. Determine the recommended level of the award.
  - 5. Preserve the record, and all documentation as appropriate.
  - 6. The Chief shall make the final determination on the appropriate type of recognition to be accorded.

### 1013.3.4 MEDALS

- (a) Types:
  - 1. WASPC Medal of Honor
  - 2. Medal of Valor
  - 3. Purple Heart
  - 4. Lifesaving
- (b) Conferring of the above medals should include:
  - 1. A medal appropriately inscribed.
  - 2. A certificate specifying the type of award, suitably framed.
  - 3. Presentation at a public ceremony scheduled as contemporaneously with the event as convenient, or another appropriate time.
  - 4. A distinctive ribbon shall be included, suitable for wearing with the uniform. A distinctive lapel pin may be included for wearing on civilian clothing.
  - 5. An order from the Chief shall be published, read at the appropriate time/ ceremony, and the original presented to the recipient. It shall include a brief account of the occurrence.

### 1013.3.5 CRITERIA TO RECEIVE

- (a) WASPC Medal of Honor:
  - 1. An award presented by Washington Association of Sheriffs and Police Chiefs, to law enforcement officers in the State who distinguish themselves by

## *Employee Commendations*

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conspicuous bravery and/or heroism involving other persons present, where hostile action or extreme personal danger is a factor, and an injury is sustained by the member as a direct result of the action to be recognized. This award is the highest law enforcement award in the State of Washington and is presented to those officers and deputies who act without regard to their personal safety to protect the safety of others. This award may be made posthumously. Recipients will be selected from nominations made by chiefs and sheriffs or by any member of WASPC who brings an act of conspicuous bravery or heroism to the attention of the Awards Committee of WASPC. The nomination will include sufficient details and supporting documentation (i.e., news clippings, department citations) to enable the committee to make a determination as to qualifications. The WASPC Medal of Honor will be presented to recipients at the Annual Spring Conference Banquet. The act for which the recipient is to be recognized must have occurred during the calendar year preceding the Spring Conference (i.e. 1993 Spring Conference would recognize acts occurring between January 1 and December 31, 1992).

(b) Medal of Valor:

1. The Department Medal of Valor may be awarded to those members who distinguish themselves by conspicuous bravery and/or heroism involving other persons actually present, where hostile action or extreme personal danger is involved.

(c) Purple Heart:

1. Awarded to an officer receiving a serious or life threatening injury in the performance of his/her duties.

(d) Lifesaving:

1. An act resulting in the saving of human life.

### 1013.3.6 ELIGIBLE TO RECEIVE

- (a) Medal of Honor: Members of the Aberdeen Police Department.
- (b) Medal of Valor: Members of the Aberdeen Police Department.
- (c) Purple Heart: Members of the Aberdeen Police Department.
- (d) Lifesaving: Members of the Aberdeen Police Department, members of other public safety agencies (Police/Fire), or any private citizen.

### 1013.3.7 PLAQUES

(a) Types:

1. Distinguished Service Award.

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## *Employee Commendations*

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2. Volunteer of the Year.

(b) Each award presented shall consist of:

1. An individual plaque, suitably inscribed with the name of the award, the year for which the award is made, and the recipient's name.
2. An order from the Chief briefly stating an award was made, to whom, and on what date.
3. A plaque for each of the two annual awards large enough to accommodate several entries will be maintained on display in the lobby where the names and dates of awards are added in cumulative fashion. A photograph of the present recipient shall be displayed on the plaque.

### 1013.3.8 ELIGIBLE TO RECEIVE

(a) Distinguished Service:

1. Members of the Aberdeen Police Department, members of other public safety type agencies (Police/Fire), and any other private citizen.
2. Volunteer Of The Year:
  - (a) The selection of the Volunteer Of The Year is made independently of the Chief of Police. The Special Assignments Officer shall distribute and tabulate the results. An eligible voter is a volunteer, who served one full calendar year immediately preceding the award.

### 1013.3.9 CRITERIA TO RECEIVE

(a) Distinguished Service:

1. The Distinguished Service Award may be awarded to those members who exhibit unusual thoroughness, conscientiousness, determination, and initiative in the performance of duty over a period of time.
  - (a) Action which brings honor and distinction to the department.
  - (b) An act of distinct service by a private citizen of the City of Aberdeen which is determined to be of major proportions and has a significant impact on a primary facet of police operations.

## **Fitness for Duty**

### **1014.1 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.

### **1014.2 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.

### **1014.3 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 ensure 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 Patrol Lieutenant or employee's available Section Commander, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.
- (e) The Chief of Police and Section Commander shall be promptly notified in the event that an employee is relieved from duty.

## *Fitness for Duty*

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### **1014.4 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 ensure proper notification and compliance with family 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.

### **1014.5 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 medical 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.



## *Fitness for Duty*

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- (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.

### **1014.6 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
- 84 hours in any 7 day (168 hour) period.

Except in very limited circumstances members should have a minimum of 8 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.

### **1014.7 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 Policy Manual § 340 (Disciplinary Policy).

## Meal Periods and Breaks

### 1015.1 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 City Council.

#### 1015.1.1 MEAL PERIODS

Sworn employees 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.

Uniformed patrol and traffic officers should advise Grays Harbor Communications prior to taking a meal period. Uniformed officers shall take their breaks within the City limits unless on assignment outside of the City.

The time spent for the meal period shall not exceed the authorized time allowed.

#### 1015.1.2 15 MINUTE BREAKS

Each employee is entitled to a 15 minute break, near the mid point, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Field officers while on break are subject to call and shall monitor their radios. When field officers take their breaks away from their vehicles, they should do so only with the knowledge of Grays Harbor Communications.

# Lactation Break Policy

## 1016.1 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.

## 1016.2 POLICY

It is the policy of this 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 one year after the child's birth (29 USC § 207).

## 1016.3 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.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Employees desiring to take a lactation break shall notify Grays Harbor Communications 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.

## 1016.4 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 and RCW 43.70.640).

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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## *Lactation Break Policy*

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### **1016.5 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

## 1017.1 PURPOSE AND SCOPE

Time cards are submitted to Administration on a daily basis for the payment of wages.

### 1017.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS

Non-exempt employees are responsible for the accurate and timely submission of payroll records for the payment of wages. Completed time cards shall be submitted to a supervisor for approval prior to submission to Administration.

### 1017.1.2 TIME REQUIREMENTS

Each non-exempt employee is responsible for the accurate and timely submission of hours worked. On a daily basis, each employee should document their hours worked, along with other data fields as determined by the Chief of Police. The employee should then initial the appropriate box on the time sheet to acknowledge that that data entered is correct and accurate.

The daily time sheet for each relevant section should be reviewed on a daily basis by the designated supervisor to ensure that the sheet is completed. The supervisor will ensure the daily time sheet is completed in a timely basis by those employees who worked and will fill in the appropriate time off code for those that did not. The designated supervisor should initial in the appropriate box's on the daily time sheet.

Each designated supervisor shall ensure that the daily time sheet is forwarded daily to the administrative secretary. Any omissions or mistakes on a daily time sheet should be returned to the appropriate designated supervisor for correction.

# Overtime Payment Requests

## 1018.1 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 collective bargaining agreement, or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit a Request for Overtime Payment as soon as practical after overtime is worked through the procedure determined by the Administration.

### 1018.1.1 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.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed 80 hours of compensatory time.

## 1018.2 REQUEST FOR OVERTIME PAYMENT FORMS

Employees shall submit all overtime payment request forms for verification by their immediate supervisor and then forward them to the Patrol Lieutenant, or other relevant Section Commander as soon as practical. Failure to submit a request for overtime payment in a timely manner may result in a denial of compensation.

### 1018.2.1 EMPLOYEES RESPONSIBILITY

Employees shall complete the requests immediately after working the overtime and turn them in to their immediate supervisor or the Patrol Lieutenant. Employee's shall ensure that the overtime worked is documented on their daily time sheet. Employee's shall ensure that the overtime payment request form is placed in the appropriate location as determined by the administration. Failure to do so may cause the overtime payment to not be made.

### 1018.2.2 SUPERVISORS RESPONSIBILITY

The supervisor who approves and verifies the overtime earned shall verify that the overtime was worked before approving the request.

The supervisor shall ensure that the overtime worked is documented on the employees time sheet.

After the entry has been made on the employee's time sheet, the overtime payment request form is forwarded to the employee's commanding officer for final approval.

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## *Overtime Payment Requests*

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### 1018.2.3 COMMANDING OFFICERS RESPONSIBILITY

The Commanding officer shall review all overtime worked by employees in his/her section and forward the overtime request to the Administrative Secretary in a timely manner.

### 1018.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, the relevant collective bargaining agreements provide that a minimum number of hours will be paid, (e.g., three hours for Court, three hours for outside overtime). The employee will enter the actual time worked.

#### 1018.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

<u>TIME WORKED</u>	<u>INDICATE ON CARD</u>
1 to 15 minutes	1/4 hour
16 to 30 minutes	1/2 hour
31 to 45 minutes	3/4 hour
46 to 60 minutes	1 hour

#### 1018.3.2 VARIATION IN TIME REPORTED

Where two or more employees are assigned to the same activity, case, or court trial and the amount of time for which payment is requested varies from that reported by the other officer, the Patrol Lieutenant or other approving supervisor may require each employee to include the reason for the variation on the back of the overtime payment request.

## Outside Employment

### 1019.1 PURPOSE AND SCOPE

The primary duty, obligation and responsibility of a police officer is at all times with the police department. Police officers who are required to work overtime will do so regardless of the fact that outside employment is approved. Outside employment must not become additional full time employment.

### 1019.2 OBTAINING APPROVAL

Personnel may not engage in outside employment when private employment becomes so demanding of an officer's time and energy that it renders him/her incapable of adequately performing his/her required duties.

Outside employment must not include work:

- (a) Which will create fatigue and sap vitality to the point of reducing the officer's effectiveness in the department.
- (b) Of a nature that would tend to compromise the dignity of the police service in any manner.
- (c) Which has any connection with the towing of vehicles.
- (d) Which involves mixing or service of any alcoholic beverages.
- (e) As a bill collector or in any private employment in which police power is used for private purposes of a civil nature.
- (f) On investigations or other work in which he/she may avail him/herself of his/her access to police information, records, files correspondence, or police services, except where the divisional commander maintain such information will specifically and individually approve each use.
- (g) Which assists in any manner in the case preparation of defense in any criminal proceedings.

The officers while engaged in outside employment shall at all times take proper police action on any serious offense or condition which would normally require police attention.

### 1019.3 PROHIBITED OUTSIDE EMPLOYMENT

To avoid any conflict of interest or the appearance of conflict, recognizing that an employee's primary Employment obligation is with the Aberdeen Police Department, the following policy on polygraph examinations shall become effective immediately.

- (a) City Ordinance No. 5426, allows the conduct of polygraph examinations by our department for other governmental entities and provides for the establishment of fees for such examinations. Accordingly, all requests that come to our department from



## *Outside Employment*

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outside agencies for polygraph examinations will be handled as provided by Ordinance No. 5426, and the existing fee schedule.

- (b) Private employment by an employee as polygraph examiner must be in conformance with POLICY 1040, OUTSIDE EMPLOYMENT.
- (c) No on duty time may be utilized to further private employment as a polygraph examiner including, but not limited to, telephone calls or contacts with prospective clients, actual administration of examinations, correspondence with clients or testimony in court.
- (d) No police department facility, property, supplies files of information shall be utilized to further private employment as a polygraph examiner.
- (e) No private polygraph examinations shall be conducted for the defense in any criminal case which originates in Grays Harbor County, unless authorized by the Grays Harbor County Prosecutor's office in advance.
- (f) No private polygraph examinations shall be conducted for any employer or other person when a criminal offense has been committed or there is reason to believe that a criminal offense has been committed, within the City of Aberdeen. Persons requesting private polygraph examinations under such circumstances shall be advised to contact the Aberdeen Police Department for investigation of the offense or suspected offense.
- (g) No employee shall own, operate, manage or have a professional or financial interest in any private investigation business, nor shall an employee have financial relationship with any private investigator.

### **1019.4 DEPARTMENT RESOURCES**

As an Aberdeen Police Officer and law enforcement professional, your primary obligation is to the Department and the public we serve. All extra employment, defined, as employment where the use of your enforcement commission may be required, must comply with the provisions established in this section, and is subject to regulation and approval by the Department. Employees working extra employment in a law enforcement capacity must adhere to all Department policies and procedures and are held to the same standards of conduct and performance as apply to on-duty work.

### **1019.5 MATERIAL CHANGES OR TERMINATION OF OUTSIDE EMPLOYMENT**

- (a) Must be a full-time commissioned officer of the Aberdeen Police Department in good standing, including having completed all required training, certifications and qualifications.
- (b) Employees must not currently be on probationary status or have been prohibited to work extra employment. This requirement may be waived with the expressed permission of the Chief of Police.

## *Outside Employment*

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- (c) Eligibility, and any current extra employment authorization, shall be automatically suspended when an employee commences sick leave, long term disability, limited duty, family medical leave (including maternity leave), release time for any reason, while on suspension, while on mandatory administrative reassignment due to an ongoing criminal or administrative investigation.
  - 1. Permission to engage in extra employment while on extended Sick Leave may be granted upon doctor's medical recommendation to the Chief of Police and upon approval from the Chief of Police. An employee must have written permission prior to engaging in such employment activity.

### **1019.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY**

- (a) Each employee is responsible for seeking approval of and accurately reporting all extra employment that may be law enforcement through the chain of command.
- (b) Employees working extra employment in a law enforcement capacity while in uniform are expected to take appropriate law enforcement action when necessary. On-duty officers are responsible for prisoner processing, investigatory paperwork, and reports required by Department policy. Employees will provide assistance to on-duty officers whenever appropriate. An on-duty supervisor must approve all reports.
- (c) All employees working extra employment while in their Aberdeen Police Department uniform must be equipped with their portable radio. Employees shall also advise the on-duty supervisor of the address, business name, type of job and the hours they are working. Employees working extra-employment shall also advise 911 by radio or phone when they go 'on-duty' and when they go 'off-duty'.
- (d) Employees shall not solicit extra employment while on duty or at anytime, in any manner, that would lead a reasonable person to believe that the regular provision of police services to their business or person may be affected.
- (e) Employees shall not disclose any confidential information obtained in an official capacity to extra employers.
- (f) Employees shall not use on-duty time to conduct investigations or take other law enforcement action on behalf of their extra employer.

### **1019.7 TIME AND COMPENSATION**

- (a) Employees are responsible to ensure that the extra employment does not interfere with their capabilities to perform their normal police duties. Employees are responsible to insure that they are rested and fit for duty before returning to work at the Aberdeen Police Department.
- (b) Employees working extra employment are to be compensated at a rate of pay agreed upon by the employee and the extra employer.

## *Outside Employment*

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- (c) Compensation for law enforcement activity resulting from extra employment in a law enforcement capacity is as follows; if an extra employment officer engages in self-initiated law enforcement activity arising out of and within the scope of his or her extra employment, the officer will be paid by the extra employer until the end of the extra employment shift, including court appearance pay and will not be paid by the City.

### **1019.8 EXTRA EMPLOYMENT PERMITS**

- (a) Prior to engaging in any extra employment employees shall submit through their immediate chain of command, a completed Extra Employment Permit for tentative approval. Applications, which contain only vague, general descriptions such as "various security", will be denied. Specific employer or business firm name(s) must be identified on the Extra Employment Permit application. The street address where you will be working must also be included on the application. No extra work is authorized until the Chief of Police or his designee has approved it.
- (b) The issuance of a permit authorizes only the work, location, and conditions specifically shown on the permit.
- (c) All extra Employment Permits are valid for one calendar year and will expired on December 31 for the year issued. If a continuation of employment is desired, the employee is required to submit a new application for a Extra Employment Permit.
  - 1. Under no circumstances shall an Extra Employment Permit be valid for more than 365 days.
  - 2. Employees are responsible for ensuring that their permit is renewed annually and is current.
- (d) In the judgment of the Chief of Police permits may be denied or revoked at anytime when it is determined that doing so would be in the best interest or mission of the Department.

### **1019.9 PROHIBITED EMPLOYMENT**

- (a) To maintain the integrity of the Aberdeen Police Department and its employees, the Department prohibits its employees from participating in extra employment having a potential for conflicts of interest, the appearance of conflict of interest, or that would tend to lower the dignity of the profession. Therefore, employees are prohibited from:
  - 1. Performing tasks other than those of a law enforcement nature while in police uniform,
  - 2. Repossessing or towing vehicles, acting as a process server or bill collector, or in any other employment in which police authority might tend to be used to collect money, merchandise, etc., for private purposes of a civil nature,

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3. Employment, which requires access to police information (files, records, or services) as a condition for employment; except where specific approval for such use has been authorized by the Division Commander having control over such information,
  4. Employment that results in other qualified persons being deprived of "rightful" employment and which results in a justified complaint. The Department will be the sole judge in these matters.
  5. Employment that assists in the case preparation for the defense in any criminal action or proceeding.
  6. Employment directly for or on behalf of establishments that sell or dispense intoxicating beverages.
  7. Performing police functions in uniform for private employer beyond the jurisdiction of the corporate limits of the City, without prior written approval of the outside police agency having jurisdiction.
    - (a) A copy of written approval from the outside police agency shall be attached to the Extra Employment Permit.
    - (b) In the event an officer cannot meet the requirements above, police officers may be employed by a private employer outside the City, provided they do not wear the Aberdeen Police uniform or any part of the uniform that would identify the employee as a Aberdeen Police Officer.
  8. Ownership of a private security business.
  9. Employment directly for or on behalf of, an establishment that is licensed for or provides adult entertainment.
  10. Employment not related to a charitable to nonprofit organization involving any form of gambling, including, but not limited to, cards, bingo, raffles, "Reno Nights", etc.
  11. Any other employment activity not herein defined where there is a law enforcement obligation for close police scrutiny, or that would tend to lower the dignity of the police profession or creates conflicts of interest or the appearance thereof.
- (b) Charitable or Nonprofit Organizations
- (a) Even though the Department would discourage such participation, employees may participate as volunteers (not in uniform) in legal gambling activities sponsored by a "Bona Fide Charitable or Nonprofit Organization" as defined in RCW 9.46.020(3).

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- (b) Nothing contained herein shall prohibit an employee from holding an office in "Bona Fide Charitable or Nonprofit Organizations" (i.e., church, fraternal societies, etc.), wherein one of the statutory mandates of such an office requires their participation in the application process for or signing of City, County or State licenses authorizing the dispensing of alcoholic beverages or the conducting of legal gambling activities. However, this exemption shall not be construed as an authorization for any other employee activity elsewhere prohibited within this policy.

### **1019.10 DISABILITY BENEFITS (EXTRA EMPLOYMENT)**

- (a) The following is an excerpt from RCW 41.20.060, covering the Police Retirement Pension: "Disability benefits provided for by this chapter shall not be paid when the policeman (police officer) is disabled while he (she) is engaged for compensation in outside work not of a police or special police nature."
- (b) Washington State Industrial Insurance does not cover LEOFF II officers for injuries resulting from extra employment.

## On Duty Injuries

### 1020.1 PURPOSE AND SCOPE

The purpose of this policy is to provide for the reporting of on-duty injuries, occupational illnesses, or deaths to the Department of Human Resources to ensure that proper medical attention is received, and that the circumstances of the incident are properly documented.

### 1020.2 WORKER'S COMPENSATION FUND REPORTS

#### 1020.2.1 INJURIES REQUIRING MEDICAL CARE

All work related injuries and work-related illnesses requiring medical care must be reported to the City Human Resources Office and a claim form shall be provided to the injured employee 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)).

#### 1020.2.2 ACCIDENT DEFINED

**Accident** - Is defined as any occurrence from which bodily injury or property damage may result, regardless of whether any injury or damage actually does occur (e.g., exposure where no immediate injury is apparent).

#### 1020.2.3 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.

- (a) The report should include:
  - 1. The nature of the injury.
  - 2. How the injury was sustained.
  - 3. The disposition of the injured member.

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 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.

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. Limited-service

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duty may be available for the employees whose injuries prevent resumption of regular duties, but is not a permanent duty assignment.

An injured employee or employee who has suffered a work-related illness shall report as soon as practical to their immediate supervisor the medical findings concerning the injury and the extent and duration of any work restrictions if they are known. In addition, such employees are required to promptly submit all medical releases, whether partial or full releases, to their supervisor. The supervisor shall forward any releases to the appropriate Section Commander, who will then forward any releases to the Special Assignments Officer, who will then forward to the Human Resources Office, who shall place any releases in the appropriate confidential employee medical file.

All employees are required to fully cooperate with accident investigations.

### 1020.2.4 SUPERVISOR'S RESPONSIBILITY

A supervisor learning of any work-related injury, illness or accident shall promptly prepare the appropriate forms as outlined under Policy Manual § 1042.2. Updated copies of forms with instructions for completion provided by Human Resources Office are kept in the Sergeant's office. Employees who request a Self-Insurer Accident Report (SIF-2) form F207-002-000 shall be provided the form (WAC 296-15-330(2)).

For work-related accidents, injuries, and illnesses not requiring professional medical care, a Supervisor's Report of Injury form shall be completed in triplicate. All copies of the completed form shall be forwarded to the supervisor's commanding officer, through the chain of command.

When an accident, injury or illness is reported initially on the "Supervisor's Report of Injury" form and the employee subsequently requires professional medical care, the State of Washington "Employer's Report of Occupational Injury or Illness" form shall then be completed. The injured employee shall also sign the form in the appropriate location.

Copies of any reports documenting the accident or injury should be forwarded to the Deputy Chief as soon as they are completed.

### 1020.2.5 DIVISION COMMANDER RESPONSIBILITY

The Section Commander, receiving a report of a work-related accident, injury or illness should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Deputy Chief of Police.

### 1020.2.6 CHIEF OF POLICE RESPONSIBILITY

The Chief of Police shall review and forward copies of the report to the Department of Human Resources. Any copies of the report and any related documents retained by the Department shall be filed in the employee's confidential medical file and not in the employee's personnel file (see Policy Manual § 1026).

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### **1020.3 INJURY AND ILLNESS NOT REQUIRING MEDICAL ATTENTION**

Those injuries and illnesses not requiring medical attention shall be recorded on a Supervisor's Report of Injury form. This form shall be completed and signed by a supervisor.

This form shall be signed by the affected employee, indicating that he/she desired no medical attention at the time of the report. By signing this form, the employee will not preclude his/her ability to seek medical attention later.

#### **1020.3.1 SERIOUS INJURY REPORTS**

In the event the injury is of such serious nature, that the facts cannot be reported, the superior officer on duty shall cause an investigation to be made and shall submit a written report of his findings to the Deputy Chief of Police through the division commander where the injured member was assigned.

#### **1020.3.2 FATALITY NOTIFICATION**

In the event such injury results in a fatality, the Commander of the Grays Harbor County Drug Task Force shall be notified and shall proceed as directed by the Chief of Police. Also see "Notification of Personnel".

### **1020.4 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:

#### **1020.4.1 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 make a written report of this contact to his/her supervisor as soon as possible. The report shall be forwarded to the Deputy Chief.

#### **1020.4.2 NO SETTLEMENT WITHOUT PRIOR APPROVAL**

No less than ten (10) days prior to accepting and finalizing the settlement of any third party claim arising out of or related to an on duty injury, the employee shall provide the Deputy Chief of Police with written notice of the proposed terms of such settlement. In no case shall the employee accept a settlement without first providing such written notice to the Deputy Chief of Police. The purpose of such notice to permit the City to determine whether or not the offered settlement will affect any claim the City may have regarding payment for damage(s) to equipment or reimbursement for wages against the person who caused the accident or injury and to protect the City's right of subrogation, while ensuring that the employee's rights to receive compensation for injuries are not affected.



# Personal Appearance Standards

## 1021.1 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.

## 1021.2 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.

### 1021.2.1 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 or in a tightly wrapped braid or ponytail.

### 1021.2.2 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.

### 1021.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

### 1021.2.4 FACIAL HAIR

- (a) **Beards:** Officers may wear beards that are neatly trimmed, well groomed and are professional in appearance. Beards shall not pose a safety hazard, nor interfere with emergency equipment, such as a wearing a gas mask. The overall length is not to exceed one inch. Beards shall not be allowed to grow to or on the neck. If an employee is planning to grow a beard, it is to be done during a leave of at least two weeks to allow adequate time for a presentable growth and to prevent an unkempt appearance to the public.
- (b) **Goatee's:** Goatee's are allowed with mustaches, provided the lower margin of the goatee follows the jaw line and does not extend more than one-half inch under the jaw. The mustache and goatee must connect.

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### **1021.2.5 FINGERNAILS**

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

### **1021.2.6 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.

Earrings shall not be worn by uniformed sworn members, detectives or special assignment personnel without permission of the Chief of Police or his/her designee. Only one ring may be worn on each hand of the employee while on-duty.

### **1021.3 TATTOOS**

While on duty or representing the Department in any official capacity, every reasonable effort should be made to conceal tattoos or other body art.

### **1021.4 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 complete or transdermal implantation of any material other than hair replacement.
- (c) Abnormal shaping of the ears, eyes, nose or teeth.
- (d) Branding or scarification.

# Uniform Regulations

## 1022.1 PURPOSE AND SCOPE

The uniform policy of the Aberdeen 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 1024 - Body Armor.

Section 1044 - Grooming 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.

The Aberdeen Police Department will provide uniforms for all employees required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement.

### 1022.1.1 WEARING A COMPLETE UNIFORM

Members are required to wear a proper and complete department uniform in the prescribed manner and to be properly equipped to perform their assigned duties any time they are acting in their official capacity on duty unless working on an assignment which requires them to be out of uniform.

### 1022.1.2 WEARING UNIFORM WHEN OFF DUTY

Members will wear a uniform only for the purpose of performance of official duties. The uniform or uniform items will not be worn or used when a member is off duty with the exception that the duty weapon may be carried when off duty or the wearing of specific authorized items as outlined in the Uniform Manual and Policy.

## 1022.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis or other time of need. Moreover, the necessary police prerogative of temporarily restricting freedom of individuals under certain conditions demands that citizens in such situations be informed as to the identity of the officer and police agency represented. . A police officer's appearance, which reflects a high degree of professionalism, serves to instill public confidence in the agency represented and reflects the high standards of that agency. Uniforms are to be worn and personal appearance maintained as outlined herein.

- (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.

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- (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) No personally owned equipment will be carried or used unless prior permission is obtained from the Chief of Police.
- (d) Personnel shall wear only the uniform specified for their rank and assignment.
- (e) 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.
- (f) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.
- (g) Civilian attire should not be worn in combination with any distinguishable part of the uniform other than a patrol style jacket.
- (h) 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. The department issued firearm may be carried when off duty in accordance with department policy.
- (i) If the uniform is worn while in transit, other than while commuting to and from home and work, 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.
- (j) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants. Employees will not appear in bars, taverns, or licensed premises in uniform or wearing uniform items unless necessary in the performance of their duties.
- (k) Mirrored sunglasses will not be worn with any Department uniform.
- (l) 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. Medical alert bracelet.

### 1022.2.1 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.

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- (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 division commander.

### **1022.3 UNIFORM CLASSES**

#### **1022.3.1 CLASS A UNIFORM**

The Class A uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. The Class A uniform is required for all sworn personnel. The Class A uniform includes the standard issue uniform with:

- (a) Bratwear or Horace Small in navy blue for all officers below the rank of lieutenant. A white shirt may be worn by all officers of the rank of lieutenant and above. The dress coat may be worn with the white uniform shirt.
- (b) The approved hat is the Air Force Professional Duty Cap in midnight blue.
- (c) Long sleeve shirt with tie.
- (d) Pants may have a flashlight pocked. Cargo pockets are not allowed.
- (e) Polished shoes.

Boots with pointed toes are not permitted.

Specifications may be found in the Uniform and Equipment Specification Manual.

#### **1022.3.2 CLASS B UNIFORM**

All officers will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

- (a) Bratwear or Horace Small in navy blue. The dress coat is not to be worn.
- (b) The approved hat is the Air Force Professional Duty Cap in midnight blue and may be worn.
- (c) Wearing of this uniform is required as the normal patrol duty uniform by all personnel. A optional white uniform shirt may be worn by those of the rank of lieutenant or above.
- (d) The long or short sleeve shirt may be worn. A tie is not required with the long sleeve shirt in a Class B uniform.
- (e) A black crew neck t-shirt must be worn with the short or long sleeve open collar uniform. A white crew neck t-shirt must be worn with a white uniform shirt.

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- (f) All shirt buttons must remain buttoned except for the last button at the neck with the short or long sleeve shirt. The long sleeve shirt will be buttoned to the collar if a tie is worn.
- (g) Pants may have a flashlight pocket. Cargo pockets are not allowed.
- (h) Shoes for the Class B uniform shall be black shoes as described for the Class A uniform or an approved all black boot.
- (i) Shoes or boots shall be in good condition and kept clean and polished.
- (j) Boots with pointed toes are not permitted.

Specifications may be found in the Uniform and Equipment Specification Manual.

### 1022.3.3 OPERATIONS ISSUE

- (a) Operations members may be issued and shall maintain in good condition a minimum of the following items:
  - 1. Trousers 2 pair
  - 2. Shirts, long sleeve 1
  - 3. Shirts, short sleeve 2
  - 4. Shoes or boots 1 pair
  - 5. Jacket 1
  - 6. Hat 1
  - 7. Ties 1
  - 8. Tie bar 1
  - 9. Nameplate 1
  - 10. Require emblems, patches, collar insignia 1 set
  - 11. Required uniform & hat badges 1 set
  - 12. Gun belt 1
  - 13. Holster 1
  - 14. Firearm/Glock model 22,23 or 27 1
  - 15. Cuff case/leather or nylon 1
  - 16. Handcuffs 1 set
  - 17. Magazine holder 2
  - 18. Expandable Baton/Holder 1
  - 19. Ammunition magazines 3

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- 20. Cap Stun & case 1
- 21. Belt keepers 2
- 22. Ammunition (duty) 1 box (50)
- 23. Bullet proof vest 1
- 24. Rain pants 1
- 25. Puncture resistant gloves 1

### 1022.3.4 SPECIALIZED UNIT UNIFORMS

The Chief of Police may authorize special uniforms to be worn by officers in specialized units such as Canine Team, CRU, Bicycle Patrol, Motor Officers and other specialized assignments. The Uniform and Equipment Specifications manual lists the authorized specialized unit uniforms.

### 1022.3.5 FOUL WEATHER GEAR

The Uniform and Equipment Specifications manual lists the authorized uniform jacket and rain gear.

### 1022.3.6 REFLECTIVE TRAFFIC CONTROL VEST

The supplied reflective vest shall be worn in a visible manner when working in a vehicle traffic control environment or in any other assignment that places department personnel in the area of vehicle traffic.

## 1022.4 INSIGNIA AND PATCHES

- (a) Shoulder Patches - The authorized shoulder patch of 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-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 name initial and last name. If the employee desires other than the legal first name, the employee must receive approval from the Chief of Police. 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.

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- (e) Assignment Insignias - Assignment insignias, (SWAT, FTO, etc.) may be worn as designated by the Chief of Police.
- (f) Approved pins and other insignia may be worn above the name tag as listed in the Uniform Specification manual.
- (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.

### **1022.4.1 MOURNING BADGE**

Uniformed employees should wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. 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 or deputy from this or an adjacent county - From the time of death until midnight on the day of the funeral.
- (c) Funeral attendee - While attending the funeral of an out of region fallen officer.
- (d) National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.
- (e) As directed by the Chief of Police.

### **1022.5 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.

- (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.
  - 3. Swimsuit, tube tops, or halter-tops.



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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 Aberdeen Police Department or the morale of the employees.

### **1022.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS**

Unless specifically authorized by the Chief of Police, Aberdeen 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 Aberdeen 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.

### **1022.7 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.
- (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).

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### **1022.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES**

Aberdeen 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.

Aberdeen 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.

A division commander or supervisor may authorize non-standard uniform use during a specific incident.

# Police EXPLORER SCOUTS

## 1023.1 PURPOSE AND SCOPE

Explorer Scouts work under direct supervision, perform a variety of routine and progressively more advanced tasks in an associated program within the Boy Scouts of America organization in preparation for a career in law enforcement.

Nothing in this policy should be construed to supersede the Explorer Scout Post Handbook and relevant policies of the Boy Scouts of America.

Purpose and Mission for Exploring: The intent of law enforcement exploring is to educate and involve youth in police operations, to interest them in possible law enforcement careers and to build mutual understanding. The educational aspect provides knowledge of the law enforcement function in one's community whether one enters the field of law enforcement as a career or not.

Knowledge of Manual Contacts: It will be the responsibility of every Explorer to have knowledge of all policies, procedures and regulations contained in the Explorer Manual.

Chain of Command: The Chain of Command is established for the efficient operation of the Post. It is similar to the structure of the department. The chain flows from the lowest rank/position upwards to the top rank or position. The Post Advisor shall be an officer appointed by the Chief of Police and will be the top of the Posts Chain of Command.

Explorers must adhere to the Explorer Post Constitution.

Explorers are VOLUNTEERS and may be removed from the program at any time.

## 1023.2 MEMBERSHIP

Membership: Membership in a Law Enforcement Explorer post is open to young adults, male or female, age 15 1/2 and in high school, through age 20.

A. Parental approval is required, which includes signatures by the Explorer and his/her parents or guardians on a general liability release form for applicants under the age of 18.

B. Be of good health.

C. Be of good moral habits with no arrest or conviction records to serious offenses.

D. Explorer Scouts are required to maintain a minimum school grade point average of 2.0 ("C" grade) for all courses taken.

## 1023.3 PROGRAM COORDINATOR

The program should be coordinated by an officer the rank of Lieutenant or above who shall be appointed by the Chief of Police.

## *Police EXPLORER SCOUTS*

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### 1023.3.1 PROGRAM ADVISOR'S

The Chief of Police will select individual officers to serve as advisors for the Explorer Post. These officers will serve as mentors for each Explorer. Explorers will follow the Chain of Command, per policy, to present ideas, concerns, etc. to the advisors. Advisors are not intended to circumvent the established Chain of Command.

### **1023.4 ORIENTATION AND TRAINING**

New Explorers will receive an orientation of the organization and facilities. He/She will serve a six-month probationary status from time of acceptance. In addition to job-specific training, information will be offered to prepare Explorers to compete successfully in the police officer selection process, as well as academy training. All training will focus on improving skills, as well as preparation to become productive members of the law enforcement community. These meetings will also offer an opportunity to receive continuous feedback regarding progress of the program.

### **1023.5 UNIFORMS / EQUIPMENT**

Each Explorer will be provided a uniform, which clearly identifies him/her as an Explorer. It will be the responsibility of each Explorer to purchase his/her own training uniform, duty gear, boots, and other items deemed needed for participation, which the Aberdeen Police Department does not provide." Uniform Maintenance: Explorers will maintain their uniforms in good condition. Any part of the uniform that becomes worn or damaged will be repaired or replaced as necessary.

#### 1023.5.1 EQUIPMENT

Explorers shall wear only that equipment and uniform which is authorized by this department. As non-commissioned personnel, Explorers shall neither utilize nor carry firearms or non-lethal weapons such as chemical mace or batons. Authorized equipment shall directly relate to Explorer activities.

#### 1023.5.2 DEPARTMENT EQUIPMENT

Explorers will utilize department equipment only for its intended purpose in accordance with established departmental procedures and will not abuse, damage, or lose that equipment. They will maintain all department equipment assigned to them in good condition. Explorers will not convert department equipment to their own use.

A. Inoperative Equipment: Explorers will immediately report any damage to the department's property or equipment assigned to them. In addition, Explorers will report any inoperative, defective, or hazardous equipment which comes to their attention.

B. Loss, Damage or Waste: Losing, damaging, or wasting department property or equipment through negligence, carelessness, or improper use will be grounds for disciplinary action. The Explorer responsible for such a loss, damage, or waste may be charged for the property in question.

## *Police EXPLORER SCOUTS*

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C. Return of Equipment: Explorers will turn in all department equipment assigned to them as directed. Upon termination, all department-owned property in an Explorer's possession will be promptly returned.

### **1023.6 SPECIAL ASSIGNMENTS**

Explorers may participate in assignments/details/calls where the Explorer is not placed in any immediate immanent danger.

#### **1023.6.1 COVERT OPERATIONS**

It shall be the policy of this department to prohibit the use of explorers in performing covert acts or acts which might undermine the role of Law Enforcement Exploring in the community.

#### **1023.6.2 SPECIAL DUTY GUIDELINES**

If you are on duty/special assignment you should advise radio/dispatch of the situation and details. Explorers shall never attempt to follow suspects. You should continue on with your detail unless ordered to do otherwise by the shift supervisor, a superior officer or Post Advisor.

### **1023.7 RIDE-ALONG PROCEDURES**

All Explorers are encouraged to participate in the Ride-Along Program on his/her own time. Applicable waivers must be signed in advance and be on file. Explorers will wear his/her assigned uniform as described in policy/constitution while participating in the ride-along.

The Ride-Along is open to Explorers who have successfully completed his/her probationary period and required field training with his/her advisors.

Explorers under the age of 18 should not ride after 2200 hours on school nights.

Explorers under the age of 18 may not ride after midnight and/or during shifts starting after midnight (graveyard shift).

#### **1023.7.1 DANGEROUS SITUATIONS**

Law Enforcement by its very nature has moments of extreme danger. Situations will arise where the officer will have to terminate the ride-along for the Explorer's own safety. The Explorer shall be dropped off at a safe public location where they have access to a telephone (i.e. an open restaurant or business). Explorers will then follow the Emergency Drop Off Procedures as set forth in the following subsection.

#### **1023.7.2 EMERGENCY DROP OFF**

An Explorer should have enough money to make a telephone call. (911 calls are free). Immediately after being dropped off, the Explorer should use the nearest phone to notify dispatch of his/her location. Dispatch will then log this and advise if another officer will be en-route to pick up the Explorer, or assist the Explorer in making arrangements to be picked up by a responsible person. Explorers on ride-alongs should have a responsible person they can call to come pick them up quickly in these situations. Once the Explorer is returned to the station or to home, the dispatcher shall be notified so that this may be logged showing the Explorer is safe and off duty.

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## *Police EXPLORER SCOUTS*

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### 1023.7.3 TERMINATION OF RIDE-ALONG

A ride-along may be terminated by the officer or the shift supervisor at any time. Should the ride be terminated for any reason, the Explorer shall not question the decision. The Explorer shall submit a memo to the Post Advisor simply stating that the ride was terminated early and by whose authority the ride was terminated. The Post Advisor will then determine why the ride was terminated.

### 1023.7.4 ASSISTING THE OFFICER

The Explorer is to assist the officer by being an extra set of eyes and ears. The Explorer will follow all orders and directions given too him/her by the officer. Any questions the Explorer may have about field contacts or procedures should be saved for the officer. These questions should be discussed in the privacy of the patrol car. The Explorer is never to argue with the officer.

### 1023.7.5 USE OF EQUIPMENT

The Explorer will never touch any emergency equipment controls or operate any other equipment unless ordered to do so by the officer. Do not assume you should help without asking first.

### 1023.7.6 SPECIAL RULES

Each officer has special ways of handling their patrol car and area assignment. Each Explorer should develop a rapport with the officer at the start of the ride and ask if any special rules exist. They should take care to show the officer that they appreciate the opportunity to ride and assist the officer where necessary.

### 1023.7.7 RIDE-ALONG EMERGENCIES

Should a serious situation develop on a ride-along and it appears that the officers in imminent danger, the Explorer should advise radio/dispatch of the officer's unit number, their location and the nature of the problem. If the officer is down, they should broadcast "Officer Needs Help!", give the location, the officers unit number and request an aid car/ambulance if necessary.

### 1023.7.8 ASSISTING THE OFFICER

Explorers are not expected to go to the downed officer's aid! If the Explorer's own safety is in question, they should seek a safe position and then notify radio/dispatch of the emergency. This department does not require Explorers to do more than this.

**The Explorer's only obligation in a serious situation is to get to safety and then request aid for the fallen officer.**

**REMEMBER** , should you become injured trying to assist you may not have a second chance to get help on the way!

## 1023.8 CONDUCT / APPEARANCE

### CONDUCT

A. Explorers should remember that when on/off "duty" they are a reflection upon their department, community and the Boy Scouts of America. They should act accordingly so as not to bring discredit on themselves, the department, the community or the Boy Scouts of America.

## *Police EXPLORER SCOUTS*

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B. **Fraternization:** This department and the Boy Scouts of America do not condone and will not permit fraternization between Explorers and their adult members regardless of local or state laws related to age of consent. Fraternization is not morally appropriate, nor is it in keeping with the relationship between youth members and adult leaders prescribed in the programs of this department and those of the Boy Scouts of America.

### APPEARANCE

A. Law Enforcement Explorers are responsible for wearing the proper and complete Post uniform in the prescribed manner except when working in an assignment that requires them to be out of uniform. B. Explorers will maintain a neat, clean appearance. They will keep their uniforms clean, pressed and in good condition. They will keep their hair neat, clean and cut in the prescribed manner. Poor grooming or improper wearing of the uniform or its accessories may be considered grounds for disciplinary action.

### **1023.9 VEHICLES**

Explorers may operate department vehicles when authorized to do so. Explorers are never to engage in Emergency Vehicle Operation and Control (EVOC). Explorers should always exhibit courteous driving manners and regard the safety of other drivers and pedestrians. Explorers will abide by all policies covering department vehicle operation.

#### **1023.9.1 DRIVER TRAINING**

Only those Explorers who have completed a department approved Safe Driving Course may operate department vehicles. (This course shall include instruction on emergency operation limitations of Explorers and APD Policy Chapter 8 and 9.010).

#### **1023.9.2 VEHICLE OPERATION OUT OF JURISDICTION**

Explorers are prohibited from leaving the department's jurisdiction in department vehicles unless authorized by the Post Advisor of Supervisor. Boy Scouts of America Tour Permits shall be filed as required by BSA rules for trips planed outside the department's jurisdiction.

#### **1023.9.3 COLLISION PROCEDURES**

A. When a department vehicle is involved in an accident inside the department's jurisdiction the Explorer shall immediately render aid to the injured, remove any hazards of life or property and then contact the Shift Supervisor promptly. The vehicles involved should not be moved until an officer is on the scene. (Vehicles may be moved if damages are minor, there are no injuries, there are independent witnesses, or by leaving them it creates a hazard to life and property).

B. When a department vehicle is involved in an accident outside the department's jurisdiction the Explorer shall render aid to the injured, remove any hazards to life and property, and promptly notify the agency with jurisdiction. The Explorer should identify him/herself to the responding officer as a Law Enforcement Explorer from this department and request that telephone notification of the accident be made as soon as possible to this department. Again, an effort should be made to not move the involved vehicles until an officer is present.

## *Police EXPLORER SCOUTS*

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### **1023.10 COMPLIANCE / CONFLICT ORDERS**

Explorers will perform their assigned responsibilities, assisting regular Law Enforcement Officers with their duties, to the best of their ability and in accordance with department directives and other directives in this manual. Explorers will perform their assignments in a competent manner.

#### **1023.10.1 COMPLIANCE WITH ORDERS**

Explorers will promptly obey any lawful orders of a superior officer. Any Explorer who refuses to obey a lawful order will be considered insubordinate and may be subject to disciplinary action, upon review.

#### **1023.10.2 CONFLICT OF ORDERS**

Should any lawful order be given by a superior officer conflict with any previous order or published directive, the Explorer will respectfully bring this conflict to the attention of the superior officer. The superior officer who issued the conflicting order will take any necessary steps to correct the conflict and, at the same time, assume responsibility for the Explorer's actions while carrying out this order.

#### **1023.10.3 DUTY TO COOPERATE / REPLY**

Explorers have a duty to cooperate and will fully answer all questions which an advisor, investigating officer, or supervisor may ask regarding the investigation of any complaint. Explorers will cooperate with the internal investigation and disciplinary process.

**(NOTE:** Statements made in the department's internal investigation that are involuntary will not be admissible in a criminal prosecution.)

### **1023.11 DISCIPLINE / COMPLAINTS/ APPEALS**

#### **1023.11.1 DISCIPLINE**

Violations of the directives of this Manual or any violations of other official department directives or orders may be grounds for initiating disciplinary procedures.

#### **1023.11.2 COMPLAINTS**

A. Receiving Complaints: Citizens who wish to file complaints against personnel of this department will be informed of the manner in which this may be done. Complaints specific to Explorers shall be routed to the Post Advisor.

B. Harassment of Complainants: No Explorer will harass, verbally abuse or threaten any citizen or fellow Explorer who files a complaint against that Explorer or any other department personnel.

C. Processing Complaints: Complaints against Explorers (whether originating from a citizen, a fellow Explorer, other department personnel or officers from another agency) will be thoroughly reviewed. Assuming that the complaint does not involve illegal activity, the Explorer will be informed of the charges and permitted to provide an explanation or comment on the charges. Where possible illegal activity is involved, the Explorer will be given every right due any other person in the context of a criminal investigation.



## *Police EXPLORER SCOUTS*

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D. Disposition of Complaints: Upon completion of the review of their charges in a complaint, the matter will be classified as:

- (a) Exonerated "" The alleged conduct occurred but it was lawful and proper;
- (b) Unfounded "" The complaint was false or unfounded;
- (c) Not sustained "" There was insufficient evidence to prove or disprove the allegation;
- (d) Sustained: The allegation was supported by proper and sufficient evidence.

Explorers will be promptly notified of the disposition of the complaint.

### 1023.11.3 COMPLAINTS OF CRIMINAL ACTIVITY

Complaints against Explorers that allege criminal violations will be grounds for bringing criminal charges. This action will not serve to prevent the internal disciplinary process from dealing with the same matter.

### 1023.11.4 DISCIPLINARY ACTION

If a complaint is found to be sustained, disciplinary action will be taken. Depending on the severity of the violation involved and the explorer's past record, such action could include but not necessarily be limited to:

- A. Verbal reprimand;
- B. Written reprimand;
- C. Suspension;
- D. Loss of privileges;
- E. Lowering of rank/loss of elected position;
- F. Termination from the Explorer Post.

Explorers will be promptly notified of any disciplinary action to be taken. Any disciplinary action taken will become a part of that Explorer's permanent record.

### 1023.11.5 APPEAL OF DISCIPLINARY ACTION

Any disciplinary action taken shall be open to appeal to the department executive. The final decision of the department executive may not be appealed except through lawful court process.

## **1023.12 HEALTH**

### Bloodborne Pathogens

A. It is encouraged that all Explorers obtain a Hepatitis B vaccinations when participating in the program, however the vaccination and associated costs will be the responsibility of the Explorer and his/her parents

B. Explorers/Parents/Guardians may choose to decline a Hepatitis B vaccination, but must complete and sign a declination form which will be retained in the Explorer's file

# Nepotism and Conflicting Relationships

## 1024.1 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.

### 1024.1.1 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.

## 1024.2 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, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

## *Nepotism and Conflicting Relationships*

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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. The Department, however, 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.

### 1024.2.1 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 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.

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## *Nepotism and Conflicting Relationships*

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### 1024.2.2 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

## 1025.1 PURPOSE AND SCOPE

- (a) This policy establishes procedures, protocols, and actions for investigating and reporting domestic violence involving department employees and law enforcement officers from other agencies. This policy will discourage and reduce acts of domestic violence by sworn law enforcement employees. This policy ensures that the requirements of Policy Manual § 320 apply to law enforcement employees and sworn employees (RCW Chapter 10.99). Public confidence in law enforcement is paramount to our ability to maintain public safety and the public must trust. The legislature's intent is for law enforcement employees to be held to the standards of the law regarding domestic violence and to adopt written policies to ensure this standard (RCW 10.99.090).
- (b) Public confidence in the department is important to our ability to maintain public safety. The public must trust that department employees are held to the standards of the law regarding domestic violence. Therefore, the Aberdeen Police Department will:
  - 1. Promptly respond to allegations of domestic violence by an employee according to this policy and all applicable laws.
  - 2. Give primary consideration to protection of the victim of domestic violence and enforcement of the laws.
  - 3. Respect the due process rights of all employees, according to applicable legal precedent and collective bargaining agreements.
  - 4. Expeditiously report and conduct thorough investigations into any allegation of a law enforcement employee involved in domestic violence.
  - 5. Train employees and seek to educate their families about intimate violence and avenues for assistance.

### 1025.1.1 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.

**Domestic Dispute** - is an incident involving a relationship defined in RCW 10.99.020(3) where there was no criminal action.

**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.

## *Domestic Violence Involving Law Enforcement Employees*

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**Domestic Violence Specialist** - Refers to an individual with professional credentials in the dynamics of battering, advocacy and victim safety. The specialist may be associated with the Aberdeen Police Department, employing agency or by partnership with another agency.

**Domestic Violence Treatment Provider** - Refers to a treatment provider certified by the State of Washington as a batterers treatment provider as defined in RCW 26.50.150.

### **1025.2 DEPARTMENT RESPONSIBILITIES**

Aberdeen 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 Aberdeen Police Department employees on the dynamics of interpersonal violence.
- (d) In response to observed behavior or at the request of the employee, the Aberdeen 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.
- (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 Aberdeen 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 Aberdeen 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.

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## *Domestic Violence Involving Law Enforcement Employees*

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- (k) Respond to Aberdeen Police Department employees who are alleged victims of violence at the hands of sworn employees of the Aberdeen 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 Aberdeen 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.

### 1025.2.1 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.

### 1025.3 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 through the department internal investigations function 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.
- (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 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, Internal Investigations Investigator or by court subpoena.

## *Domestic Violence Involving Law Enforcement Employees*

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- (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 prior to the involved officers next shift or within 24 hours, whichever ever occurs first, of the time the employee is made aware of the allegation of domestic violence, or as required by the department'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 prior to the involved officers next shift or within 24 hours of service or employee notification of the investigation, to include a copy of any order and any notices of court dates, appearances and proceedings received by the employee.

### **1025.4 INCIDENT RESPONSE**

- (a) 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). Notification of an incident of domestic violence involving any law enforcement officer requires:
  - 1. A prompt response
  - 2. Full investigation
  - 3. A complete written report by the Aberdeen Police Department, and
  - 4. Notification to the employing agency.
  - 5. Patrol responses to the scene of domestic violence involving law enforcement officers require on scene supervisory presence.
  - 6. All incidents of domestic violence by Aberdeen Police Department or other law enforcement agency employees require notification through the chain of command to the chief of police as soon as possible.
  - 7. Incidents of domestic violence by other law enforcement agency sworn employees require notification to the agency head of the employing agency.
  - 8. The agency head may delegate responsibility for receiving such reports to a specialized unit and/or specific person. Anyone so designated should have specialized training regarding the dynamics of violent relationships, victim safety and the role of advocacy. The assignment should be reviewed each time for potential conflict of interest.



## *Domestic Violence Involving Law Enforcement Employees*

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9. In the event of a report of domestic violence alleged to have been committed by the Chief of the Aberdeen Police Department, prompt notification will be made to the City of Aberdeen Mayor.

### 1025.4.1 PATROL RESPONSE

A patrol officer responding to an incident described as domestic violence involving a law enforcement officer shall request a supervisory response to the scene.

- (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. Copies of dispatch (CAD) records.
  7. 9-1-1 call recording preserved.
  8. Statement of the victim; statement of the suspect.
  9. Statement of suspect, if possible.
  10. 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.
  11. 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) A copy of the report should be forwarded to the department's command officer assigned to review the report and coordinate the activities for the domestic violence incident. Access to the report should then be restricted or physically secured, except as mandated by law.

### 1025.4.2 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.

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- (b) Respond to the scene of all domestic violence incidents within the jurisdiction of the Aberdeen 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 Aberdeen Police Department, contact the Chief of Police who will order the surrender of the officer's Department-issued weapons and identification. Consideration should be given to other agency equipment and inquiries made about voluntary surrender of personal weapons that may be secured for safekeeping.
- (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 a copy of this policy and APD contact information, acting as the point of contact until another assignment is made.
- (j) Advise the victim of the potential for public disclosure of records and/or the criminal discovery process as well as any applicable records release statutes and policies

### 1025.4.3 COMMAND DUTY OFFICER

- (a) The command officer notified of an incident covered by this policy will see that the chief of police is notified promptly of such incident.
- (b) All completed investigations of domestic violence committed by any sworn law enforcement employees shall be promptly forwarded to the appropriate prosecuting authority for a charging decision.
- (c) For incidents involving agency employees:
  - 1. The command officer shall respond to the scene if the situation dictates command presence.
  - 2. The command officer will make a decision regarding removal of the involved employee's law enforcement powers, duty weapon, badge, and other Aberdeen

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## *Domestic Violence Involving Law Enforcement Employees*

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Police Department owned equipment, pending the outcome of the investigation and possible prosecutorial charging decision.

3. A command officer will issue an administrative order prohibiting contact with the victim if appropriate.
4. This decision will be forwarded to the chief of police for review and further action.
5. A command officer should be assigned to review the report and coordinate the activities of the of the Department and should do the following:
  - (a) Coordinate with the Aberdeen Police Department's investigative unit or the agency of jurisdiction.
  - (b) Be the point of contact and provide an update regarding the administrative process to the victim.
  - (c) Inform the victim that any information disclosed during either the criminal or administrative investigation is subject to public disclosure laws and policies of the department.
  - (d) Coordinate with the appropriate prosecutor's office regarding charging and prosecution.
  - (e) Coordinate with the appropriate advocacy organization to assist with victim safety concerns. Victim notification of each step in the administrative process is critical to victim safety. 04.100.10
6. For other law enforcement agencies:
  - (a) The command officer shall respond to the scene if the situation dictates command presence.
  - (b) The command officer should verify command notification of the employing agency at the direction of the chief of police.
  - (c) The command officer should verify the supervisor has offered assistance with removing weapons, police powers, etc.
  - (d) The command officer should see that the Aberdeen Police Department provides appropriate reports and any other requested documentation to the employing agency.

### **1025.5 VICTIM SAFETY ASSISTANCE AND NOTIFICATION**

The Aberdeen 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.

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- (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 provide by law.
- (f) The Aberdeen Police Department will coordinate victim notification regarding criminal and administrative investigative processes through the designated agency liaison in order to assist with victim safety.

### 1025.5.1 ADMINISTRATIVE PROCESS

- (a) The department will observe all other appropriate policies and procedures generally applicable to investigation of alleged officer misconduct. The department will respect the rights of the accused employee under applicable collective bargaining agreements and case law.
- (b) Administrative investigations will be conducted through the department's internal investigations function or by an outside agency as directed by the chief of police.
- (c) Where sufficient information exists, the department may make appropriate restrictions to assignments, law enforcement powers, building and records access and consider administrative reassignment and/or leave.
- (d) In determining the proper course of administrative action, the department may consider reviewing such factors as the employee's past conduct and history of complying with department rules.
- (e) Department employees may be ordered to undergo fitness for duty evaluation or assessment by a domestic violence treatment provider, or other professional, prior to any disposition, depending on circumstances and in accordance with administrative policy, applicable collective bargaining agreements and civil service standards.

## Department Badges

### 1026.1 PURPOSE AND SCOPE

The Aberdeen Police Department badge and uniform patch as well as the likeness of these items and the name of the Aberdeen Police Department are the property of the Department and their use shall be restricted as set forth in this policy.

### 1026.2 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.

#### 1026.2.1 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 Aberdeen 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.
- (d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

#### 1026.2.2 NON-SWORN 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 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.

#### 1026.2.3 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.

## *Department Badges*

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### **1026.3 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 non-sworn 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.

### **1026.4 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 Aberdeen 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.

## Modified Duty Assignments

### 1027.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for assigning employees to modified duty. Temporary modified duty assignments may be available to employees who have incurred a duty-related illness or injury and, due to restrictions or limitations, are unable to perform their regular assigned duties. Non-duty related illnesses or injuries may also be considered for eligibility in accordance with this policy. Eligibility for modified duty assignment is subject to the approval of the Chief of Police or his/her designee.

Modified duty assignments are intended to provide an employee with the ability to continue working within the limits of his/her restrictions and limitations on a temporary basis while providing the Department with a productive employee during the interim period.

The Department will engage in a good faith interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability.

### 1027.2 DEFINITIONS

**Modified Duty** - Means a temporary, limited-term assignment not requiring performance of the full range of duties associated with the regular job classification. Modified duty also may be termed as light-duty assignments.

### 1027.3 LIMITATIONS

Modified duty assignments are a management prerogative and not an employee right. Modified duty assignments shall be subject to continuous re-assessment dependent upon Department need and the employee's ability to perform in a modified duty capacity.

An injured employee may be offered a modified duty position outside of his/her normal assignment or duties if it becomes available, but the employee shall be given the option to either accept the position or continue to draw on applicable sick leave, worker's compensation or disability accounts as applicable.

- (a) If an employee cannot adequately perform in a modified duty assignment, such assignment may be modified or terminated.
- (b) The lack of Department need or a change in priorities may result in the employee's removal from or modification of a modified duty assignment.
- (c) The Department may place conditions as deemed appropriate upon any modified duty assignment.

### 1027.4 PROCEDURE

Employees may request assignment to modified duty by providing a signed statement from their health care provider describing their restrictions, limitations and expected duration to their

## *Modified Duty Assignments*

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Section Commander. The statement must also indicate if the employee requires any workplace accommodations, mobility aids or medical devices.

The Deputy Chief will determine what modified duty assignments may be available based on the needs of the Department, limitations of the employee and suitability of the employee to work a particular assignment. Requests for a modified duty assignment of 20 hours or less may be approved and facilitated by the employee's Section Commander. Assignments of longer duration are subject to the approval of the Chief of Police or his/her designee.

### 1027.4.1 MODIFIED DUTY SCHEDULES

The schedules of employees assigned to modified duty may be adjusted to suit medical appointments or Department needs at the discretion of the command officer the employee on modified duty reports to.

The employee and his/her supervisors should be informed in writing of the schedule, assignment and limitations and restrictions as determined by the employee's health care provider.

### 1027.4.2 ACCOUNTABILITY

The employee's supervisors shall coordinate efforts to ensure proper time accountability and shall complete and process a change of shift/assignment form.

- (a) Employees on modified duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee's sick leave.
- (b) Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their supervisor of any change in restrictions or limitations as determined by their health care provider. An employee assigned to a modified duty assignment shall provide a duty status report to their supervisor no less than once every 30 days while the employee is on modified duty.
- (c) Supervisors shall keep the Section Commander apprised of the employee's status and ability to perform the modified duty assignment through the chain of command. Modified duty assignments that extend beyond 60 days will require a written status report and a request for an extension to the Chief of Police, through the chain of command, with an update of the employee's current status and anticipated date of return to regular duty. Extensions require approval of the Chief of Police.
- (d) When it is determined that an employee on modified duty will return to regular duty, the supervisor shall notify the Chief of Police, through the chain of command, and complete and process a change of shift/assignment form. All training and certification necessary for return to duty shall be reviewed and updated as necessary by the relevant Section Commander.



## *Modified Duty Assignments*

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### **1027.4.3 MEDICAL EXAMINATIONS**

The Department reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any employee assigned to a modified duty assignment or of any employee having been on such assignment. Such examinations shall be at the expense of the Department.

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. 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. 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. All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel medical file. 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. 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. 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.

Prior to returning to full-duty status, employees shall be required to provide a statement signed by their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assignment without restriction or limitation.

### **1027.5 PREGNANCY**

It is the policy of the Department to reassign employees who are pregnant upon request by the employee or when deemed necessary by the Department to temporary assignments that will not routinely expose the employee to potentially hazardous environments or activities.

#### **1027.5.1 EMPLOYEE NOTIFICATION**

An employee who learns of her pregnancy should notify her immediate supervisor or a designated acting supervisor of the pregnancy as soon as practicable. The employee must inform the Department of her intent regarding reassignment, job accommodations and anticipated leave for

## *Modified Duty Assignments*

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the pregnancy or prenatal care. The employee shall also submit a statement from her health care provider of any job restrictions or limitations she may have.

### **1027.5.2 SUPERVISOR'S RESPONSIBILITY**

Upon receiving the medical verification of the pregnancy and a request for job accommodation, reassignment or leave, the supervisor shall notify the Chief of Police, through the chain of command, who will consider assigning the employee to an available temporary modified duty assignment if it is deemed appropriate by the Department or medically necessary by the employee's health care provider.

If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted consistent with the City Personnel Rules and Regulations regarding family and medical care leave.

### **1027.6 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 the employee's assignment to modified duty.

### **1027.7 MAINTENANCE OF CERTIFICATION AND TRAINING**

Employees assigned to modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided the certification, training or qualifications are not in conflict with any limitations or restrictions. Employees who are assigned to modified duty shall inform their supervisor of any inability to maintain any certification, training or qualifications.

# Performance History Audits

## 1028.1 PURPOSE AND SCOPE

Performance History Audits are collections of data designed to assist supervisors evaluating the performance of their employees. Performance History Audits can help identify commendable performance as well as early recognition of training needs and other potential issues. While it is understood that the statistical compilation of data may be helpful to supervisors, it cannot account for, and must be carefully balanced with the many variables in law enforcement such as:

- An officer's ability to detect crime.
- An officer's work ethic.
- An officer's work assignment and shift.
- An officer's physical abilities, stature, etc.
- Randomness of events.

## 1028.2 RESPONSIBILITIES

Under the authority of the Chief of Police, the Deputy Chief is responsible for collecting performance indicators and other relevant data to generate and provide a quarterly Performance History Audit Report to the Section Commanders. Though generated quarterly, each Performance History Audit will contain data from a one-year time period.

## 1028.3 COMPONENTS OF PERFORMANCE HISTORY AUDITS

Performance History Audits will include the following components:

- Performance indicators
- Data analysis
- Employee review
- Follow-up monitoring
- No quota language or expectations.

## 1028.4 PERFORMANCE INDICATORS

Performance indicators represent the categories of employee performance activity that the Chief of Police of Aberdeen Police Department has determined may be relevant data for the generation and analysis of Performance History Audits. Performance indicators may include but are not limited to:

- (a) The frequency and findings of use of force incidents.
- (b) Frequency of involvement and conduct during vehicle pursuits.
- (c) Frequency and findings of citizen complaints.

## *Performance History Audits*

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- (d) Number of commendations, compliments and awards (citizen and Department).
- (e) Claims and civil suits related to the employee's actions or alleged actions.
- (f) Canine bite incidents.
- (g) Internal Affairs investigations.
- (h) Frequency and reasons for prosecutor case rejections.
- (i) Intentional or accidental firearm discharges (regardless of injury).
- (j) Vehicle collisions.
- (k) Missed court appearances.
- (l) Documented counseling memos.

### **1028.5 COMPILATION OF DATA**

The Deputy Chief will utilize secure systems and other confidential methods to compile and track information regarding performance indicators for each officer during each quarter in order to prepare Performance History Audit Reports.

### **1028.6 EMPLOYEE NOTIFICATION AND RESPONSE**

The Deputy Chief will notify each officer prior to retaining any performance indicator for entry into a Performance History Audit Report. The affected officer may submit a written comment within 10 days regarding each performance indicator. Any such written comment will be attached to the related performance indicator in such a way as to be readily noticed by supervisors reviewing a Performance History Audit Report.

### **1028.7 DATA ANALYSIS AND ACTION**

Upon receipt, the Section Commanders will review each Performance History Audit Report and determine whether it should be provided to an officer's immediate supervisor for further consideration. The officer's immediate supervisor will carefully review the Performance History Audit Report with the officer to assess any potential trends or other issues which may warrant informal counseling, additional training or a recommendation for other action, including discipline. The officer shall date and sign the Performance History Audit Report and may be provided a copy of the report upon request.

If a supervisor determines that an officer's performance warrants action beyond informal counseling, the supervisor shall advise the Section Commander, through the chain of command, of such recommendation. If the concurs with the recommendation of the supervisor, he/she shall take steps to initiate the appropriate action.

If discipline or other adverse action is initiated against an officer as a result of a Performance History Audit, the officer shall be entitled to all rights and processes set forth in the Department

## *Performance History Audits*

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Disciplinary Policy 340, Personnel Complaint Procedure Policy 1020, Civil Service rules, and relevant Collective Bargaining Agreement.

### **1028.8 CONFIDENTIALITY OF DATA**

Information, data and copies of material compiled to develop Performance History Audit Reports shall be considered confidential as part of the employee's personnel file and will not be subject to discovery or release except as provided by law. Access to the data in the system will be governed under the same process as access to an officer's personnel file as outlined in the Department Peace Officer Personnel Files Policy 1026.

### **1028.9 RETENTION AND PURGING**

Except as incorporated in separate training or disciplinary records, all performance indicators and Performance History Audit Reports shall be purged from the Deputy Chief and all other locations within the Department one year from the date generated.

# Aberdeen PD WA Policy Manual

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## Attachments

## **APD Orgaization Chart 2016.pdf**

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