

## **CHAPTER 18: PATROL**

### **18.1 PATROL – CONTINUOUS COVERAGE**

- A. To provide for continuous 24-hour coverage and overlapping coverage, sworn members of the Patrol Division shall work: 5 consecutive days on, followed by 2 consecutive days off and then another 5 consecutive days on, followed by 3 consecutive days off. Scheduled shifts shall be 8.5 hours in duration.
- B. There are three shifts in a 24-hour period:
  - 1) Day Shift 0600 – 1430
  - 2) Swing Shift 1345 – 2215
  - 3) Night Shift 2145 - 0615

### **18.2 SHIFT / ZONE/ ROTATION ASSIGNMENT**

- A. It is the general policy of the Anacortes Police Department that Officers assigned to the Patrol Division shall work a non-rotating shift. This does not preclude the Patrol Captain from temporarily reassigning Officers from one shift to another for the purpose of responding to special or emergency situations, or meeting minimum staffing requirements.
  - 1) Probationary Officers assigned to Field Training orientation and training are subject to their Field Training Officer's schedule and may have their shifts adjusted to meet training needs as necessary.
  - 2) As a general rule, assignments to a shift shall last 2 months. Each October, bidding assignments shall be made for the upcoming year to allow Officers advance notice of their schedules.
- B. Patrol Officers are generally assigned to a shift on a two-month cycle. Selection and preference are determined as outlined in A of this section.
- C. Shift Supervisors are accountable for the assignment of personnel to the respective Patrol zones. Shift Supervisors have flexibility in order to achieve the best utilization of personnel resources in providing coverage. Zone assignments are made utilizing information which includes:
  - 1) Average calls for service generated in specific areas during specific times;
  - 2) Barriers, natural or man-made, affecting unit mobility;
  - 3) Anticipated zone activities requiring additional services or attention.

- D. Zone rotation shall be accomplished at the discretion of the shift supervisor.
- E. Procedures for determining regular days off for patrol Officers and first-line Supervisors shall be in accordance with current labor agreements.

### **18.3 ROLL-CALL AND REPORTING FOR SHIFT**

- A. Officers shall report to the Police Department at the start of shift time. In the event that an Officer cannot report on time, they shall notify the on-duty supervisor of the preceding shift. That person shall be responsible for informing the oncoming shift supervisor of the information, as well as assuring that adequate shift coverage is available.
- B. The purpose of this section is to establish procedures for roll call daily briefings.
- C. It is the primary responsibility of the shift Supervisor to see that personnel are properly assigned, inspected, and briefed on all pertinent information available. Roll call should accomplish, at a minimum, the following six basic tasks:
  - 1) 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.
  - 2) Notifying Officers of changes in schedules and assignments.
  - 3) Notifying Officers of new directives or changes in directives.
  - 4) Evaluating Officers' readiness to assume Patrol.
  - 5) Roll-call training, (section 14.18)
  - 6) Review of Call Log for the previous 16 hours.
- D. Roll Call shall be conducted at the beginning of each shift each day at the following times:
  - 1) Day Shift 0600 hrs.
  - 2) Swing Shift 1345 hrs.
  - 3) Night Shift 2145 hrs.
- E. Each Officer shall have in his/her possession all equipment needed for the work day, prior to the beginning of roll call;
  - 1) Procedure to be followed during roll call:

- a) Each Officer shall be in full uniform during roll call, unless working a non-uniform assignment. The uniform must be clean and neat, and all web/leather gear and boots must be clean and well-polished.
- b) Patrol Supervisors shall inspect the officers assigned to their shift on a daily basis. This inspection shall include:
  - 1. Personal care and grooming;
  - 2. Uniform;
  - 3. Equipment.
- c) The roll call shall be conducted by the shift Supervisor, who shall see that all personnel are properly briefed and updated on all directives, training, and information;
- d) Prior to the dismissal of the roll call, the shift Supervisor should check with the Officers present to see if they have any pertinent information to disseminate to the others present.
- e) Officers shall check their mailboxes, voice mail, and e-mail accounts at the start of each shift. Prompt responses to incoming messages shall be made.

#### **18.4 SPECIAL PURPOSE VEHICLES**

A. The Anacortes Police Department utilizes the following special-purpose vehicles:

- 1) Bicycle (see 18.5)
- 2) Code Enforcement /Animal Control Vehicle
- 3) Crime Prevention / CSO Van

B. Special Purpose Vehicles – established guidelines governing operation of special purpose vehicles include:

- 1) Objectives of the operation and usage:
  - a) Bicycle Patrol – The purpose of the Bicycle Patrol is to provide enhanced and interactive Community Policing and emphasis patrol in areas where patrol vehicles have proven ineffective or impractical in impacting specific problems. The Bicycle Patrol is a specialized unit designed to provide the

community with year-round, pro-active policing, and to respond to the needs of the public.

- b) Animal Control/Code Enforcement Vehicle – The primary use of the vehicle is for the safe transport of impounded animals. The Animal Control/Code Enforcement Officer operates the vehicle as a primary patrol vehicle. The vehicle may be operated by any sworn personnel under the circumstances listed above.
- c) Bicycles – Regular use is limited to those personnel who have received training in their use. Bikes may be used occasionally to supplement Patrol as directed by a Supervisor, dependent on the nature of the criminal activity being investigated and staffing. No special instructions are necessary for this limited use.
- d) Crime Prevention / CSO Van – Primarily operated by the CSO in charge of Crime Prevention. This vehicle may be used by any sworn under the circumstances listed above.

2) Responsibility for special purpose vehicles:

- a) Bicycles - Bike Patrol is the responsibility of the Patrol Captain or designee.
- b) Animal Control/Code Enforcement vehicle is the responsibility of the Code Enforcement Officer.
- c) Crime Prevention Van is the responsibility of the CSO assigned to Crime Prevention.

3) Required equipment for special purpose vehicles:

- a) Bicycles - shall contain:
  - 1. lights (hours of darkness only)
  - 2. Bag (for citation book, etc.)
- b) Animal Control/Code Enforcement Vehicle
  - 1. portable kennels
  - 2. catch poles
  - 3. leashes
  - 4. forms and citations used in Code Enforcement and Animal Control function.

c) Crime Prevention Van

1. Straps and other necessary gear for hauling bikes or other items safely inside the vehicle.

C. Authorization to operate special purpose vehicles is generally limited to those primarily assigned to functions necessitating their usage. These personnel shall be oriented and trained in their operation upon assignment or promotion. Supervisory authorization is required for operation by personnel not normally assigned the use of the vehicles.

**18.5 BICYCLE PATROL**

A. The purpose of the Bicycle Patrol is to provide enhanced and interactive Community Policing and emphasis patrol in areas where patrol vehicles have proven ineffective or impractical in impacting specific problems. The Bicycle Patrol is a specialized unit designed to provide the community with year-round, pro-active policing, and to respond to the needs of the public.

4) Limitations on Bicycle Patrol operations include:

- a) Inclement weather.
- b) Excessive Vehicle Traffic

5) Bicycle Patrol may be used as follows:

- a) Surveillance operations in areas where patrol vehicles have proven ineffective either due to visibility or lack of access.
- b) Special community events.
- c) Targeting known or suspected narcotics trafficking areas.
- d) Emphasis patrol in problem crime areas.
- e) City parks or trails.
- f) As directed by the on-duty Supervisor.

6) Officers assigned to the Bicycle Patrol shall complete a police bicycle course as soon as practical. Bicycle Patrol Officers also shall attend additional in-service training pertinent to this assignment when possible to ensure the most current training tactics, equipment, and procedures utilized by Bicycle Patrol.

7) The individual Officer assigned to Bicycle Patrol is primarily responsible for the maintenance and condition of their assigned Department bicycle. Special purchases, repairs, or maintenance may be authorized by the chain-of-command.

- 8) Equipment required to be on the bicycle includes:
  - a) Lights (hours of darkness only)
  - b) Bag (for citation book, etc.)
- 9) The bicycles are to be utilized exclusively by Bicycle Patrol Officers, except when otherwise authorized by the on-duty Supervisor.

#### **18.6 K-9 TRACKING UNIT OPERATIONS AND PROTOCOLS**

- A. The Anacortes Police Department does not have a tracking K-9 Unit. Requests of outside agencies for use of their K-9 must be approved by the on-duty Supervisor.
- B. Normally, a K-9 Unit shall NOT be used in the following circumstances:
  - 1) Crowd and/or riot control.
  - 2) Apprehension of a mentally disturbed person, if no crime is involved.
  - 3) Searching for lost persons.
  - 4) In areas containing hazardous materials
  - 5) Searching for animals.
  - 6) In circumstances which might discredit the Police Department.
- C. Responsibilities
  - 1) Under no circumstances shall any person other than the handler be allowed to handle the dog.
  - 2) Whenever a canine bites or otherwise makes physical contact with an individual, the primary Anacortes Police Officer shall:
    - a) Examine the person to determine the extent of injury.
    - b) Offer medical treatment to that person.
    - c) Take color photographs of the affected area, even if an injury is not apparent.
    - d) Generate an Incident Report describing the circumstances of the incident and the injuries observed.
    - e) Generate a Use of Force Report.
    - f) If the person is a juvenile, notify the parent or guardian.

- g) If the person involved refuses examination or medical treatment, the refusal must be witnessed by another Officer.

#### D. K9 Handler Authority

- 1) The K9 handler should be consulted with as to the crime under investigation and the risk to officer and public safety. In all cases the K9 handler makes the decision on whether or not the K9 will or will not be deployed, based on the totality of the circumstances. The K9 handler's decision is final.

#### E. Supervisor's Responsibilities – Containment Procedures

- 1) Supervisors requesting K9 assistance should already have containment in place, or a containment plan. Officers should be deployed tactically by the supervisor.
- 2) The contained area should be large enough to ensure that the suspect is likely still within it. The potential for a suspect traveling a mile within 15 minutes is not out of the ordinary.
- 3) Officers should be deployed for containment purposes in highly visible locations with emergency lighting activated if possible.
- 4) Containment is a flowing deployment, meaning that as the K9 track progresses it will be adjusted appropriately, based on the direction of travel.
- 5) The K9 handler and the on-scene supervisor will adjust containment periodically, as necessary. K9 tracks are a team oriented mission.
- 6) Officers assigned as cover for the K9 and handler will regularly update the on-scene supervisor as to the approximate locations and direction of travel.

### **18.7 NARCOTICS K-9 PROGRAM – PURPOSE AND SCOPE**

- A. The purpose of the Anacortes Police Department Narcotics K9 program is to augment the department's ability to detect and locate illicit drugs. The scope of the Narcotics K9 program includes work done on behalf of the City of Anacortes Police Department, as well as K9 work done on behalf of other law enforcement agencies who request assistance searching for illicit drugs. The scope of the K9 program will be limited to those programs and departments specifically approved by the Chief of Police or their designee.

### **18.7.1 SELECTION OF NARCOTICS K9 HANDLERS**

A. The position of Narcotics K9 Handler is considered a specialty assignment by the department (as defined and identified in Section 14.6). As such, the process for selection of Narcotics K9 Handlers is described in section 7.3.1 of this manual.

- 1) The following are the minimum qualifications for the assignment of canine Handler:
  - a) Must be a Commissioned Police Officer with the Anacortes Police Department, and must be off probation with a minimum of two years of service.
  - b) Must be able to perform at a physical level that allows them to adequately keep up with their dog.
  - c) Must be willing to make a career commitment to the program or a minimum of five (5) years.
  - d) Must live in a residential arrangement that allows for adequate space for housing the dog.
  - e) Must be able to respond to call-outs when off-duty.
  - f) Must demonstrate initiative, responsibility, job interest and dedication to the police profession.
  - g) Must demonstrate the ability to remain cool and effective in stressful situations.
  - h) Must be an officer that has excelled in work initiative with limited supervision, have a record of being able to use sound judgment and performance as a Patrol Officer.
  - i) Must have full agreement of their family members to their becoming a K9 Handler. Must not have other animals within their home environment that are capable of dominating the assigned K9 dog or must take steps to ensure said animals are always segregated from the assigned canine.
  - j) Must be able to complete a recognized CJTC or WSPCA approved K9 Handler Basic course as well as other advanced handler courses and obtain at least one certification recognized by the CJTC such as WSPCA or PNWDDA.

### **18.7.2 HANDLER RESPONSIBILITIES**

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

- 1) The canine handler will be responsible for the following:
  - a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
  - b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.



- c) When not in service, the handler shall ensure the canine vehicle is kept secured and locked.
- d) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the Anacortes Police Department facility.
- e) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.
- f) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.
- g) When off-duty, the canine shall be in a kennel provided by the City at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.
- h) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.
- i) Under no circumstances will the canine be lodged at another location unless approved by their supervisor or Patrol Captain.
- j) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by their supervisor or Patrol Captain.
- k) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those circumstances, the handler shall make arrangements with an approved kennel.

### **18.7.3 CHAIN OF COMMAND**

- A. The Narcotic Detection K9 program is administered by the Patrol Captain. The Patrol Captain will assign a Patrol Sergeant to oversee the day to day operation of the program. Narcotic K9 Handlers will work under the direct supervision of the Sergeant selected to oversee the program by the Patrol Captain. If the selected Sergeant is not at work, the Narcotics K9 Handler will work at the direction of the on-duty Sergeant, Corporal and / or DCO.
- B. This Chain of Command will remain consistent even when the K9 Handler is working outside of the City of Anacortes. Although the K9 team may take direction from the supervisory chain for whichever department they are assisting, they will remain ultimately under the command of the Anacortes Sergeant, Corporal and / or DCO on duty at the time.

#### **18.7.4 REQUESTING NARCOTICS K9 ASSISTANCE**

- A. The Chief of Police encourages the use of the Narcotics K9 program by members of this department, as well as members of nearby departments in accordance with departmental guidelines. Request for Narcotics K9 team assistance shall be handled as follows:
  - 1) Requests from APD Officers or from any law enforcement agency in Skagit County for assistance are at the discretion of the on-duty supervisor.
  - 2) All other requests require permission of the DCO via the On-Duty Supervisor.
- B. Note that ALL requests for assistance from the K9 team are also at the discretion of the K9 Handler, who may elect not to respond based upon their specialized knowledge of the team's abilities.

#### **18.7.5 SCOPE OF NARCOTICS DETECTION REQUESTS**

- A. A canine trained in narcotics detection may be used in accordance with current law and under circumstances that may include, but are not limited to:
  - 1) The search of vehicles, buildings, bags and other articles.
  - 2) Assisting in the search for narcotics during a search warrant service.
  - 3) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause
- B. NOTE: A narcotics-detection trained canine will not be used to search a person.

#### **18.7.6 K9 IN PUBLIC AREAS**

- A. The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.
  - 1) A canine shall not be left unattended in any area to which the public may have access.
  - 2) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the dog.

#### **18.7.7 BITES, INJURIES, MEDICAL CARE**

- A. Any bite or injury caused by a canine, whether on or off-duty, shall be promptly reported to the canine coordinator and documented in an administrative report.
- B. In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the canine coordinator or Shift Sergeant as soon as practicable or appropriately documented.

#### **18.7.8 K9 MEDICAL CARE**

- A. All K9 medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained by the K9 Handler as well as in a file in the Administrative office.

#### **18.7.9 HANDLER / K9 CERTIFICATION**

- A. Prior to being certified as a Narcotics K9 Detection team, all dog handlers for the Anacortes Police Department will undergo approved training of at least 200 hours in length as specified in section (b) of WAC 139.05.915.
- B. No K9 team will conduct any law enforcement related duty for which they are not currently certified.
- C. All K9 teams will maintain certification through a statewide or nationally recognized organization approved by the Chief of Police. Copies of current certification documentation shall be provided to the Administrative Captain and kept on file by the Captain and the Dog Handler.
- D. It is the policy of the police department that K9 teams will participate in recertification at least biennially, (every other year).

#### **18.7.10 NARCOTICS K9 TRAINING**

- A. It is the responsibility of the Dog Handler to maintain the K9 team in a state of readiness. This includes the anticipation of, and participation in any ongoing training to keep the K9 team prepared to work.
- B. All required training shall be approved through the chain of command prior to occurrence. Special conditions that may pertain to the K9 Team which may result in overtime shall be governed by the policies and procedures of the department, as well as the current Collective Bargaining Agreement between the city and union.

#### **18.7.11 CONTROLLED SUBSTANCE TRAINING AIDS**

- A. Ongoing training of a Narcotics K9 requires the use of controlled substances or the use of commercially available synthetic substitutes that are not actual controlled substances, but simulate their scent.
- B. Officers acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with the state and federal laws. (21 USC § 1301.24(a) (exemption for Law Enforcement); RCW 69.50.508; WAC 246-887-200).
- C. The Chief of Police or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Anacortes Police

Department to be possessed by the member or a narcotics-detection canine trainer who is working under the direction of this department for training purposes, provided the controlled substances are no longer needed as criminal evidence.

- D. As an alternative, the Chief of Police or the authorized designee may request narcotics training aids from the Drug Enforcement Agency (DEA) or the Skagit County Interlocal Drug Enforcement Unit (SCIDEU).
- E. The Sergeant in charge of the Narcotics K9 Program will coordinate the release of controlled substances samples by the Evidence Custodian for the purposes of K9 Team training, assuring that the K9 Handler receives the appropriate amount and type of samples.
- F. The Evidence Custodian will assure that any samples released for training purposes will be controlled substances that would otherwise be scheduled for destruction. In addition, the Evidence Custodian will make certain that any controlled substances samples will be weighed prior to release to the K9 Handler and that the release will be properly documented.
- G. The Sergeant in charge of the Narcotics K9 Program will assure that any controlled substances used as training aids will be checked and re-weighed every six months, with the weight recorded by the Evidence Custodian. Any Training Aids that have lost their effectiveness shall be turned back in to the Evidence Custodian, who will weigh them and then enter them back in to the Property Storage area in preparation for destruction.
- H. These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

#### **18.7.12 TRAINING LOGS**

- A. K9 Teams are expected to conduct ongoing training in order to keep their effectiveness at a high level. All training conducted by the K9 Handler shall be recorded in a log, which will be submitted to the Sergeant in charge of the K9 program each month for review. The Sergeant will review the training log for proper content prior to signing it off and forwarding it to the Patrol Captain for review and retention.

#### **18.8 RESPONSE TO CALLS FOR SERVICE**

- A. The purpose is to guide Officers in determining the appropriate level of response to various situations, and to provide guidelines for Officers' driving responses to these situations.
- B. The speed and equipment used in an emergency response shall be determined by the Officer(s) involved, within the guidelines of this order, unless otherwise directed by a Supervisor. Speeds should be limited

unless a life-threatening situation exists, and traffic conditions permit a higher speed.

- 1) RCW 46.61.035 addresses emergency driving and states:
  - a) "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:
  - a) Park or stand, irrespective of the provisions of this chapter;
  - b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
  - c) Exceed the maximum speed limits so long as he/she does not endanger life or property;
  - d) Disregard regulations concerning direction of movement or turning in specified directions.
- 3) 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.
- 4) The provisions included in this order do not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor do such provisions protect the driver from the consequences of reckless or negligent disregard for the safety of others.
- 5) Officers shall regulate their response to any call so as not to unreasonably endanger public safety. Officers should drive no faster than necessary to safely arrive at their destination.
- 6) Where no emergency exists, the Officer shall proceed without the use of emergency equipment and in compliance with all traffic regulations.
- 7) For a crime or situation in progress, which is not life threatening or injury threatening, or an accident without known injuries but blocking the roadway, the Officer shall proceed using emergency equipment when necessary and/or prudent; however, the Officer

should not exceed a reasonable and safe speed nor proceed through intersections against traffic control devices without coming to a complete stop or making certain other traffic has yielded to the emergency equipment.

- 8) For a life-threatening or injury situation, or an Officer's call for emergency assistance, the Officer shall proceed as quickly and safely as possible using emergency equipment when necessary and/or prudent.
- 9) There may be circumstances where the utilization of emergency equipment may not be desirable. An example of this would be when a patrol vehicle is in the immediate area of an in-progress call and the Officer's use of the emergency equipment may alert the suspect to the approaching police. If an Officer chooses not to use the patrol vehicle's emergency equipment, the Officer shall obey all traffic regulations.

C. Use of Emergency Equipment - Officers shall utilize emergency equipment only when required by the nature of their dispatched assignment, or when situations confront them that indicate the need for the use of emergency equipment. Emergency Lights are:

- 1) Used to signal other users of the roadway that emergency conditions exist and the right-of-way should be relinquished to the patrol vehicle. It cannot be safely assumed by the Officer that the lights shall be sufficient to assure the right-of-way, even though state law requires that emergency vehicles be yielded the right-of-way under emergency conditions.
- 2) Even when both the emergency lights and siren are in simultaneous operation, Officers shall remain responsible to ensure that all vehicles see and comply before assuming the right-of-way, particularly at intersections.
- 3) Emergency lights shall be utilized in the following circumstances:
  - a) In accordance with RCW 46.61 and 46.37
  - b) When stopping traffic violators;
  - c) When a patrol vehicle is parked/stopped on the roadway;
  - d) When assisting motorists and vehicles parked/stopped in the roadway

- e) Wig-Wag headlights may also be used at the officer's discretion. However, care should be taken to turn the wig-wag lights off when the vehicle is not in motion.

#### 4) Siren

- a) The siren should be used simultaneously with the emergency lights when in pursuit, responding to a code dispatch, or initiating a code response.
- b) The siren may be used to signal violators to stop when other means of attracting the violator's attention have failed.

#### 5) Hazardous warning lights

- a) At the Officers' discretion, hazardous warning lights (multi-way flashers) may be used simultaneously with emergency lights.

#### 6) Spotlight

- a) These lights should be used as protection to the Officer, especially when dealing with known or suspected felons. During a traffic stop, the spotlight should be used to illuminate the interior of the violator's car so all occupants are kept within view and at a distinct disadvantage when looking back towards the police vehicle and Officer. The Officer should exercise care to not be silhouetted by the light.
- b) The spotlight should not routinely be used to signal violators to stop due to the possibility of temporary blindness of the violator and other drivers from the glare.

#### 7) Public Address System

- a) The public address system is valuable when stopping a traffic violator. The desired actions of the violator can be directed from a safe distance, minimizing the hazard to the Officer.
- b) The public address system is also valuable in directing persons when unusual conditions exist, such as when the roadway is temporarily obstructed, alerting pedestrians to hazardous conditions and avoiding the emergency conditions.

D. Classification of response: A code designator of 1, 2, or 3 shall be the standard by which all responses shall be classified.

- 1) Code 1 - Services that are not listed as either Code 2 or Code 3. Field units shall respond without the use of emergency lights or siren and in compliance with all traffic regulations.
  - a) Code 1 responses are generally one unit responses. All normal calls for service and those situations not enumerated below as being Code 2 or Code 3. The officer may upgrade any Code 1 call to a higher level of response if changes in the call status warrant it.
- 2) Code 2 - Services for a misdemeanor in progress or an automatic alarm. Field unit(s) shall respond with the use of emergency lights and siren, except where siren use is inappropriate due to the nature of the call, but shall not proceed through any regulated stop without first coming to a complete halt.
  - a) Code 2 responses are two unit responses. The following situations, in progress, shall be:
    1. Bank alarms;
    2. Burglary alarms;
    3. Accidents blocking a roadway;
    4. Domestic and other disturbances (Note: Disturbances and/or assaults may be Code 1, 2, or 3 depending on circumstances).
    5. Prowler;
    6. Mental disorders;
    7. Reckless endangerment.
  - b) Officers shall advise dispatch when they are operating in a Code 2 response.
  - c) Officers may up or down grade their response if the status of the call changes.
- 3) Code 3 - Services for an in-progress felony (except automatic alarms), injury accidents, medical emergency, or an Officer requesting help. Field unit(s) shall respond with the use of emergency lights and siren, except where siren use is inappropriate due to the nature of the call. Response shall be made as quickly as is safely possible while remaining within the statutory requirements for the operation of an emergency vehicle.



a) Code 3 responses are two or more unit responses. All non-involved units shall limit radio traffic. The following situations, in progress, are Code 3 calls:

1. Help the Officer;
2. Person with a weapon;
3. Crime of violence (i.e., rape, homicide, assault with a weapon);
4. Shots fired;
5. Robbery;
6. Injury traffic accidents;
7. Burglary.

b) Officers shall advise dispatch when operating in a Code 3 response.

c) Officers may down grade their response if the status of the call changes.

4) Significant factors to be considered in responding:

a) The seriousness of the originating crime and its relationship to community safety;

b) Safety of the public in the area of the response route;

c) Safety of the responding Officer;

d) Time of day;

e) Volume of vehicular traffic;

f) Volume of pedestrian traffic;

g) Location of response route;

h) Weather conditions;

i) Familiarity of Officer and Supervisor with the response route;

j) Speeds involved;

k) Capability of the police vehicles involved.

5) The Supervisor may at any time upgrade, downgrade, or modify any response.

## **18.9 PURSUIT – MOTOR VEHICLE**

### **A. Definitions specific to this chapter:**

- 1) Pursuit - An attempt by a uniformed police Officer(s) in an officially marked patrol vehicle to stop/apprehend a suspect operating a motor vehicle, while the suspect is trying to avoid capture by using high speed driving or other evasive tactics such as driving off a highway, making sudden or unexpected movements, or disobeying traffic control devices to include signage.
- 2) Violent Felony Crimes as Defined under 9A.94.030: Any class A felony crime or an attempt to commit a class A felony crime, criminal solicitation or conspiracy to commit a class A felony crime, Manslaughter 1<sup>st</sup> and 2<sup>nd</sup> Degree, Indecent Liberties by Force, Kidnapping 2<sup>nd</sup> Degree, Arson 2<sup>nd</sup> Degree, Assault 2<sup>nd</sup> Degree, Assault of a Child 2<sup>nd</sup> Degree, Extortion 2<sup>nd</sup> Degree, Robbery 2<sup>nd</sup> Degree, Drive-by Shooting, Vehicular Assault with recklessness or intoxication, and Vehicular Homicide with recklessness or intoxication.
- 3) Sex Offense Crimes as Defined under 9A.94.030: A felony violation of RCW 9A.44, Rape 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> Degree, Child Molestation 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> Degree, Sexual Misconduct with a Minor 1<sup>st</sup> and 2<sup>nd</sup> Degree, Indecent Liberties, Sexually Violating Human Remains, Voyeurism 1<sup>st</sup> Degree, Failure to Register as a Sex Offender for felony levels only with at least one previous conviction, Custodial Sexual Misconduct 1<sup>st</sup> Degree, Criminal Trespass Against Children (felony levels only), Sexual Exploitation of Children, Incest, or an out of state crime that would be considered a felony sex offense in Washington State.
- 4) Escape as Defined under 9A.76: Escape 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> Degree.
- 5) Driving Under the Influence as defined in RCW 46.61.502.
- 6) Imminent Threat of Serious Physical Injury or Death: Based on the totality of the circumstances it is objectively reasonable to believe that a person has then present and apparent ability, opportunity, and intent to immediately cause death or serious bodily injury to the officer or another person.
- 7) Limited Immunity of Emergency Vehicles - RCW 46.37.380 (4), 46.61.210 (2), 46.61.264 (2), and 46.61.035.

B. Motor vehicle pursuits are only justifiable when there is probable cause to believe a person in the motor vehicle is committing or has committed any of the crimes listed above in the definitions 1-5 from the section above or has reasonable suspicion that a person in the vehicle has committed or is committing the crime of Driving Under the Influence. In addition to the above, justification for motor vehicle pursuits must be supported by the following:

- 1) The pursuit is necessary to identify or apprehend the individual.
  - 2) The individual poses an imminent threat to the safety of others and the necessity of immediate identification or apprehension is greater than the level of danger to the community created by the pursuit.
  - 3) No pursuit may be initiated without authorization to engage in the pursuit from a supervisor and there is supervisory or command control of the pursuit. It is subsequently imperative that supervisors closely monitor radio traffic at all times to be able to make an informed decision when there is a request for authorization to pursue a motor vehicle.
- C. Officers shall only engage in vehicle pursuits when the necessity of immediate apprehension of the violator outweighs the danger to the public and Department personnel caused by the pursuit. Good judgment and common sense must be exercised. Departmental personnel are accountable for the consequences of reckless disregard for the safety of others. All emergency vehicle operations shall be conducted in accordance with existing state statutes.
- D. Officers shall not fire a weapon upon a moving vehicle unless there is no other option, and it is necessary to protect against an imminent threat of serious physical harm resulting from the operator's or a passenger's use of a deadly weapon. For the purposes of this section, a motor vehicle is not considered a deadly weapon unless the operator is using the vehicle as a deadly weapon, and no other reasonable means to avoid potential serious physical harm are immediately available to the officer.
- E. Every Department member engaging in a vehicle pursuit must be able to explain what conditions were present that justified the pursuit and did not unduly endanger the public. The decision to pursue is not irreversible. If sufficient justification does not exist, or conditions change, the pursuit must be terminated. Supervisors must make monitoring pursuits a top priority and order pursuits terminated unless there is sufficient justification to continue them.
- 1) Conditions for conducting vehicle pursuits:
    - a) Vehicle pursuits shall only be conducted under the following conditions:
      1. With the patrol vehicle's emergency lights and siren activated;
      2. Only marked patrol vehicles should be used in a pursuit when possible;

3. An unmarked vehicle shall participate in a vehicular pursuit only if it is equipped with an emergency light and an audible device. The unmarked car shall relinquish primary unit status as soon as reasonably practical upon the participation of a marked vehicle.

b) Vehicle pursuits shall *not* be conducted:

4. When transporting a prisoner;
5. When transporting a rider who is not either a Department employee or law enforcement Officer.

#### F. Initiation of a Pursuit

- 1) The seriousness of the possible outcome of a pursuit commands a police Officer to weigh many factors when deciding whether or not to pursue the violator. The Officer should consider the following circumstances when deciding to initiate, sustain, determine tactics, or terminate the pursuit of a vehicle:
  - a) The seriousness of the offense;
  - b) The possibility of apprehension;
  - c) The safety of the Officer;
  - d) The safety of the public;
  - e) The time of the day;
  - f) The traffic volume;
  - g) Pedestrian traffic present;
  - h) Road and weather conditions;
  - i) Visibility and illumination;
  - j) The compatibility of the Officer with the police vehicle;
  - k) The Officer's familiarity of the area;
  - l) Positive identification of the pursued driver and vehicle;
  - m) The safety of any rider(s).
- 2) Officers need not initiate or continue pursuit if they conclude from the nature of the circumstances that the potential risk to personal or public safety is not worth the benefit of apprehension.

#### G. Initiating Officer's Responsibility

- 1) The responsibility for the decision to initiate and receive subsequent supervisory authorization for a pursuit rests with the individual Officer. The pursuing Officer shall immediately activate the siren and emergency lights on the patrol vehicle and shall continuously use both throughout the pursuit.
- 2) The Officer initiating a pursuit shall, in all cases, notify the Skagit Communications Center as soon as possible that a pursuit authorization is requested from a supervisor and provide the following information:
  - a) Police unit identification;
  - b) Location, speed, and direction of travel;
  - c) Vehicle description, including license number, if known;
  - d) The specific reason to justify the pursuit, including known laws violated;
  - e) Number of occupants;
  - f) Traffic and weather conditions.
- 3) Failure to provide the above information shall be cause for the Supervisor to refuse authorization for the pursuit.

H. During the pursuit, a safe distance should be maintained between vehicles. This shall enable the pursuing Officer to duplicate any sudden turn and lessen the possibility of a collision in the event of a sudden stop or collision involving the pursued vehicle.

I. The initiating or primary unit bears operational responsibility for the pursuit unless relieved by a Supervisor. The primary unit may maintain pursuit as long as it is reasonably safe to do so, or until directed to terminate the pursuit by a Supervisor, or the suspect is stopped.

J. The decision to abandon pursuit may be the most suitable course of action. Officers must continually question whether the seriousness of the crimes justify continuing the pursuit. A pursuit shall be terminated under any of the following circumstances:

- 1) If, in the opinion of the pursuing Officer or Supervisor, there is a clear and unreasonable danger to the Officer and other users of the highway created by the pursuit that outweighs the necessity for immediate apprehension.

- 2) The suspect's identity has been established to the point that later apprehension can be accomplished, and there is no longer any need for immediate apprehension.
- 3) The prevailing traffic, roadway, and environmental conditions indicate the futility of continued pursuit.
- 4) The pursued vehicle's location is no longer known.
- 5) The pursuing Officer knows, or is reasonably certain, that the fleeing vehicle is operated by a juvenile and the offense constitutes a non-serious felony and the safety factors involved are obviously greater than a juvenile can cope with.

#### K. Secondary Unit's Responsibility

- 1) During the pursuit, the number of police vehicles from the Anacortes Police Department that may be involved in direct pursuit shall be limited to that number necessary to safely arrest the occupants of the pursued vehicle as ultimately determined by the Supervisor; preferably no more than two police vehicles.
- 2) Officers not involved in the pursuit should restrict radio transmissions except for emergency traffic. The pursuit, or routine radio traffic, may be switched to a secondary channel as determined by a Supervisor or the Dispatcher.

#### L. Supervisory Responsibilities in Pursuits

- 1) The primary unit shall request authorization to pursue from a supervisor prior to initiating a motor vehicle pursuit. Upon giving authorization to pursue, the Supervisor shall assume supervisory command of the pursuit and shall direct or change tactics as needed. The Supervisor shall continue supervisory command of a pursuit until it has ended.
  - a) If the Supervisor is the primary unit involved in the pursuit, the Supervisor shall note the justification for continuing the pursuit over the radio so that it is on record. It is preferred that supervisors not be primary pursuit units allowing them the ability to coordinate command of the incident instead.
- 2) Supervisors must continually evaluate the justification for the pursuit. A pursuit shall be terminated if the Supervisor reasonably believes that a clear and excessive danger to the Officer and others outweighs the necessity for immediate apprehension.

- 3) Supervisors shall make assignments of all patrol vehicles assisting in the pursuit, and it is the responsibility of the Supervisor to monitor and control all police response to vehicle pursuits.
- 4) If the pursuit appears to be leaving the city, the Supervisor shall request Dispatch to advise the jurisdiction affected as soon as possible by telephone or radio.
- 5) Supervisors shall conduct an after-action critique of the pursuit as soon as practical following the conclusion of the pursuit, whether terminated or not. The Supervisor shall ensure a pursuit report is completed by the initiating Officer. Upon review of the pursuit report, the Supervisor shall justify his/her termination/non-termination decision and determine policy compliance of the pursuit.

#### M. Forcible Stopping / Roadblocks

- 1) Forcible stopping or the use of roadblocks could be considered a use of force.
- 2) Because of the potential dangers involved, pursuing Officers are not to pull alongside a fleeing vehicle in an attempt to force the vehicle into a ditch, curb, parked car, or any other obstacle, except as set forth below.
- 3) Techniques including "boxing" or "pitting" of a violator's vehicle is not authorized and shall not be used as a maneuver to terminate a pursuit.

#### N. Deliberate physical contact between vehicles is justified only when:

- 1) Officers are in pursuit of known and extremely dangerous fleeing felons who, if allowed to escape, would create a substantial risk of another person being killed or seriously injured, and
- 2) With authorization of a Supervisor.
- 3) Because of the dangers inherent in the use of roadblocks in pursuit situations, roadblocks shall not be used to stop fleeing vehicles.

#### O. Stop Sticks

- 1) The use of the Stop Stick as a tool to bring a vehicle pursuit to an end is guided by the following policy and procedures in the Anacortes Police Department.
- 2) Only Officers that have been trained in the use of the stop stick shall deploy it.

- 3) Officers who deploy the stop stick are responsible to communicate with all other officers involved in the pursuit regarding its deployment.
- 4) Safety of the citizens, officers and suspects are to be considered when deploying a stop stick.
- 5) A stop stick shall not be used on any vehicle with less than 4 tires.
- 6) Officers who deploy the stop stick shall recover all parts of it after its use and see that they are logged into evidence as part of the case. EVOC/stop stick instructors shall review the equipment and use and submit a report to the Patrol Captain to assess its effectiveness and the need for replacement. A manufacturer's pursuit report shall also be completed and submitted by the EVOC/stop stick instructor. This report shall be used to replace any damaged equipment.

#### P. Termination of Pursuit

- 1) The decision to pursue is not irreversible. The pursuing Officer must use the best judgment in evaluating a pursuit, making a continuous appraisal in deciding if the pursuit should be continued.
- 2) Officers shall terminate the pursuit when:
  - a) The risks to personal safety and the safety of others outweigh the danger to the community if the suspect is not apprehended;
  - b) The offense is a misdemeanor or non-violent felony and the identity of the violator is known;
  - c) Anytime an involved patrol vehicle experiences mechanical breakdown or equipment failure involving lights, siren, radio, and/or brakes;
  - d) When directed to do so by a Supervisor or Administrator.

#### Q. Interjurisdictional Pursuits

- 3) Interjurisdictional pursuits by other agencies:
  - a) When a police pursuit is originated by another jurisdiction and enters the City, the shift Supervisor shall determine what assistance is to be rendered and make assignments accordingly.



- b) Officers shall not fall in line and continue pursuits outside of the City when the pursuit was initiated by another jurisdiction, unless directed by the Supervisor.
- c) Officers shall not take over pursuits by other agencies unless specifically requested and the request is authorized by a Supervisor.

#### R. Interjurisdictional pursuits by the Anacortes Police Department

- 1) If Anacortes Police Department Officers pursue a vehicle into other jurisdictions, the Dispatcher shall notify the respective jurisdiction(s);
- 2) Anacortes Police Department Officers pursuing vehicles into another jurisdiction shall maintain authority and responsibility for the pursuit.
- 3) If Anacortes Police units continue a pursuit into another jurisdiction, responsibility for their continued involvement rests with the Supervisor.
- 4) Notification of a pursuit, in itself, is not a request for assistance. Requesting assistance, in itself, is not a request for the jurisdiction being entered to take over the pursuit. Providing a request for some manner of assistance is made, a clear delineation between a request for assistance or a request to assume responsibility for the pursuit is necessary.
- 5) All procedures pertaining to pursuits are applicable to Officers assisting another jurisdiction in a pursuit, or participating in a pursuit in another jurisdiction.

#### S. Critique of Pursuits

- 1) At the conclusion of a pursuit, the initiating Officer shall complete an Anacortes Police Department Incident Report.
- 2) The Supervisor shall review the report for accuracy, determine if the pursuit followed Department policy, and forward it to the Captain for review. The Supervisors review shall include their termination/non-termination decision.
- 3) The Captain shall review the Pursuit Report and forward it to the Chief of Police for review.

#### T. Annual Analysis of Pursuits

- 1) Annually, an analysis of the review of incidences involving vehicle pursuits shall be conducted in an effort to identify trends or

patterns that may indicate training needs and/or policy modifications. This analysis shall be conducted by the Patrol Captain and forwarded to the Chief of Police for final review with the staff.

#### **18.10 INITIAL COMPLAINT RESPONSE**

- A. It is the policy of the Anacortes Police Department that patrol officers shall initially investigate all reported incidents except those referred directly to the investigations unit.
- B. Patrol officers are expected to investigate all reported incidents as thoroughly as time and experience allow.
- C. Unless circumstances necessitate or the reporting party specifically requests phone contact in lieu of personal contact, all complaint responses are to be made in person.
- D. Any patrol officer who believes that an investigator's additional skills are necessary to adequately investigate an incident shall inform the shift supervisor who may either call out a detective or refer the case to the investigative unit.
- E. Patrol officers are responsible for the investigation of incidents until such time as they are reassigned or reach a disposition.
- F. Generally reported incidents shall be either criminal in nature or calls for service. Both should be responded to in a safe, professional manner, and the incident should be documented in a case report.
- G. "Criminal investigations" is defined as the total effort to collect facts that lead to the identification, apprehension, and arrest of an offender, and the organization of these facts in a way that presents evidence of guilt or innocence so that successful prosecution of the case may occur. Generally, it is a probing from the known to the unknown, backwards in time.
- H. INVESTIGATORY STEPS:
  - 1) Proceed to the scene promptly and safely,
  - 2) Assist the injured,
  - 3) Arrest the suspect if possible,
  - 4) Locate and identify witnesses,
  - 5) Obtain contact information from all involved parties to include:
    - a) Last and first name, middle initial

- b) Date of birth
  - c) Home address and phone
  - d) Alternate contact information (e.g. Work location, cell phone number etc.)
- 6) Interview the complainant and witnesses,
  - 7) Get written statements from victims and witnesses,
  - 8) Identify, collect and preserve evidence,
  - 9) Interview the suspect,
  - 10) Note conditions, events and remarks,
  - 11) Report the incident fully and accurately,
  - 12) Notify supervisor when unusual circumstances are present,
  - 13) Complete all written reports prior to end of their work week. An officer who is unable to complete his/her reports prior to the end of the shift shall notify the shift supervisor who may either authorize overtime or direct the officer to complete the reports at the beginning of their next shift.

#### I. Criminal Investigations Minimum Standards

- 1) An investigation is complete when the crime scene has been properly processed and the following questions are answered:
  - e) Is a suspect named?
  - f) Can the suspect be identified?
  - g) Is the suspect's location known?
  - h) Is there a suspect description?
  - i) Is there useful physical evidence?
  - j) Are there usable latent prints?
  - k) Is the stolen property traceable?
  - l) Serial number
  - m) Owner
  - n) Identification mark or
  - o) Unique characteristic

- p) Value
- q) Are there any witnesses?
- 2) Contacting witnesses includes such efforts as checking the neighborhood and regular visitors to the area.
  - a) Is the suspect vehicle license number known?
  - b) Is there a suspect vehicle description?
  - c) Are there a limited number of possible suspects?
  - d) Are there related similar incidents?
  - e) Is there a significant MO?
- 3) In theft or property damage cases where the amount of damage or property loss makes the crime a felony, consider the following steps:
  - a) Photographs,
  - b) Sketches – measurements,
  - c) Latent search,
  - d) Casts or impressions,
  - e) Trace evidence collected,
- 4) Have all other potential resources been contacted or queried?
  - a) Notify other agencies,
  - b) Pawn slips,
  - c) Crime laboratory,
  - d) Teletype applications; WACIC/NCIC.
- 5) Has the incident been accurately and properly documented?
- J. No information, images, or property collected during the course of a police response shall be released outside the Police Department by any individual member of the Department, nor shall any member retain images, information, or property for their personal use.

### **18.11 FIELD INTERVIEWS**

- A. Patrol Officers often encounter persons in suspicious or unusual circumstances. Recording these persons' identities, descriptions, vehicles, times, and places found, and circumstances of the situations may be beneficial to other patrol Officers for various reasons, including follow up investigations

and other patrol activities. This information also may be useful to Investigators assigned current or future investigations. FIR's are submitted for review by patrol supervision and then forwarded to the Records Division, to be entered into the Spillman FIR file.

- B. An Officer may not stop a person for the sole purpose of completing a field interview card. The Officer must have reasonable suspicion that the person in question has committed, is committing, or is about to commit a criminal offense. The standard of reasonable suspicion is substantially lower than that of probable cause, and it is more than a hunch or mere speculation on the part of the Officer. It is based on objective circumstances which lead the Officer to suspect possible criminal activity and possible involvement of the person being interviewed.
- C. Nothing in this order shall prohibit the Officer from making a field contact. A contact is a face-to-face communication between an Officer and a private person under circumstances where the person is free to leave as desired. Contacts are different from detentions or arrests in that they do not involve the "seizure" of persons within the meaning of the Fourth Amendment; the Officer does not need reasonable suspicion, probable cause, or any other specific indication of criminal activity in order to initiate a contact. An Officer may initiate a contact with a person in any place that the Officer has a right to be, and like any other citizen, the Officer may approach an individual and engage in conversation.
- D. If there is no legal basis for detention, the person(s) may not be halted, detained, or frisked without legal justification. If the person refuses to cooperate, the person must be permitted to go on their way unless the Officer has developed reasonable suspicion to stop or probable cause to arrest.

#### **18.12 NOTIFICATION PROCEDURES**

##### **A. Supervisor Notification**

- 1) Any officer who responds to an incident and feels that a supervisor at the scene is necessary for whatever reason may request the supervisor to respond.
  - a) The supervisor shall assess the situation and assume command if he/she deems it necessary.
  - b) The supervisor may further request assistance from command personnel if necessary.
  - c) A supervisor shall respond and take command of all situations involving injury to or by an Anacortes Police Department employee and/or damage to or caused by any Anacortes Police Department vehicle.

- d) The supervisor shall be notified of, and should respond to any of the following incidents should they occur on his/her shift:
1. Shots fired, officer involved,
  2. Injury to an officer requiring medical attention,
  3. Injury to a person, resulting from law enforcement action,
  4. Barricaded subject, sniper, hostage situation,
  5. Death Investigations including questionable unattended deaths,
  6. Abduction or Missing "At Risk" Child (AMBER Alert),
  7. Mass custodial arrests from single incident,
  8. Major activity by another law enforcement agency within the jurisdiction where Police Department Personnel are being utilized
  9. Potential Terrorist Activity including Bomb Threats,
  10. Unusual Occurrences such as major fires, explosions, wide spread utility disruptions,
  11. Need for immediate personnel action (relief from duty),
  12. Mutual Aid requests that require call out of off duty personnel,
  13. Large scale demonstrations, labor disputes, or activities involving civil unrest,
  14. Pursuits
  15. Domestic calls involving law enforcement officer or APD employee

#### B. Command Notification

- 1) Command Staff designates a Duty Command Officer for after-hours call out.
  - a) Barricaded Suspects, snipers, hostage negotiations,
  - b) Shots fired, officer involved,

- c) Unusual occurrences such as major fires, explosions, widespread utility interruption or other significant damage resulting from man-made or natural causes,
- d) Abduction, missing "At Risk" child, (AMBER Alert),
- e) Major activity of another law enforcement agency within our jurisdiction,
- f) Any situation where the Supervisor wishes consultation with a Duty Command Officer,
- g) Serious injury to officer, requiring medical attention,
- h) Homicides, accidental, and suspicious deaths,
- i) Mass arrest involving eight or more people,
- j) Potential Terrorist activity including Bomb Threats
- k) Large scale demonstrations or civil unrest,
- l) Patrol vehicle involved in injury accident,
- m) Disciplinary action requiring relief from duty,
- n) Any significant call out of additional personnel, or mutual aid,
- o) Press release involving sensitive information,
- p) Domestic calls involving law enforcement officer or APD employee

#### C. Street/Public Works Departments

- 1) Officers who discover potential or actual hazards on the roadway should immediately request that the appropriate Department be contacted in order to correct the hazard.

Officers should provide information such as location, type of problem, and urgency of response.

#### D. Public Utilities

- 1) Officers should immediately notify their Dispatcher when a situation is brought to their attention that presents a potential or actual safety hazard to person(s) or property and is the responsibility of a public utility company. The Dispatcher shall then notify the appropriate public utility.

#### E. News Media

- 1) Media advisories concerning accidents, road blockages, or other situations which might significantly affect traffic flows on state highways should be directed to the Marysville Office of the Washington State Patrol.
- 2) Situations which are going to only affect local traffic flows and are not going to present a long-term problem (more than a few hours), shall be the responsibility of this Department.
  - a) The duty Supervisor may request that communications contact any or all of the local radio stations and relay information concerning major local traffic problems.
- 3) See also section 26.1 on Public Information, regarding release of information.

#### F. Coroner

- 1) Anytime Officers are called to investigate any criminally-caused suspicious or unattended death (not in the presence of a medical doctor, Medic unit personnel, or medical care facility), the Skagit County Coroner's Office shall be notified.
  - a) The Investigator shall coordinate custody and care of the body (bodies) with the Coroner's Office and the deceased family if present.
  - b) Notification of next of kin shall generally be the responsibility of the Coroner's Office.
  - c) Identification of deceased persons to the media shall be left as the responsibility of the Coroner's office, and all media inquiries shall be directed to their Mount Vernon office.

#### **18.13 MISSING PERSONS**

- A. It is the policy of the Anacortes Police Department to thoroughly investigate reports of all missing children and adults. In addition, this Department holds that every child reported as missing shall be considered "at risk" until significant information to the contrary is confirmed.
- B. The term "missing child" includes a person who is under the age of 13 and does not meet the "at risk" criteria specified below:
  - 1) The term "at risk missing child" includes a child who is:
    - a) 13 years of age or younger, or is believed to be:
    - b) Out of the zone of safety for age and developmental stage,



- c) Mentally incapacitated,
- d) In a life-threatening situation,
- e) In the company of others who could endanger his/her welfare, or
- f) Is absent under circumstances inconsistent with established patterns of behavior.

### C. Missing Person Report Procedure

#### 1) Officer's initial response should:

- a) Respond to scene in a timely fashion;
- b) Officer shall gather initial information including description;
- c) Responding Officer shall make a risk assessment.

#### 2) Preliminary Investigation should include:

- a) Broadcast of the information (attempt to locate) over the police radio;
- b) Search of area if warranted;
- c) Identifications of all persons at the scene;
- d) Completing WSP Missing Person or Missing Child Report;
- e) If missing child or adult is "at risk," the Duty Command Officer should be notified.

#### 3) Reports:

- a) Report is entered into WACIC/NCIC if applicable;
- b) Missing/runaway juvenile is entered immediately
- c) Missing Adults are entered anytime during the initial investigation. Generally, no longer than 24 hours after the initial report.
- d) All available databases shall be searched pertaining to the person to determine location and possible associates;
- e) A written case report is mandatory for all missing person reports.

#### 4) Follow up Investigation:

- a) In the event that the person is not located prior to the next case assignment review, the Detective Sergeant shall assign the case to an officer or detective for further follow up which shall include regular contact with the reporting person at least on a weekly basis for one month after the report was taken.
- b) Missing person and missing child cases will be assigned to the detective sergeant. The detective sergeant will be the person with the responsibility for directing and coordinating all of the follow up and updating their respective status in state and national databases.

#### 5) Additional Resources

- a) Dental Records should be submitted to WACIC/NCIC within 30 days of the initial report.
- b) If additional search resources are required for an urban search, Skagit County Search and Rescue should be requested by the DCO.

#### 6) Juvenile Considerations

- a) If it appears that a juvenile may have been abducted, policy and 18.14 should be utilized.

#### 7) Operation Life Saver

- a) A cooperative effort with Island Hospital to assist in the location of at-risk Senior Citizens should they become missing. For any missing person report made to the Anacortes Police Department an initial determination by the responding officer shall be made as to if that person is wearing a locator bracelet.
- b) A name search of the Spillman database shall show if that person has been issued a locator bracelet.
- c) If it is determined that the person does have a locator bracelet issued the Shift Supervisor shall be advised. The Shift Supervisor shall determine if an Officer that is trained in the use of the locator equipment is on duty and notify them to bring the equipment to the scene. If there is not one on duty they shall call one out.
- d) Operation Life Saver equipment shall be kept in the patrol equipment storage room.
- e) If the missing person is not located in the first hour of searching with the operation life saver equipment, the county search and rescue team shall be notified through a

request to the Skagit County Sheriff's Office. A request for their assistance shall be made at that time.

- f) In the event that a missing person is located with the assistance of the operation life saver equipment, that information shall be reflected in the report by the officer who is handling the call. A copy of that report shall be left in the Chief's mailbox.
- g) Operation life saver equipment shall be inspected and maintained on a monthly basis by the Crime Prevention Officer.
- h) The Department crime prevention officer shall be advised of each person who is issued a locator bracelet by the issuing agency.
- i) A case number shall be taken for each time a person is issued a bracelet and the crime prevention officer shall write a report which shall reflect all necessary information about the person and the equipment issued.
- j) Records shall create a case file for each of these reports so the information is readily available.

#### 8) Abductions or Attempted Abductions

- a) All attempted abductions reported shall be thoroughly investigated by responding Officer and assigned for follow up investigation.
- b) The Duty Command Officer (DCO) shall be notified of any abduction or attempted abduction.
- c) Appropriate support personnel shall be summoned to assist investigation of these incidents.
- d) Abduction investigations shall include:
  - 1. Notification of local law enforcement agencies of the incident and description of the victim and the suspect(s).
  - 2. Distribute a press release to all press of the incident and description of the victim and the suspect(s).
  - 3. Notification of the National Center for Missing and Exploited Children and provide all information that is available if applicable.
  - 4. Activation of Amber Alert if applicable (see 18.14).

- 9) The Anacortes Police Department assumes primary responsibility for reunification of missing persons with their families. General responsibilities include:
- a) Providing for the immediate physical needs of the missing person.
  - b) Arranging for the physical and psychological evaluation of the recovered person in preparation for reunification.
  - c) Conducting an interview with the person as soon as practical to obtain information about the circumstances of the abduction or runaway episode, other individuals involved, and possible criminal acts.
  - d) Securing physical evidence necessary for the investigation as soon as possible.
  - e) Setting parameters of case information to be prepared and provided to the public.
  - f) Notifying and briefing other agency professionals on the status of the recovered person and family.
  - g) Notifying and briefing the missing person's family.

**18.14 AMBER (ABDUCTED MINOR BROADCAST EMERGENCY RESPONSE) ALERT POLICY**

- A. The Anacortes Police Department is a member agency of the North Puget Sound AMBER Alert Plan and qualifies as an "activating agency." The North Puget Sound AMBER Alert Plan is a collaborative effort among law enforcement, media, and Emergency Management Divisions within Skagit, Whatcom, and San Juan Counties. The goal of the plan is the safe and swift return of children who are abducted under specific criteria by providing accurate information to the public and gaining their assistance in locating the child. The criteria must be strictly adhered to when considering activation. Overuse or inappropriate use of the AMBER Alert Plan will diminish its effectiveness.
- B. Any Officer or Detective responding to reports of missing children shall, after initial investigation, review the facts of the case to determine if they meet all five criteria listed below:
- 1) The child is under 18 years of age and is known to be abducted, and is not a runaway or thrown-away from home.
  - 2) The abducted child is believed to be in danger of death or serious bodily injury.

- 3) The AMBER Alert activation should occur within 4 hours of the event qualifying under the criteria as an AMBER Alert unless circumstances or the timeliness of the information warrant otherwise.
- 4) There must be enough descriptive information available to believe that an AMBER Alert will assist in the recovery of the child. Include as much of the following information as possible:
  - a) Where the abduction took place.
  - b) A specific physical description of the child (can include clothing worn when last seen, height, weight, age, hair and eye color, hair length, any additional distinguishing physical characteristics.)
  - c) A physical description of the abductor (can include height, weight, hair color/length, eye/skin color, clothing, any distinguishing physical characteristics.)
  - d) Place last seen.
  - e) Description of the involved vehicle (if any.) If possible, include color, make, model, license number, approximate year (older/newer.)
- 5) The incident must be reported to and investigated by a law enforcement agency.

C. Once the investigating officer believes that the five criteria listed have been met, the on-duty supervisor shall review the known information with the duty command officer and / or Chief of Police for the AMBER Alert system to be activated.

- 1) The Police Chief, Patrol Captain, or Administrative Captain shall be notified, and they are the only persons authorized to activate the system as they have completed the mandatory training. The Command Staff member notified of the need for an AMBER Alert will notify the Washington State Patrol Missing and Unidentified Persons Unit (MUPU) on call alert staff at (360) 688-0700.
- 2) The investigating officer or detective shall complete the standardized AMBER Alert Data Entry form in addition to the required Department reports. This form is listed in the AMBER Alert file in APD shared documents. The Police Chief or a Captain must approve the form authorizing the activation.

- 3) The completed AMBER Alert Data Entry form should then be e-mailed to: [AMBERALERTREQUEST@WSP.WA.GOV](mailto:AMBERALERTREQUEST@WSP.WA.GOV) along with any digital photos of the child, suspect, or involved vehicle.
  - 4) The Washington State Patrol Communications in the area of jurisdiction will enter the information into the Law Enforcement Alerting Portal (LEAP) and send a “preview” to APD for approval. Once the Chief or a Captain’s approval of the preview is received by WSP Communications, the alert will be activated. All AMBER Alert activations are statewide in scope.
  - 5) The Police Chief or a designated command officer shall complete the AMBER Alert Media Notification Script form.
  - 6) The Police Chief or a designated command officer shall assure that dispatch is aware of the impending AMBER Alert notification due to the potential for increased call volume related to individuals reporting information in response to an AMBER Alert. The Anacortes Police Department will designate a point of contact person for tips coming in during the time the AMBER Alert is in effect.
  - 7) The Police Chief or a designated command officer shall designate a point of contact person for all press inquiries and communicate that person’s identity and location to all incoming call takers at Anacortes Police, Skagit 911, and the EOC.
- D. WSP is the sole contact for all AMBER Alert activities; APD need not contact EMD or DOT.
- E. Any officer who is advised of the recovery of a missing child that is the subject of an AMBER Alert is responsible for the immediate notification of the Chief or a Captain to assure a timely cancellation of the AMBER Alert. WSP will be notified to cancel the alert.
- F. Following the recovery of the missing child and the completion of the investigation, a copy of the investigation shall be submitted to the North Puget Sound AMBER Alert Committee for review. This will take place as soon as reasonably possible without jeopardizing the case investigation and any criminal prosecution. The Administrative Captain shall be the person responsible for submitting these reports.
- G. A copy of the Washington State AMBER Alert Plan (Updated 7/14) is maintained in the APD Shared Docs Folder on the city computer network. Officers are expected to be familiar with the contents of the state’s AMBER Alert Plan.

### **18.15 ENDANGERED MISSING PERSON ADVISORY**

A. The Washington State Endangered Missing Person Advisory (EMPA) is authorized by RCW 13.60.050 and implemented by WAC 446-010. The EMPA is a program of voluntary cooperation between area media and law enforcement to enhance the ability to locate and recover missing and endangered persons. Some, but not all, of the AMBER Alert notification resources can be used.

B. Endangered Missing Person Advisory Criteria.

The EMPA is initiated by law enforcement agencies using the following criteria:

- 1) The person is missing under unexplained, involuntary, or suspicious circumstances; and
- 2) The person is believed to be in danger because of age, health, mental or physical disability, or is a vulnerable adult (as defined in RCW 74.34.020 (17), in combination with adverse environmental or weather conditions, or is believed to be unable to return to safety without assistance; and
- 3) There is enough descriptive information that could assist in the safe recovery of the missing person. This information includes a photo, height, weight, age, hair and eye color, race, any distinguishing physical characteristics, clothing worn when last seen, vehicle (if any) to include color, make model, license number, approximate year, location last seen, etc.
  - a) The designated title "Silver Alert" will be used when the endangered missing person is age 60 and over.
  - b) The designated title "Missing Indigenous Person" will be used for an endangered missing person who identifies as Indigenous. The AMBER Alert Data Entry Form should be used, but "Missing Indigenous Person Alert" (MIPA) should be selected as the alert type in the dropdown box.
- 4) For possible involved subjects/suspects the same descriptive information above is desired.
- 5) The incident has been reported to and investigated by a law enforcement agency.

C. EMPA Alert Implementation Procedure:

If the above criteria are met, the investigating officer or detective shall complete the Endangered Missing Person Alert Data Entry form in addition to the required department reports.

- 1) Dispatch personnel will prepare the "Endangered Missing Person Advisory" message through ACCESS. Make sure that "Endangered Missing Person Advisory" is in the title of the message.
- 2) The Shift Supervisor on-duty at the time of the incident or individual designated by the on-duty supervisor will contact the Washington State

Patrol Missing and Unidentified Persons Unit (MUPU) on call alert at (360) 688-0700.

- 3) Dispatch will enter the information into WACIC and NCIC databases using the proper message keys: Missing (MNP), Endangered (EME), or Involuntary (EMI.) Note: Dental records of a person missing more than 30 days or longer must be provided to the WSP MUPU.
- 4) The investigating officer or detective will e-mail a completed EMPA entry form to [amberalertrequest@wsp.wa.gov](mailto:amberalertrequest@wsp.wa.gov) to request EMPA alert activation. The WSP will then activate the Portal on our behalf. APD is authorized to utilize the Portal to initiate, update, and cancel the EMPA as necessary.
- 5) APD personnel should notify the National Center for Missing and Exploited Children (NCMEC) at 1-800-843-5678 if the missing person is under 18 years of age or meets NCMEC's criteria for reporting adults 18-20 years of age.
- 6) If the alert was activated and the missing person located, APD must cancel the advisory by sending a cancellation message to [amberalertrequest@wsp.wa.gov](mailto:amberalertrequest@wsp.wa.gov). APD must also cancel the EMPA by sending an administrative message through ACCESS that the subject has been located.

#### **18.16 BLUE ALERT SYSTEM PLAN**

- A. The Washington State Blue Alert Plan is authorized by RCW 10.108 to create a voluntary, cooperative system to quickly disseminate crucial information to enhance the public's ability to assist law enforcement in the apprehension of person(s) suspected of killing or seriously injuring law enforcement officers through broadcasters; cable systems; Department of Transportation; local, state, and tribal law enforcement agencies; and other interested participants. This procedure does not create any requirement to send a Blue Alert. The decision to activate a Blue Alert rests solely with the investigating agency or its designee, following the criteria listed in Section II below.

The Washington State Patrol (WSP), in partnership with the Washington Association of Sheriffs and Police Chiefs (WASPC), shall implement a statewide Blue Alert Plan. The plan shall be consistent with the AMBER Alert Plan and the Endangered Missing Person Advisory Plan (EMPA). This plan will be available to all law enforcement agencies in Washington and is independent from the AMBER and EMPA systems.

- B. Blue Alert Criteria:

A Blue Alert may be activated when the investigating agency (the agency that has primary jurisdiction or has been delegated and accepted investigating responsibility



over the area in which a law enforcement officer has been seriously injured or killed) believes that all of the following criteria are met:

- 1) A suspect has not been apprehended;
- 2) The suspect may be a serious threat to the public;
- 3) Enough suspect and vehicle information (as described below) is available to disseminate to assist in apprehending the suspect (include as much as possible);
  - a) Suspect(s) information: photo (if available); name; age; race; gender; height; weight; hair and eye color; any distinguishing physical characteristics such as hair length, facial hair, scars, marks, tattoos, glasses, etc.; clothing description when last seen.
  - b) Vehicle information: color, year, make, model, accessories (rims, spoiler, tinted windows, stickers, etc.), license plate, state, and location last seen.
- 4) Release of the information will not compromise the investigation;
- 5) Releasing the victim information will not improperly notify an officer's next of kin.

C. Blue Alert Implementation Procedure:

If all of the above criteria are met, the Chief, a Captain, or their designee will initiate the following actions as appropriate:

- 1) Dispatch prepares a Blue Alert Plan Administrative Message through ACCESS. Make sure "Blue Alert Advisory" is written in the title of the message.
- 2) Call the local WSP Communications Center to verify the advisory administrative message was received.
- 3) Receive and disseminate any information regarding the suspect, the suspect's whereabouts, and the suspect's method of escape.
- 4) Issue press releases to initiate, update, and cancel the Blue Alert as the case warrants. Upon request of an APD Command Staff member, the WSP Media and Relations Office may initiate the press release (send notifications to media groups to initiate, update, and cancel the Blue Alert) on an APD's behalf.
- 5) Appoint a Public Information Officer to handle press inquiries. The PIO should be continually updated and encouraged to utilize the media as much as possible to receive maximum media exposure for the case.
- 6) If vehicle information is available, APD may call WSP Communications to request the Washington State Department of Transportation activate variable message signs.
- 7) Prepare to handle a high volume of phone calls.

D. Cancelling the Blue Alert:

- 1) APD shall terminate the Blue Alert with respect to a particular suspect when the suspect is located or the incident is otherwise resolved by having Dispatch send another Administrative Message through ACCESS.

- 2) An APD representative must send a cancellation advisory press release. The press release will automatically notify all alerting partners and the public, via the media, of the cancellation.

### **18.17 MENTAL HEALTH AND INCAPACITATED PERSONS**

- A. The purpose and intent of this policy is to ensure officers understand their responsibilities as outlined under Washington State statutes dealing with taking the mentally ill into protective custody. The statutes involved are specific in listing when an officer “shall” take a person into protective custody, and when an officer “may” take a person into protective custody. Where the word “shall” appears in any statute indicates the duty to take action is mandatory if the statutory criteria are met.

Officers are reminded the intent of this policy is to assist people who are in need of treatment, pose a threat to public safety, are a threat to themselves, or are in need of immediate medical treatment.

- B. LOCAL EMERGENCY MEDICAL SERVICE PROVIDER

- 1) In the event an officer takes a mentally ill person into protective custody, the officer is required to immediately deliver the individual to an evaluation and treatment facility. Locally those facilities are Island Hospital and Skagit Valley Hospital.

- C. DETENTION OF MENTALLY ILL PERSONS STATUTE:

- 1) An officer shall take a person into protective custody when the officer believes, based on the facts uncovered and while acting in good faith, that the following statutory criteria presents itself:
    - a) When he/she has reasonable cause to believe that such person is suffering from a mental disorder and presents an “imminent” likelihood of serious harm to others or themselves or is in “imminent” danger because of being gravely disabled. [RCW 71.05.150(4)(b)]

- D. DEFINITIONS

The following definitions are important to understanding the requirements of protective custody as it deals with persons suffering from mental disorders but are by no means a complete list of definitions as found under the statutes. For a complete list of definitions, officers are referred to the following statutes: Chapter 71.05 RCW – Definitions.

- 1) Gravely Disabled – means a condition in which a person, as a result of a mental disorder: (a) Is in danger of serious physical harm resulting

from a failure to provide for his/her essential human needs of health or safety; or (b) manifest severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control of his/her actions and is not receiving such care as is essential for his/her health or safety. [RCW 71.05.020]

2) Likelihood of serious harm – means a substantial risk that: (1) physical harm will be inflicted by an individual upon his/her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (2) physical harm will be inflicted by an individual upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; (3) physical harm will be inflicted by an individual upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or (4) the individual has threatened the physical safety of another and has a history of one or more violent acts. [RCW 71.05.020]

3) Imminent – Webster's dictionary defines the word "imminent" as: Likely to occur soon, pending, ready to take place, immediate.

#### E. VOLUNTARY/INVOLUNTARY COMMITMENT

This department realizes that when an officer is dealing with a mentally ill person, the situation is very dynamic, and no two situations are exactly alike. When making the decision as to whether the mentally ill person should be voluntarily or involuntarily committed, consider the following:

##### 1) INTENT

- a) What are the intentions of the individual, either in words (threats) or in behavior?
- b) Is their intent to harm (self, others, or property) random and accidental or specific and intentional?

##### 2) OPPORTUNITY

- a) Does their situation allow them to carry out what they intend?  
Example: Do they have access to the gun they said they would use?

##### 3) CAPABILITY

- a) Are they physically able to do what they intend to do?

If the answer to all three questions is "yes", the person is better served by being involuntarily committed.

If the person the officer is dealing with does not meet the criteria previously mentioned (believed to be suffering from a mental disorder and presents an imminent likelihood of serious harm to self/others or gravely disabled) but is still in need of some type of mental evaluation, the officer can offer them the opportunity to voluntarily commit themselves.

#### F. DETENTION OF PERSON INCAPACITATED BY DRUGS/ALCOHOL

If a person who appears to be **incapacitated or gravely disabled** by alcohol or other drugs and who is in a public place or who has threatened, attempted, or inflicted physical harm on him/herself, or another, officers shall arrange for the individual to be medically evaluated. The officer or staff designated by the County, in detaining the person and or taking him/her into protective custody, shall make every reasonable effort to protect his/her health and safety. In taking the person into protective custody, the detaining officer or staff designated by the County may take reasonable steps, including reasonable force, if necessary, to protect him/herself or to effect the custody. A taking into protective custody under this section is not an arrest. No entry or other record shall be made to indicate that the person has been arrested or charged with a crime, but rather addressed as a Community Caretaking function. Examples include but are not limited to the following:

- 1) Incapacitated or,
- 2) Gravely disabled, or
- 3) Has threatened, attempted, or inflicted physical harm on him/herself or another, as a result of alcohol or other drugs.

**Intoxicated person** means, under the statute, a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or psychoactive chemicals. Incapacitation is defined as judgment so impaired that a person is incapable of realizing and making a rational decision with respect to his/her need for treatment and presents a likelihood of serious harm to him/herself, to any other person, or to property.

**Gravely disabled** is defined under the statute as: (1) in danger of serious physical harm resulting from a failure to provide for essential human needs of health or safety or; (2) manifests severe deterioration in routine functioning evidenced by a repeated and escalating loss of cognition or volitional control over his/her actions and is not receiving care as essential for his/her health or safety.

#### G. REPORTING OF INCIDENT

- 1) In the event an officer takes a person into any type of protective custody, whether for voluntary/involuntary commitment or due to alcohol/drug incapacitation, a report shall be written.
- 2) When a person is being involuntarily committed, a "Request for Evaluation" form shall be completed. A copy of the form will be delivered to the health care provider and a copy attached to the officer's report.
- 3) Due to the fact the person is incapacitated by either mental illness or drug/alcohol use, any applicable charges (misdemeanor or felony) will be handled by forwarding the report to the prosecutor.

H. Referring a Person Who is the Subject of a Report of Threatened or Attempted Suicide to a Mental Health Agency pursuant to RCW 71.05.457

- 1) Referrals to a mental health agency should be limited to instances where all of the following criteria are met:
  - a) A person is the subject of a report of threatened or attempted suicide; and
  - b) The responding officer(s) believe, based on their training and experience, that the person could benefit from mental health services;
  - c) The person does not consent to voluntary mental health services;
  - d) The person is not involuntarily committed or involuntarily transported for a mental health evaluation under RCW 71.05; and
  - e) The person is not being transported to a hospital or jail.
- 2) Upon responding to a report of threatened or attempted suicide, where all of the aforementioned criteria are met, the primary officer shall complete a narrative report that will be used to provide referral information when sending it to Compass Health.
- 3) Referrals shall be made via written documentation and should be noted/coded in a way to allow the law enforcement agency to identify specific reports where a referral was made/is being made (similar to how DV-related incidents are noted/coded).
- 4) Referrals should include sufficient narrative for the mental health agency to understand the nature of the call, name and date of birth for individuals being referred, case number, any potential witness information, observed or known history of drug and alcohol use, any

known history of the individual possessing weapons, the behavior of the individual, previous history of similar behavior by the same individual, location where the individual in crisis can be contacted by Compass Health to make additional offers for services, and officer contact information.

- a) If the individual is transient, indicate where a representative of Compass Health could attempt to find them for follow-up contact. Examples include, but are not limited to, a person that takes messages for the individual in crisis who has regular contact with them, or the person in crisis regularly shows up at a local church when free meals are offered.

- 5) Information provided in mental health referrals would aid Compass Health prioritize their level of response.
- 6) After officers' reports are completed, records staff shall forward referrals to Compass Health at [lereferral@compassh.org](mailto:lereferral@compassh.org).
- 7) Referrals by written documental can also be supplemented with a phone call to Compass Health. Phone calls should not be a substitute for written documentation referrals. Phone calls should be noted in the written documentation, including the date and time of the referral and to whom the officer spoke.
- 8) Referrals made by written documentation only, without a phone call to Compass Health, should be processed in as expeditious manner as practicable. RCW 71.05.458 requires the mental health agency to attempt to contact the person as soon as possible, but not more than 24 hours (excluding holidays and weekends) after receiving the referral from law enforcement, to determine whether mental health intervention is necessary.
- 9) When contacting individuals in need of mental health services who have met the above-described criteria, officers of the Anacortes Police Department should provide printed handouts to leave with a person in crisis. The handouts provide the person in crisis with information regarding services available through Compass Health and associated contact information for mental health services through Compass Health.

- I. When officers are involved as responders to a mental health and/or crisis scene, they shall, when possible, use all available and appropriate de-escalation tactics under the circumstances prior to using force. De-escalation tactics include but are not limited to the following:

- 1) Use tactical re-positioning to create physical distance.

- 2) Re-position as often as necessary to maintain the advantage of time, distance, and cover.
  - 3) When multiple officers are available, designate one officer to communicate with the individual to avoid competing commands.
  - 4) Request a Crisis Intervention Team or Mental Health Professional.
  - 5) Request additional officers if resistance is encountered or anticipated.
  - 6) Take as much time as necessary without the use of physical force or weapons.
  - 7) Leave the scene if there is no threat of imminent harm and no crime has been committed, is being committed, or is about to be committed.
- J. When officers do respond to the scene, officers shall use the minimum amount of force necessary to mitigate danger to other responder entities, family members of the involved person, or individuals in close proximity to the scene.

#### **18.18 FIRE RESPONSE**

- A. Any Officer who responds to an incident in which the Fire Department is the primary responding agency shall work with Fire Department personnel as follows:
- 1) Police Officers arriving at the scene of a fire call shall be responsible for the following primary duties:
    - a) Traffic control: To assure the safe flow of traffic around the scene for all vehicles.
    - b) Crowd control: Maintain boundaries that keep crowds of observers from interfering with the work of the Fire Department and at a safe distance from the scene.
    - c) Security of the scene: Assure that all property at a fire scene is secure. This includes both fire equipment as well as private property.
- B. The on-duty Sergeant or Officer in Charge shall locate and make contact with the Fire Department Incident Commander at the scene. In the event that the Sergeant or Officer in Charge is unavailable, the senior police officer at the scene shall make this contact with the Fire Department Incident Commander. Upon contact with the Incident Commander they shall:

- 1) Advise the Incident Commander they are the liaison person for the Police Department.
  - 2) Inform the Incident Commander of what action they have taken and see what other requests for support the Incident Commander may have. Remain in contact with the Incident Commander during the course of the call to coordinate police services.
  - 3) In the event that a more senior member of the Police Department arrives on the scene, they shall become the liaison person for the Police Department and are responsible for informing the Incident Commander of the change.
  - 4) In the event that police services are needed away from the scene that are more serious than at the fire scene, the liaison person for the Police Department must inform the Incident Commander of the need for officers to leave the scene.
- C. If there is any indication that a fire or similar event may be the result of a criminal act, or there is no apparent cause for the event, a police investigation shall be made and a report shall be filed. The following actions shall be taken:
- 1) All basic information concerning the incident and persons involved shall be collected and recorded.
  - 2) A crime scene investigation shall be conducted. In a case that is complex, large, or technical, the on duty supervisor shall call for detective assistance.
  - 3) Any evidence that is collected by the Police or Fire Department at the scene shall be taken into the custody of the Police Department, recorded and logged into evidence per standard evidence procedures.

#### **18.19 PATROL VEHICLE – LIGHTS / SIREN**

- A. Vehicles utilized for patrol shall be conspicuously marked, and shall include the following:
- 1) Vehicles utilized primarily as patrol vehicles shall have exterior-mounted emergency lights and siren.
  - 2) Vehicles utilized primarily by Detectives and Command Staff may have concealed lights and/or siren.
  - 3) Doors of Patrol Vehicles are clearly marked with the Anacortes Police logo.



#### ***18.20 PATROL VEHICLE - EQUIPMENT***

- A. Marked vehicles assigned to the patrol division shall be equipped with standard equipment including lights, sirens, police radios, security screen, and secure weapons storage.
- B. Additional equipment is provided as outlined in the Vehicle Inventory and Equipment form.
- C. All personally owned additional equipment must be authorized by the Patrol Captain. Personal equipment that is damaged or lost is not the responsibility of the Anacortes Police Department.
- D. In the event an item is found missing or in a state of operational unreadiness, the employee shall notify the Duty Supervisor. The Duty Supervisor should assist the officer in replenishing, repairing, or requesting a replacement be ordered. Replenishment of supplies should be accomplished as soon as possible.
- E. Vehicles and assigned equipment is inspected no less than quarterly. The completed vehicle and equipment report is forwarded to the Patrol Captain.
- F. Only official decals or markings shall be displayed on any Department vehicles. Any deviation requires approval from the Chief of Police.

#### ***18.21 SEAT BELT USE REQUIRED***

- A. Use of seat belts by Departmental personnel shall be in accordance with RCW 46.61.688.
- B. All passengers or prisoners being transported in a Departmental vehicle shall use seat belts in accordance with state law.

#### ***18.22 AUTHORIZED PERSONAL UNIFORMS AND EQUIPMENT***

- A. Code of Appearance – Purpose
  - 1) The good health and appearance of all employees is fundamental to the interests and safety of the Department. Employees need to demonstrate a personal and business-like professional image, and thereby increase public confidence in the Department's capability of job performance. These procedures, regulations, and policies are

intended to promote the professional image expected by the Department. Grooming standards are outlined in Chapter 12.

B. Authorized equipment – apparel for commissioned personnel.

- 1) Class “A” Uniform shall consist of: Issue uniform long sleeve shirt, tie, uniform pants, uniform jacket, and uniform footwear.
- 2) Class “B” Uniform shall consist of: Issue uniform long/or short sleeve shirt, uniform pants (BDU style or trousers), uniform jacket, and uniform footwear.
- 3) Utility Uniforms shall consist of:
  - a) Jumpsuit, uniform footwear, authorized accessories.
- 4) Bicycle patrol (when assigned): Bicycle patrol shorts, shirt, jacket, footwear, gloves, helmet, helmet cover (optional).
- 5) Dress Uniform for command staff members with the rank of Captain and above, the dress uniform will consist of the issue navy- blue dress blouse, white shirt, and uniform tie; class “A” uniform trousers, belt, hat, and regulation footwear.
- 6) Dress uniform for commissioned Officers and Sergeants will consist of the class A uniform with the long sleeve shirt and tie, and hat.
- 7) Dress uniform head wear will consist of the issue military style uniform officer hat, navy blue in color with hard black bill.

C. All other commissioned personnel:

- 1) Commissioned personnel assigned to plain clothes positions or details shall wear appropriate clothing for the work being performed.
- 2) During the course of normal investigative duties, Detectives shall wear Docker style trousers, a collared shirt, and dress shoes.

D. During any court appearance other than Anacortes Municipal Court, Commissioned Staff members shall wear a class A uniform or business attire. Uniformed Officers are encouraged to wear their class A uniform to Municipal Court but may wear a class B uniform if their court appearance is immediately before, after, or during their shift. Uniform jumpsuits are not authorized for any court appearance.

E. Authorized accessories – Commissioned personnel

- 1) Rank Insignia required for personnel in the rank of Chief and Captain shall be worn on both sides of the collar of the class A uniform shirt and on both shoulders of all outer garments except rain gear or a vest.

- a) Chief: Three gold stars
  - b) Captain: Double gold bars
- 2) Rank insignia for Sergeant shall be three white chevrons, worn on each sleeve of the class A uniform shirt and all outer garments except rain gear. The chevrons shall be centered on the shirt sleeve crease and positioned directly below the department shoulder patch.
- 3) Rank insignia for Corporal shall be two white chevrons, worn on each sleeve of the class A uniform shirt and all outer garments except rain gear. The chevrons shall be centered on the shirt sleeve crease and positioned directly below the department shoulder patch.
- 4) Longevity insignia (service stripes or hash marks) for all commissioned personnel shall consist of the following:
  - a) One white with black bordered embroidered bar, for each three years of service as a full-time commissioned police officer.
  - b) The insignia shall be worn on the left sleeve of the class A long sleeve uniform shirt. It will be affixed to the left sleeve one inch above the cuff and 1 inch to the right of the sleeve crease. (as viewed by the person wearing the shirt.)
- 5) Buckles, snaps, and other like accessories shall be black or silver for all commissioned Officers, black or gold for rank Sergeant or above.
- 6) Uniform tie clasp (optional wear) shall be as issued.

F. Authorized apparel – equipment for non-commissioned and limited commission personnel.

- 1) Police records personnel uniform shall consist of:
  - a) Uniform shirt: A white, short or long-sleeved shirt with authorized markings as issued.
  - b) Uniform pants: A Docker style pant of dark blue or black
  - c) Uniform Footwear: Professional appearing footwear in black.
- 2) Animal control personnel uniform shall consist of a similar uniform worn by commissioned patrol officers.

G. All personnel – Authorized/Required Uniforms

- 1) Patrol Officers may wear the authorized BDU style uniform pant or the dress uniform pant on patrol duty. For Superior Court appearances, funerals, and other appropriate occasions, officers should wear Class A dress uniform.

2) Commissioned officers

- a) Bicycle patrol officers uniform pants shall be dark blue or black as issued, bicycling style with or without padding.

3) Uniform shirts:

- a) Commissioned officers – LAPD Style uniform shirt solid dark blue in color in long or short sleeved version with non-metal buttons, with or without zipper.

4) Uniform pant belt:

- a) Commissioned personnel -- black leather or fabric belt with secure fastener.

5) Uniform jump suit – shall be considered a utility uniform and shall be dark blue in color. Only issued uniforms shall be worn.

a) May be worn:

1. On night shift.
2. On swing shift
3. On dayshift as authorized by the Chief or Police or a designee.
4. On major crime scenes or tactical training such as range or active shooter courses.
5. Special details that require a higher degree of personal barriers (marijuana eradication, processing a crime scene, etc.).
6. Other occasions at the discretion of the Chief.
7. The jump suit shall not be worn for court appearances of any kind.
8. It shall be the responsibility of all supervisors to ensure that officers wearing uniform jumpsuits appear neat and professional.

6) Uniform Footwear for commissioned and non-commissioned personnel.

- a) Commissioned personnel in uniform assignments shall wear a plain round-toed boot or shoe of black leather or fabric with black laces.

- b) All foot wear shall be clean and polished with matching color polish at the start of the work shift.
- c) Non-commissioned personnel shall wear black dress or casual shoes.

7) Uniform T-shirt shall be of a crew neck style, black or dark blue in color.

- a) Uniform t-shirts shall be worn with class A uniform shirts and with class B uniforms and utility jumpsuits.

8) Uniform duty belt shall be worn with authorized equipment as designated:

- a) Commissioned personnel – Class A and B uniforms: Duty belt shall be worn.
- b) Only authorized equipment listed shall be worn on the duty belt. Duty belt and all holders on the belt shall be as issued. All items will be nylon and black in color if not issued or otherwise authorized. The following items shall comprise the duty belt.

1. Sam Brown type belt, black in color, with black buckle, silver buckle, or gold buckle as applicable.
2. Handcuff case
3. Magazine pouch (double)
4. Issued or approved holster
5. Portable radio holder unless radio clip used.
6. ASP holder
7. OC holder
8. TASER Holster
9. Belt keepers
10. Optional items as approved/authorized.

9) Uniform Headgear-Uniform Hat

- a) Police caps (baseball style) will be those caps issued by the department. Police caps may be worn in daily patrol duties. The hat shall not be worn off duty and are for official business wear only. Caps will be worn with the bill straight out to the front.

- b) Dress uniform hat will be of the military style, blue in color with a black bill. The issued hat badge shall be affixed to the front of the hat. Dress uniform hat will be worn with class A uniform with tie for formal events as designated.

- 1. Class A uniform hat covers of clear or black plastic may be worn.

- c) Bicycle officers shall wear ANSI or SNELL approved bike helmets as issued.

10) Protective Vest (required wear) refer to section 18.23.

11) Socks, black or navy blue in color, shall be worn with approved uniform footwear.

- a) Bicycle Officers may wear white socks.

12) Uniform necktie worn by commissioned personnel as designated.

- a) Tie shall be black or navy blue in color, full length with breakaway clip.

13) Coat – waist length issued coat shall be worn on duty only.

14) Uniform Rain Gear – Personnel may wear raincoat.

- a) Raincoat shall be fluorescent orange or green in color and may be reversible to black or dark blue.

15) Uniform gloves:

- a) Uniform gloves shall be black in color, wrist length with full fingers, and may be worn by officers assigned to patrol functions.
- b) Bicycle Officers may wear black wrist-length fingerless gloves.
- c) Any form of “sap” glove, including shot-filled, or powdered lead- filled, is prohibited wear and shall not be carried on duty.

#### H. All personnel – Authorized/Required Accessories

1) Anacortes Police shoulder patch shall be sewn ½-inch below the shoulder seam, centered on the sleeve on both sleeves of the following articles of wear:

- a) Class A uniform shirt, Uniform jacket, Dress Blouse, Jumpsuit, Bike patrol shirts, all other sleeved outer garments except rain gear.

2) Metal badge for all commissioned personnel.

- a) Shall be worn on the uniform shirt and dress blouse.

- b) Shall be carried by on-duty plainclothes personnel unless otherwise authorized by Captain or Chief of Police.
  - c) Shall be silver and gold-colored metal for all personnel in rank of Officer; Solid gold-colored metal for rank of Sergeant, Captain, and Chief of Police.
  - d) No member of the Department shall possess a department-owned badge, unless specifically issued to that member, or as otherwise authorized by the Chief of Police.
- 3) Metal hat badge for commissioned personnel of the appropriate color shall be worn on the class A uniform hat.
  - a) Silver color for rank of Officer
  - b) Gold color for rank of Sergeant and above.
- 4) Cloth badges issued by the department shall be worn on all external vests, uniform coats, and jump suits.
  - a) The cloth badge on a coat or jump suit shall be positioned on the left front side of the garment, centered above the pocket or where a pocket would be located as on the uniform shirt.
  - b) All cloth badges and shoulder patches shall be removed from all clothing prior to the discarding of the clothing.
- 5) Uniform nametag for all commissioned personnel
  - a) All uniform shirts, coats, with the exception of rain gear, and jumpsuits shall have a name tag. The name tag shall be placed on the front right side of the garment, centered directly above the pocket flap on the shirt and a similar position on garments without a pocket flap.
  - b) The name tag will have the first letter of the first name followed by the last name. A middle initial may also be on the name tag.
  - c) Name tags will be of size, color, and material as issued. Only issued name tags shall be worn.
  - d) During special assignments or events where the commissioned employees' name is being used as an identifier could be obscured (example: civil disturbance response teams), with command approval, officers will use their employee personnel number as the identifier visible to the public. Such use is limited to the specific event that received command approval and will end at the conclusion of that event.

- 6) Commission identification cards:
- a) Police identification cards shall be carried on the person of all on duty personnel. Personnel assigned to a covert operation may request excuse from adherence while in the actual performance of covert duties upon a Captain's approval.
  - b) Police identification cards shall be carried by off duty commissioned personnel unless their activities make it impractical or imprudent to do so.
  - c) Police identification shall be carried by off duty commissioned personnel any time they carry a firearm under the authority of their commission.
  - d) Members of the Department shall not carry any form of identification not issued by the Department, which identifies the bearer as a member of the Department, without the approval of the Chief of Police.
- 7) All cloth or metallic accessories shall be neatly and securely sewn with matching color thread.
- 8) No insignia, pin, patch or decoration, including in printed form, except as herein specified, shall be worn on an official uniform, or while on duty, except as approved by the Chief of Police.
- 9) All items of apparel must have the approval of the Chief of Police as to color, material, style, and manufacture or stock number if applicable.
- 10) A reliable timepiece shall be carried by all on duty personnel.
- 11) Knives may be carried on duty as long as the blade does not exceed four inches in length, and is worn where it is secure and concealed unless worn on the belt in a knife sheath.
- a) Knives are for utility purposes only.
  - b) Specific brands of folding type, single-blade knives are subject to approval by the Chief of Police.
- 12) Quartermaster System – Required uniforms and equipment shall be provided through a department quartermaster system to each employee.
- 13) Authorized optional uniform accessories and equipment may be purchased by employees at their own expense.
- 14) Should any item need repair/replacement through damage in the line of duty, the employee shall advise the Patrol Captain in writing, on the designated department form, via their immediate supervisor.



15) The Patrol Captain will serve as the department quartermaster.

- a) The quartermaster is responsible for obtaining bids for all covered items as required, managing uniform/equipment stock, determining serviceability, and issuing or returning items in accordance with this procedure.

### **18.23 BODY ARMOR**

A. Pursuant to WAC 296-24-07501, WAC 296-073, and RCW 49.17.060, personal protection ballistic vests are provided by the Anacortes Police Department to all sworn personnel who, by the requirements of their position, must be armed. Personnel issued protective vests must be properly fitted by the vendor supplying the vests. Personnel are responsible to care for their vests as prescribed by the manufacturer. Provisions governing the extent to which protective vests shall be utilized are based on the following:

- 1) **Patrol Officers:** Due to the nature of patrol activities, the potential for deadly confrontation is real and at times unexpected and instantaneous. To protect Police Officers, ballistic vests shall be worn at all times by sworn patrol officers who are in uniform. Officers serving in a plain clothes capacity in the field while working in the patrol division shall be required to wear vests. In addition, Uniformed Officers are required to carry issued trauma equipment in the provided vest sheath or on their duty belt.
- 2) **Detectives:** Plain clothes investigators (Detectives) are encouraged to wear ballistic vests; however, they are not required unless detectives are engaged in any suspect/citizen contact where information indicates the possibility of threat to investigators. Ballistic vests shall be worn by detectives any time they are involved in serving a search warrant, assisting or covering uniformed patrol officers, or conducting patrol functions where the likelihood of a hostile environment exists. When not in use, ballistic vests shall be immediately available.
- 3) **Undercover Officers:** Undercover Officers are not required to wear ballistic vests at all times due to the possibility that discovery as a police officer may pose a greater threat. Investigators must carefully assess the need for ballistic vests prior to any suspect/citizen contact where information indicates the possibility of threat to investigators. The decision to wear or not wear a ballistic vest must be approved by a supervisor when possible. Vests shall be worn by investigators any time they are involved in the service of a search warrant, assisting or covering a uniform patrol officer, or conducting a patrol function in a hostile environment. When not in use, vests shall be immediately available.

- 4) **Sworn Personnel:** are required to wear a ballistic vest while in uniform. When in plain clothes, ballistic vests shall be immediately available for use. Ballistic vests shall be worn by sworn personnel any time they are involved in the service of a search warrant, assisting or covering a uniform patrol officer, or conducting patrol functions where the likelihood of a hostile environment exists.
  - 5) **Firearms Training:** Ballistic vests shall be worn by all personnel while participating in any shooting exercise at any range being utilized by the Anacortes Police Department.
- B. Employees who are issued ballistic vests can use and wear the department approved exterior vest carrier and associated equipment holders. The exterior vests can be used in accordance with all police issued uniforms except the class A uniform.
- 1) The only department approved exterior vest is manufactured by Point Blank and comes with 5 preapproved equipment holders (radio, pepper spray, double handcuff, flashlight and double magazine). There will be no additional holders, equipment, patches, pins, or other items added to the exterior vest without prior administrative approval.
  - 2) The external vests are not mandatory to have or use, but if you choose to wear the vest on duty it will always be on and properly worn (zipped up) when outside of the office and when making any citizen contact such as front counter/lobby details.
  - 3) The exterior vest will be offered as an optional piece of equipment at the time the employee is fitted for their next ballistic vest.

#### ***18.24 PROTECTIVE VESTS/SHIELD – HIGH RISK SITUATIONS***

- A. Personnel involved in the execution of high-risk tactical duties such as search warrant service are required to wear protective vests whenever involved in discharging these responsibilities.
- B. The Ballistic Shield is an effective tool designed for use in certain High- Risk situations for the immediate protection of life.
- C. Whenever necessary where unpredictable and dangerous nature of events dictates the use of a ballistic shield for the immediate protection of life.
- D. The ballistic shield should be considered for use in the execution of Search Warrants.
- E. The ballistic shield shall be used, as appropriate, in incidents involving a suicidal subject.

## **18.25 BODY WORN CAMERAS**

### **A. PURPOSE AND SCOPE**

Body-worn cameras (BWCs) are a valuable tool for promoting transparency in law enforcement by recording citizen contacts with police officers. The Anacortes Police Department uses BWCs to contemporaneously document citizen contacts. While it does not provide a complete account of a police contact, video does provide additional perspective into police-citizen contacts. Video footage produced by BWCs may be used as evidence in civil or criminal investigations, reviewed administratively as described below, used as a tool in law enforcement training and utilized as a reference in incident documentation.

In addition to documenting police-citizen interactions, BWCs are utilized to promote Officer Safety, to document statements and events during an incident, to enhance a BWC user's ability to document and review statements and actions for both internal reporting requirements and for courtroom preparation and presentation. BWC users shall have as permitted by this policy access to view and utilize recordings from BWCs for training purposes and to further investigate cases.

BWC recorded incidents will also provide an impartial measurement for self-critique and field evaluations during field training.

### **B. POLICY**

It is the policy of the Anacortes Police Department that all commissioned personnel working in a uniformed capacity, which would be readily identifiable as a law enforcement officer, and are assigned BWCs, shall wear the cameras to record their encounters on duty. Officers shall affix their camera to the chest area of their uniforms where it is unobstructed by the uniform itself or other equipment. This does not include circumstances in which the camera becomes unintentionally obstructed during police activity. This does not apply to personnel in a class A uniform while attending court or personnel in a dress uniform. Community Service Officers may be assigned to wear a BWC based on camera availability and potential for conducting suspect interview in the course of regular duties.

### **C. REVIEW**

The Chief of Police, or designee, will conduct a periodic review of the body worn camera program, to include a review of this policy.

### **D. DEFINITIONS**

- 1) Advisement – Statement made by an officer that a communication, conversation or interaction with a citizen is being recorded.

- 2) Activation – The process that turns on the body camera and causes it to record or to store audio and video data.
- 3) Body-Worn Camera (BWC) – Camera system that captures audio and video signals, capable of being worn on an officer's person that includes a camera, microphone, and recorder.
- 4) Body Camera Videos - Recorded media consisting of audio-video signals, recorded and digitally stored on a storage device or portable media.
- 5) Labeling of Video – Marking a video with the case number and category.
- 6) Secure Video Server – A cloud-based data warehouse where body camera video footage is stored and retained.
- 7) Retention of Video – Retention of video refers to how long a video captured on body camera is kept or retained by the Anacortes Police Department. A video is retained according to its category.
- 8) Surreptitious Recording – A surreptitious recording is a recording made without the knowledge of one or more of the parties to a conversation or communication and is a violation of the Washington Privacy Act, Chapter 9.73 RCW

#### **E. MAINTENANCE**

The Patrol Captain will coordinate with City of Anacortes IT and contracted vendors for BWC system maintenance, upgrades, updates and repairs.

#### **F. OFFICER RESPONSIBILITIES**

- 1) Training – Prior to wearing and operating a BWC, officers are required to successfully complete department authorized BWC training. Body worn camera training will cover topics including, but not limited to hardware, software and policy and procedure considerations. Officers may receive refresher training as deemed necessary. Initial BWC training will consist of 1 hour of training, instructed by a Department BWC instructor or vendor instructor.
- 2) Requirement to Wear the BWC – All officers assigned a BWC are required to wear the camera while on duty. Officers shall affix their cameras to the chest area of the outermost garment or layer of their uniforms. Privately owned body cameras are not permitted.

- 3) Requirement to Use the BWC – Officers assigned a BWC are required to wear their body camera and to activate the camera prior to engaging in law enforcement activity, in accordance with department policy.

#### **G. ACTIVATION AMNESTY**

- 1) No officer will be subject to discipline for failing to activate a camera for any reason for 10 shifts, after he or she is assigned to wear a BWC and has completed the BWC training. Evidence of a failure to activate a BWC during the amnesty period shall not be used or considered for performance evaluations or discipline. An employee who is assigned a BWC after working a non-BWC position (example: Detective, Task Force, or other position) for six months or more will have a 10-shift amnesty period. Officers assigned to assignments without a BWC who work extra shifts on assignments with a BWC will not be subject to discipline for an unintentional failure to activate the BWC.

#### **H. ACTIVATION OF THE BODY CAMERA**

This policy is not intended to describe every possible situation in which the BWC may be used, although there are many situations where its use is appropriate. Nothing in this policy prohibits the officers from activating the camera earlier than the examples of situations below.

The officer shall activate the BWC in any of the following situations, unless it can be articulated that time does not permit this to occur:

- 1) Vehicle pursuits, fleeing vehicles, and/or Failure to Yield situations
- 2) Custodial arrests
- 3) Vehicle searches that are consent or exigent
- 4) Physical or verbal confrontations or use of force
- 5) DUI investigations including field sobriety tests and processing
- 6) Domestic violence calls involving physical violence
- 7) Dispatched calls involving weapons
- 8) Search incident to arrest, including searches of property
- 9) During the transportation of prisoners
- 10) During contacts which become confrontational
- 11) The collection of drugs or money as evidence

The officer should activate the BWC in any of the following situations:

- 1) Traffic stops
- 2) Contacts which the officer believes there may be evidentiary value in activating the BWC

- 3) Any other circumstances that the officer reasonably believes that a recording of a contact or event would be appropriate.
- 4) Self-initiated FIRs.

Once started, recordings should continue without interruption until the contact ends.

At no time is an officer expected to jeopardize his or her safety or that of the public in order to activate a BWC.

Officers suddenly confronted with an unexpected event should react to any potential threats and protect themselves and others first before they attempt to activate their BWCs.

The BWC should be activated in required situations as soon as practicable.

#### **I. TURNING OFF THE BWC DURING AN INCIDENT**

BWC recordings should continue without interruption until the incident ends. Officers may de-activate the audio on the BWC and continue to video record during an incident or de-activate the video on the BWC and cease recording in the following circumstances:

- 1) Officers have discretion during conversations with crime witnesses and members of the community who wish to report or discuss crime activity in their neighborhood.
- 2) When exchanging information with other officers or when engaged in an operational or tactical discussion with other officers. If this occurs during a contact to exchange information or discuss operation details with another officer, the officer shall state the reason BWC audio or BWC video is being turned off and the officer should promptly reactivate the BWC audio or BWC video before resuming duties related to the incident.

Anytime an officer turns off the BWC prior to the conclusion of an interaction or contact, the officer shall audibly document the reason for turning the BWC off and note this in his or her police report.

#### **J. DECISION TO NOT RECORD**

- 1) Consistent with policy language under Activation of the Body Camera, officers are required to record as much of the law enforcement activity as possible, but the sensitivity or exigency of a situation may warrant turning off, or not activating, the BWC. The decision to not record law

enforcement activity shall be made by the officer wearing the camera and shall be determined by facts and circumstances which must be justified using a reasonable officer standard. Facts supporting such a decision may include the following:

- a) When unsafe or impractical – Law enforcement activity requiring a response that physically prevents an officer from activating the camera. Officers are advised to put safety ahead of recording an encounter. The amount of time driving to the call shall be a factor considered in determining if this section applies.
  - b) Places where a heightened expectation of privacy exists - such as restrooms, jails, or hospitals, unless for a direct law enforcement purpose such as a crime in progress or the recording of the location is material to a criminal investigation.
  - c) Sensitive communications – Law enforcement activity involving sensitive communications, matters of law enforcement intelligence or where recording the encounter could hinder a criminal investigation.
  - d) When a Citizen Objects to Being Recorded – If a citizen objects to being recorded, the officer may record despite the objection. Since conversations with police officers are not considered private under Washington law, there is no requirement that an officer turn off the BWC for a citizen who objects to having the interaction recorded.
  - e) Officers may exercise discretion in recording conversations with crime witnesses and members of the community who wish to report or discuss criminal activity in the neighborhood. In these instances, officers should consider continuing to record the conversation, but angle the BWC away from the person being contacted.
  - f) Privacy and dignity – There may be limited circumstances when the respect for an individual's privacy or dignity outweighs the need to record an event. Such circumstances may include natural death scenes or death notifications.
- 2) If an officer has exercised discretion to not record a contact as described above, the officers shall immediately activate the body worn camera if the encounter turns adversarial or confrontational.
- 3) Officers shall document by written report, CAD, or in a confidential informant's file, any decision to not activate the BWC or to turn off the BWC prior to the conclusion of the law enforcement activity, and their reasons for doing so.

- 4) Officers reasonably exercising discretion under this section will not be subject to discipline for the decision to record or not record, unless the officer has been previously counseled for failing to exercise reasonable discretion.
- 5) Officers recording law enforcement activity who inadvertently turn off their body camera shall not be subject to discipline, unless the officer has been previously counseled for turning off or failing to activate their body camera.

#### **K. ADVISEMENT – WHEN REQUIRED**

While most interactions between police officers and the public are not considered private and police officers have no legal obligation to provide an advisement, as a matter of practice, Anacortes Police officers recording with BWCs will provide an advisement to the parties present informing them that they are being audio and video recorded.

Officers choosing to record when conducting traffic stops while equipped with a BWC shall notify the occupants that there is an audio and video recording occurring. This warning should be given at the beginning of the contact, absent an emergent situation, and captured on the recording. The advisement should also be noted in the officer's report if enforcement action is taken.

Prior to a custodial interrogation, officers shall inform arrested persons that they are being audio and video recorded with a BWC. This statement, along with the Miranda advisement, shall be included in the recording.

Officers will make reasonable efforts to communicate to non-English speakers, those with limited English proficiency, deaf persons or persons hard of hearing that they are being recorded.

Officer safety is of paramount importance and officers should prioritize officer safety over the need to provide an advisement. If a situation requires immediate action prior to an advisement being given, the officer should provide the advisement as soon as practicable.

#### **L. END OF SHIFT RESPONSIBILITIES**

Prior to the end of their shifts or as soon as practical, officers will follow the protocol to label, categorize, and upload videos to the department's secure video server.

- 1) Officers will audit their evidence on the secure video server at least once per workday to ensure that all videos have been assigned a retention category and are labeled correctly.



- 2) Prior to securing at the end of shift, Officers should dock their BWC in a docking station to begin uploading videos to the secure video server. Only with prior supervisor approval, Officers may secure from their shift without downloading the BWC and complete BWC downloads at the start of their next shift.
- 3) Securing from the shift without downloading the BWC is not permissible under any circumstances in the following situations:
  - a) If the officer is not working the next day
  - b) If the incident involves a use of force
  - c) If the incident results in a suspect being booked into jail
  - d) The officer or supervisor anticipate/should anticipate that the incident will result in a complaint against a department member.
  - e) The incident is likely to be high-profile in nature and subsequently generate media inquiries.

Document Use of the BWC - Officers shall document in their police reports that they operated a BWC.

Video Not a Substitute for Report – An incident captured on the BWC is not a substitute for a complete and thorough written police report. Officers must write a police report, if the situation requires, and may not use the BWC video as a substitute for, or basis to abbreviate, their documentation of the incident. Written reporting requirements will remain unchanged when BWC footage is available. BWC footage may be referenced or referred to in written reports but is not a substitute for written reporting.

Report Problems - Officers shall promptly report any problems they may encounter with the BWC or its operation to their supervisor, who will forward the information to the Patrol Captain. The supervisor will attempt to provide the officer with a spare BWC until their assigned BWC is either replaced or repaired. Officers who fail to record interactions due to a BWC malfunction or the unavailability of a backup BWC will not be disciplined under this policy.

#### **M. UNAUTHORIZED USE OF BODY-WORN CAMERAS AND VIDEO**

All employees of the Anacortes Police Department, including commissioned officers and civilian personnel, shall abide by the policies and procedures related to BWC and BWC videos as set forth in this policy. Use of privately owned BWCs is prohibited.

Employees of the police department are prohibited from surreptitiously recording any other employee of the department or any other person.

Officers should not activate or use the BWC to record when exchanging information with other officers, during breaks, preparing written documents, and when not in service or actively on patrol.

When in any law enforcement facility, to include the Anacortes Police Department, the BWC shall be deactivated or disabled, left in the officer's vehicle, or placed in a charger to attempt to prevent an inadvertent recording of operational or personal conversations. The exception is when the officer is engaged in law enforcement activity and interacting in person with a suspect (example: subject in custody in a holding cell) or member of the public (example: contact with an individual during a lobby complaint).

Employees may not use BWCs for non-work-related purposes or otherwise operate the BWC outside their legitimate law enforcement duties.

All BWC videos are the property of the Anacortes Police Department. Dissemination outside of the agency is strictly prohibited, except as required by law and pursuant to the provisions of the Anacortes Police Department policy.

Employees are prohibited from accessing the secure video server except for legitimate law enforcement purposes, including authorized review of BWC video as described below, or otherwise for work related to their job assignment.

#### **N. DOWNLOADING OF VIDEOS**

Downloading BWC video shall be for a legitimate law enforcement purpose in accordance with the employee's level of permissions within the BWC video storage server. For example, an officer or detective needs to provide an image or abbreviated video clip to another law enforcement agency for their investigation.

#### **O. OPERATION AND OVERSIGHT OF THE BODY CAMERA PROGRAM**

Operation and oversight of the BWC program is the responsibility of the Administrative Division Captain and the Records Services Manager.

#### **P. REVIEW OF BODY-WORN CAMERA VIDEO**

- 1) Officers may view their own BWC video at any time in accordance with this policy. There may be situations where an officer has not reviewed relevant BWC video prior to preparing a written police report, providing a statement, or answering questions as part of a formal interview, or informal questioning. The City recognizes that in those situations, the potential for accuracy may be diminished. As such, an officer may not

receive any discipline based solely upon a difference or discrepancy between the officer's written report, statement, or interview, and the video evidence, unless the City can demonstrate that the employee knew the information was discrepant at the time the report was written, statement provided or interview.

- 2) By officers prior to completing their police reports or providing a statement pursuant to an internal affairs investigation, SMART investigation, or other designated Independent Investigative Team (IIT) as allowed by state law, subject to the following:
  - a) Officers subjected to an internal affairs investigation will be allowed to view their own related BWC footage of the incident prior to any interview or answering questions related to an internal affairs investigation.
  - b) Subject officers in a SMART investigation will be allowed to view their own BWC footage.
  - c) An officer will not be compelled to provide a statement in any investigation until they and their representative (if applicable) have been allowed up to 48 hours to review the officer's own BWC video. No officer will be disciplined for not providing a statement until allotted time for review has occurred.
- 3) Recordings may be reviewed by individuals other than the recording officer in any of the following situations:
  - a) By a supervisor completing a citizen complaint review. Review of video shall be related to the specific complaint(s) and not used as the basis to randomly audit other possible policy or procedure violations. Any inadvertent minor policy or procedure violations discovered during this review but not mentioned in the complaint shall be addressed at the lowest reasonable level unless the documented history of the officer necessitates a higher level of corrective action or discipline.
  - b) For use of force, collision or pursuit review. Review of video shall be related to the use of force, collision or pursuit, and not used as the basis to randomly search for employee misconduct.
  - c) By a supervisor investigating a specific act of officer conduct alleged in a complaint of misconduct. Review of video shall be related to the specific complaint(s) and not used as the basis to randomly search for other possible policy or procedure violations. Supervisors are authorized to review recordings to

investigate the merits of a specific complaint prior to a formal complaint being filed.

- d) By technical support for purposes of assessing proper functioning of BWCs.
- e) By the County prosecutor in conjunction with his or her role after an officer involved shooting, or other critical incident associated with a SMART investigation or other criminal review of an incident.
- f) By an investigator participating in an official internal investigation authorized by the Chief of Police to investigate a specific act of officer conduct alleged in a complaint of misconduct. Review of video shall be related to the specific complaint(s) and not used as the basis to randomly search for other possible policy or procedure violations.
- g) By department detectives who are participating in a criminal investigation related to that video.
- h) By legal counsel and/or union representation representing an officer in a critical incident associated with a SMART investigation, prior to the officer providing a statement pursuant to an administrative inquiry.
- i) Training - As authorized by the Chief of Police or designee, recordings may be shown for training purposes. Involved officer(s) shall be notified and if an involved officer objects to showing a recording, his or her objection shall be submitted to the staff to determine if the training value outweighs the officer's objection. The Chief of Police or designee will make the final decision if necessary. If the recording is used, the officer's identity shall be redacted.
- j) Notwithstanding the other provisions of this section, Field Training Officers (FTO) may be allowed to review the BWC footage of probationary trainees in the Field Training Program. A probationary officer's BWC footage can be reviewed for continued monitoring of that officer's performance. Any inadvertent minor policy or procedure violations of a non-probationary officer discovered during this review shall be addressed at the lowest reasonable level unless the documented history of the officer necessitates a higher level of corrective action or discipline. This section applies to newly hired employees during their initial probationary period, and any extension of the initial probationary period. This section does not apply to officers on probation for other reason, such as promotion to new rank with a probationary period.

- k) By an employee's legal representative and/or bargaining representative who is involved in representing the employee in an administrative investigation or criminal investigation.
  - l) By the City's legal representative involved in representing the City in an official matter, such as an administrative investigation, a lawsuit, or a criminal investigation.
  - m) Pursuant to a subpoena or public records request.
  - n) By a supervisor that has been made aware of a specific act(s) showcasing the actions of an officer or citizen that reflect positively on the Anacortes Police Department or that may be of interest to the public.
- 4) If, in the course of viewing a BWC video, inadvertent minor policy or procedure violations are discovered, they will be addressed at the lowest reasonable level, unless the documented history of the officer necessitates a higher level of corrective action or discipline.

#### **Q. RETENTION OF BODY-WORN CAMERA VIDEOS**

General – Videos related to officer-involved shootings, critical incidents, homicides, serious sexual assaults, and cases in which APD has received a notice to preserve evidence shall be retained on the secure video server until all trial and appellate litigation has been completed. The Records Services Manager will determine when retention of BWC video is no longer necessary, but video shall not be retained less than the length of time as required in accordance with the Washington State Archives Law Enforcement Retention Schedule. Videos related to unsolved homicides and sexual assaults shall be kept consistent with the department policy for records retention.

- 1) Videos related to internal affairs investigations shall be retained in accordance with the Washington State Records Retention Schedule.
- 2) Videos labelled as evidentiary shall be retained on the secure video server in compliance with state law and until all trial and appellate litigation has been completed
- 3) Videos labelled as non-evidentiary shall be retained on the secure video server for 60 days and thereafter may be destroyed in accordance with the applicable records retention schedule.
- 4) Videos redacted for a public records request shall be retained for 24 months after the request and then may be destroyed in accordance with the applicable records retention schedule.

- 5) Employees shall not tamper with, alter, or delete video. Exception: This does not apply to personnel tasked with system maintenance who purge videos under established guidelines.
- 6) Officers will be notified by department email prior to the release of their BWC footage pursuant to a public records request.

## **R. INADVERTENT RECORDINGS**

An Officer may inadvertently/accidentally record themselves, or others, while the BWC is activated. These particular inadvertent/accidental recordings do not meet the statutory definition of a public record (as described in RCW 40.14.010) because they are not made “in connection with the transaction of public business” and as such may be deleted.

The following procedure has been established for videos that should be deleted because they are inadvertent or accidental:

- 1) The recording Officer shall send an email to their immediate supervisor or in the absence of an immediate supervisor, the next available scheduled supervisor stating that:
  - a) an inadvertent/accidental recording was made; and
  - b) the recording date and time; and
  - c) a request that the recording be reviewed for deletion.
- 2) The reviewing supervisor will review the referenced video and if the supervisor concurs that the recording was made in error, the supervisor shall forward the request to delete the recording to the appropriate Division Captain in their chain of command.

## **S. RELEASE OF BODY-WORN CAMERA VIDEOS**

- 1) For Criminal Justice Purposes - BWC videos may be accessed for criminal discovery purposes directly by prosecutors, whose offices shall have an account for the secure video server. Prosecutors will be able to locate the existence of a BWC video by its reference in the police report and/or CAD report and may search for videos related to pending cases by inputting the law enforcement incident report number into the secure video server. Discovery of BWC videos released to the defense bar shall be made through the prosecutor and will include notification to the Anacortes Police Department.

- 2) To the Public/media - BWC videos will be made available to the public/media through public records requests pursuant to RCW Chapter 42.56. Public records requests for BWC videos are received in the same manner as other public records requests for the Anacortes Police Department. The Records Manager, or department employee designated to routinely handle BWC public records requests, will process any video related to the request. Prior to release, videos from BWCs will be reviewed and redacted. Redactions will be consistent with statutory exemptions under Washington law RCW 42.56. The Chief of Police may authorize release of BWC footage absent a public disclosure request if he/she determines that there is significant public interest to release said video, when the video provides information related to the apprehension/prosecution of offenders or when the video highlights positive work performed by the Anacortes Police Department. BWC footage used in an internal investigation shall not be released at the Chief's sole discretion and shall only be released in accordance with public disclosure requests and law.

#### **18.26 CITIZEN RIDERS**

- A. No employee shall have any rider with them in a city vehicle without prior authorization.
- B. Authorization shall only be granted by a Captain or the Chief. Such authorization shall be requested through the requesting officer's supervisor.
- C. Requests shall be made 24 hours in advance of the date/time being requested.
- D. Shift supervisors may authorize the ride along of commissioned law enforcement officers without prior approval from a Captain or the Chief.
- E. A liability release form shall be signed by all riders. In programs where the rider is under the age of 18, a parent shall also sign the waiver.
- F. Officers shall not knowingly take riders into dangerous situations. They must be alert to the safety of their rider at all times.