

Duvall Police Department

Duvall PD Policy Manual

CHIEF'S PREFACE

As the Chief of Police for the City of Duvall, I hereby adopt by reference all Department Policies contained in this manual.

These policies shall remain in full force and effect unless or until changed by me or my designee.

It is my intent that by issuing this official notice to all Police personnel that these policies are in full effect.

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LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

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

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

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MISSION STATEMENT ~ VISION ~ CORE VALUES

MISSION

The Mission of the Duvall Police Department is to protect the rights, safety and property of our citizens with Professionalism, Honor, Preparedness, Integrity, and Positivity. By working in partnership with our community, we will strive to improve the quality of life for all who live and work here.

VISION

We are here to serve our community and are committed to providing them with a high level of service. We utilize the public resources effectively and are focused on long-term sustainability by being prepared. Our department thrives with transparency and teamwork through effective communication, active listening and trust.

We provide excellent customer service and build positive relationships with all members of our community. We provide our citizens with exemplary public safety and work with them to find solutions to challenges they face.

We present a professional appearance and perform our job with honor, courage and commitment. We display personal integrity and hold each other accountable for our work and the perception of our community.

CORE VALUES

PROFESSIONALISM

Display an exemplary uniform appearance. Exhibit expert law enforcement skills. Make decisions using good judgment. Have ethical character traits. Treat others like you expect to be treated under similar circumstances.

HONOR

Always act with the utmost integrity by being honest and truthful. Enforce the laws equally and without bias. Take pride in yourself, your work, and the department.

PREPAREDNESS

Law Enforcement is constantly changing, we must prepare and adapt. Everyone is a leader and will be expected to perform the job of person above and below them in the chain of command. Communicate effectively and be actively listening.

INTEGRITY

Do what is right, even when no one is watching. Have courage to admit mistakes, not blame, and ask for help. Hold yourself and each other accountable to the highest ethical standards.

POSITIVITY

MISSION STATEMENT ~ VISION ~ CORE VALUES

Have a smile on your face and present a friendly demeanor. Promote feedback without ridicule. Celebrate strengths and accomplishments. Praise in public and criticism in private. Address rumors quickly and at the lowest level.

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Chapter 1 - Law Enforcement Role and Authority

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Duvall Police Department to perform their functions based on established legal authority.

100.2 POLICY

It is the policy of the Duvall Police Department to limit its members to only exercise the authority granted to them by law.

While this department recognizes the power of peace officers to make arrests and take other enforcement action, officers are encouraged to use sound discretion in the enforcement of the law. This department does not tolerate abuse of law enforcement authority.

100.3 PEACE OFFICER POWERS

Sworn members of this department are authorized to exercise peace officer powers pursuant to applicable state law.

100.3.1 OREGON AUTHORITY

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

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

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

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

100.3.2 ARREST AUTHORITY

The arrest authority of the Duvall Police Department includes (RCW 10.31.100):

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- (a) When a peace officer has probable cause to believe that a person has committed or is committing a felony, the peace officer shall have the authority to arrest the person without a warrant.
- (b) A peace officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of a peace officer, except as provided in RCW 10.31.100 (e.g., when there is probable cause for certain offenses that involve domestic violence, driving under the influence, motor vehicle accidents).
- (c) A peace officer may arrest a person in compliance with an arrest warrant after confirming the existence and extradition. A peace officer making an arrest must inform the person that the peace officer is acting under the authority of a warrant and must provide the person with a copy of the warrant at the time of the arrest or arrival at the holding facility.

100.4 CONSTITUTIONAL REQUIREMENTS

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

100.5 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

- (a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.
- (b) When an officer enters Idaho or Oregon in fresh pursuit of a person believed to have committed a felony (Idaho Code 19-701; ORS 133.430).

When an officer makes an arrest in Idaho or Oregon, the arresting officer shall cause the person to be taken without delay to a magistrate in the county where the arrest was made (Idaho Code 19-702; ORS 133.440).

Law Enforcement Certification

101.1 PURPOSE AND SCOPE

All sworn officers employed by the Duvall Police Department shall receive certification by CJTC prior to assuming law enforcement duties and responsibilities, and shall begin attending an approved academy within the first six months of employment.

Oath of Office

102.1 PURPOSE AND SCOPE

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

102.2 POLICY

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

102.3 OATH OF OFFICE

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

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

102.4 MAINTENANCE OF RECORDS

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

Policy Manual

103.1 PURPOSE AND SCOPE

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

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

103.2 POLICY

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

103.2.1 DISCLAIMER

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

103.3 AUTHORITY

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

103.4 DEFINITIONS

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

Adult - Any person 18 years of age or older.

CFR - Code of Federal Regulations.

City - The City of Duvall.

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Non-sworn - Employees and volunteers who are not sworn peace officers.

CJTC - The Criminal Justice Training Commission.

Department/DPD - The Duvall Police Department.

DOL - The Department of Licensing.

Employee - Any person employed by the Department.

Juvenile - Any person under the age of 18 years.

Manual - The Duvall Police Department Policy Manual.

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

Member - Any person employed or appointed by the Duvall Police Department, including:

- Full- and part-time employees
- Sworn peace officers
- Non-sworn employees
- Volunteers

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

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

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

Peace officer - Includes any "general authority Washington peace officer," "limited authority Washington peace officer," and "specially commissioned Washington peace officer" (RCW 10.93.020). Peace officers are generally referred to as officers in this manual (Washington State Office of the Attorney General Model Use of Force Policy).

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

RCW - Revised Code of Washington (Example: RCW 9.41.040).

Shall or will - Indicates a mandatory action.

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

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

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

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

USC - United States Code.

WAC - The Washington Administrative Code (Example: WAC 296-24-567).

WSP - The Washington State Patrol.

103.5 ISSUING THE POLICY MANUAL

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

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

103.6 PERIODIC REVIEW OF THE POLICY MANUAL

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

103.7 REVISIONS TO POLICIES

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

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

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

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

Chapter 2 - Organization and Administration

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

This policy establishes the organizational structure of the Department and defines general responsibilities of department members.

200.2 DIVISIONS

The Chief of Police is responsible for administering and managing the Duvall Police Department and has the authority to spend funds in the approved budget for its day-to-day operation. There are two divisions in the Police Department as follows:

- Administrative Services Division
- Patrol Division
- Patrol Division

200.2.1 ADMINISTRATIVE SERVICES DIVISION

The Administrative Services Division is commanded by an assigned Commander, whose primary responsibility is to provide general management, direction, and control for the Administrative Services division. The Administrative Services Division consists of technical and administrative services.

200.2.2 PATROL DIVISION

The Patrol Division is commanded by an assigned Commander, whose primary responsibility is to provide general management, direction, and control for the Patrol Division. The Patrol Division consists of uniformed patrol and special operations, which includes the Patrol Division, Dispatch, and police aides/assistants.

200.3 COMMAND PROTOCOL

200.3.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all members of the Duvall Police Department. During planned absences, the Chief of Police will designate a Division Commander to serve as the acting Chief of Police.

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

- (a) Patrol Division Commander
- (b) Patrol Division Commander
- (c) Administrative Services Division Commander
- (d) On-duty Shift Sergeant

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Organizational Structure and Responsibility

200.3.2 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Department. Generally, each member shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment (e.g., canine, bicycle patrol), any supervisor may temporarily direct any subordinate if an operational necessity exists.

200.4 POLICY

The Duvall Police Department will implement and maintain an organizational structure that provides clear and identifiable roles for command, control, and guidance of the Department. Each position and assignment should have clearly identified responsibilities and a defined chain of command.

General Orders

201.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for issuing General Orders.

201.2 RESPONSIBILITIES

201.2.1 COMMAND STAFF

Command staff shall periodically review General Orders to determine whether they should be incorporated into the Policy Manual and, as appropriate, will recommend necessary modifications to the Chief of Police.

201.2.2 CHIEF OF POLICE

Only the Chief of Police or the authorized designee may approve and issue General Orders.

201.3 ACCEPTANCE OF GENERAL ORDERS

All members shall be provided access to the General Orders. Members shall acknowledge that they have been provided access to and have had the opportunity to review the General Orders. Members shall seek clarification as needed from an appropriate supervisor for any provisions they do not fully understand.

201.3.1 CONFIRMATION OF RECEIPT

Members are required to acknowledge in writing or electronically the receipt and review of any new General Orders. Signed acknowledgement forms and/or electronic receipts showing a member's acknowledgement shall be maintained by the Administrative Services Division Commander.

201.4 POLICY

General Orders will be used to modify policies of the Duvall Police Department when an immediate need to adapt a policy or procedure exists, in order to best meet the mission of the Department. Applicable collective bargaining agreements, memorandums of understanding, and other alternatives should be considered before a General Order is issued.

201.5 PROTOCOL

General Orders will be incorporated into the Policy Manual, as required, upon approval. General Orders will modify existing policies or create a new policy as appropriate and will be rescinded if incorporated into the manual.

The Administrative Services Division Commander or the authorized designee should ensure that all General Orders are disseminated appropriately. General Orders should be numbered consecutively and incorporate the year of issue. All members will be notified when a General Order is rescinded or has been formally adopted into the Policy Manual.

Emergency Management Plan

202.1 PURPOSE AND SCOPE

This policy clarifies the role of the Duvall Police Department and responsibilities of its members pertaining to large-scale emergencies and the State of Washington's comprehensive emergency management plan.

202.2 ACTIVATING THE EMERGENCY PLAN

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

Upon activation of the plan, the Chief of Police or the authorized designee should contact the relevant emergency management organization to assist with a mutual aid response in which local, state, and federal law enforcement agencies.

202.2.1 RECALL OF PERSONNEL

In the event that the Emergency Management Plan is activated, all employees of the Duvall Police Department are subject to immediate recall to service. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Chief of Police or the highest ranking on-duty supervisor.

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

202.3 LOCATION OF EMERGENCY MANAGEMENT PLAN

Copies of the Emergency Management Plan are available in Administrative Services, the Shift Sergeant's office, and Dispatch. All supervisors should familiarize themselves with the Emergency Management Plan and the roles members will play when the plan is implemented. The Administrative Services Division Commander should ensure that all personnel receive periodic training on the Emergency Management Plan. The Administrative Services Division Commander should ensure that department members are familiar with the roles they will play when the plan is implemented.

202.4 EMERGENCY MANAGEMENT PLAN REVIEW

The Chief of Police or the authorized designee shall review the Emergency Management Plan Manual at least once every five years to ensure that the manual conforms to any revisions made by the emergency management organization (WAC 118-30-060). The Chief of Police or the authorized designee should appropriately address any needed revisions.

202.5 TRAINING

The Department should provide annual training on the Emergency Management Plan for all supervisors and other appropriate personnel. All supervisors should familiarize themselves with the Emergency Management Plan and personnel responsibilities when the plan is implemented. Training should incorporate a full or partial exercise, tabletop, or command staff discussion.

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Emergency Management Plan

202.6 POLICY

The Duvall Police Department will prepare for large-scale emergencies within and outside its jurisdiction through planning and mutual cooperation with other agencies.

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

202.6.1 DUVALL CODES

An emergency management organization has been established by the City of Duvall. This ordinance has been approved by the City Council (WAC 118-30-040).

Training

203.1 PURPOSE AND SCOPE

This policy establishes general guidelines for how training is to be identified, conducted, and documented. This policy is not meant to address all specific training endeavors or identify every required training topic.

203.2 POLICY

The Department shall administer a training program that will meet the standards of federal, state, local, and the Washington Criminal Justice Training Commission (CJTC) training requirements. It is a priority of this department to provide continuing education and training for the professional growth and development of its members.

203.3 OBJECTIVES

The objectives of the Training Program are to:

- (a) Enhance the level of law enforcement service to the public.
- (b) Increase the technical expertise and overall effectiveness of department members.
- (c) Provide for continued professional development of department members.
- (d) Ensure compliance with CJTC rules and regulations concerning law enforcement training.

203.4 TRAINING PLAN

The training plan should include the anticipated costs associated with each type of training, including attendee salaries and backfill costs. The plan should include a systematic and detailed method for recording all training for all members.

Updates and revisions may be made to any portion of the training plan at any time it is deemed necessary.

The plan will address all required training.

203.4.1 GOVERNMENT-MANDATED TRAINING

The following lists, while not all inclusive, identify training that is required under state and federal laws and regulations. Additional required training may be identified in individual policies.

- (a) Federally mandated training:
 - 1. National Incident Management System (NIMS) training
- (b) State-mandated training:
 - 1. All officers will successfully complete an annual in-service training program of no less than 24 hours that includes the training required by the CJTC (WAC 139-05-300).
 - (a) Successful completion of the CJTC's two-hour annual online crisis intervention course shall be included in the 24 hours (RCW 43.101.427).

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Training

2. All officers must complete a minimum of 40 hours of continuing de-escalation and mental health training every three years as provided in WAC 139-11-020 and WAC 139-11-060.
 - (a) This training may substitute the annual 24 hours in-service requirement under WAC 139-05-300 in the year the officer completes the 40-hour violence de-escalation training.
3. All supervisors and managers will complete appropriate training and obtain certification as required by CJTC (RCW 43.101.350).
4. Members who will serve as school resource officers shall receive training for school resource officers (RCW 28A.400.345).
 - (a) Training shall include the subject requirements of the safety and security staff training program developed by the educational service districts and be completed within the required timeframe (RCW 28A.310.515; RCW 28A.400.345).
 - (b) Training shall include review of applicable school district policies and procedures of duties and responsibilities of school resource officers (RCW 28A.320.124).
5. All officers shall complete gender-based violence incident response training required by RCW 43.101.276.
6. Any request for exemption, waiver, extension, or variance from any requirement of CJTC training must be made under WAC 139-03-030 and corresponding information be made available to the public in accordance with the Records Maintenance and Release Policy (WAC 139-11-030).

203.5 TRAINING COMMITTEE

The Training Sergeant may establish a Training Committee, on a temporary or as-needed basis, which will assist with identifying training needs.

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

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

- (a) Any incident involving the death or serious injury of a member.
- (b) Incidents involving a high risk of death, serious injury, or civil liability.
- (c) Incidents identified by the Department to determine possible training needs.

The Training Committee should convene on a regular basis as determined by the Training Sergeant to review the identified incidents. The committee shall determine by consensus whether

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a training need exists and then submit written recommendations of its findings to the Training Sergeant. The recommendation should not identify specific facts of any incidents, such as identities of members involved or the date, time, and location of the incident, but should focus on the type of training being recommended.

The Training Sergeant will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the Department and available resources. Training recommendations as determined by the Training Sergeant shall be submitted to the command staff for review.

203.6 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) are contained in a web-accessed system that provides training on the Duvall Police Department Policy Manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Training Sergeant.

Members assigned to participate in DTBs shall only use login credentials assigned to them by the Training Sergeant. Members should not share their password with others and should frequently change their password to protect the security of the system. After each session, members should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Department.

Members who are assigned to participate in the DTB program should complete each DTB at the beginning of their shifts or as otherwise directed by their supervisor. Members should not allow uncompleted DTBs to build up over time, and may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any internet-enabled computer, members shall only take DTBs as part of their on-duty assignments unless directed otherwise by a supervisor.

Supervisors will be responsible for monitoring the progress of those under their command to ensure compliance with this policy.

203.7 TRAINING ATTENDANCE

- (a) All members assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences should be limited to:
 - 1. Court appearances.
 - 2. Previously approved vacation or time off.
 - 3. Illness or medical leave.
 - 4. Physical limitations preventing the member's participation.
 - 5. Emergency situations or department necessity.
- (b) Any member who is unable to attend training as scheduled shall notify their supervisor as soon as practicable but no later than one hour prior to the start of training and shall:
 - 1. Document the absence in a memorandum to the member's supervisor.

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2. Make arrangements through their supervisor or the Training Sergeant to attend the required training on an alternate date.

203.8 TRAINING SERGEANT

The Chief of Police shall designate a Training Sergeant who is responsible for developing, reviewing, updating, and maintaining the department training plan so that required training is completed. The Training Sergeant should review the training plan annually.

203.9 TRAINING RECORDS

The Training Sergeant is responsible for the creation, filing, and storage of all training records. Training records shall be retained in accordance with the established records retention schedule.

203.9.1 TRAINING DOCUMENTATION

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

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

Electronic Mail

204.1 PURPOSE AND SCOPE

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

204.2 EMAIL RIGHT OF PRIVACY

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

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

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

204.3 PROHIBITED USE OF EMAIL

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

Personal advertisements are not acceptable.

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

204.4 EMAIL RECORD MANAGEMENT

Email may, depending upon the individual content, be a public record under the Washington Public Records Act and must be managed in accordance with the established records retention schedule and in compliance with state law.

The Public Records Officer shall ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.

Administrative Communications

205.1 PURPOSE AND SCOPE

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

205.2 MEMORANDUMS

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

205.3 CORRESPONDENCE

In order to ensure that the letterhead and name of the Department are not misused, all external correspondence shall be on department letterhead. All department letterhead shall bear the signature element of the Chief of Police. Personnel should use department letterhead only for official business and with approval of their supervisor.

205.4 SURVEYS

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

Staffing Levels

206.1 PURPOSE AND SCOPE

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

206.2 MINIMUM STAFFING LEVELS

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

206.2.1 SUPERVISION DEPLOYMENTS

In order to accommodate training and other unforeseen circumstances, a senior officer may be used as a field supervisor in place of a field sergeant.

With prior authorization from the Patrol Division Commander, a senior officer may act as the Shift Sergeant for a limited period of time.

Concealed Pistol License

207.1 PURPOSE AND SCOPE

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

207.2 QUALIFIED APPLICANTS

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

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

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

207.3 APPLICATION PROCESS AND RENEWAL

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

The Chief of Police is required to check with the National Instant Criminal Background Check System, the Washington State Patrol (WSP) electronic database, the Department of Social

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and Health Services electronic database, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 or RCW 9.41.045, or is prohibited under federal law to possess a firearm and therefore ineligible for a concealed pistol license. This check applies for a new concealed pistol license or to renew a concealed pistol license.

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

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

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

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

207.3.1 REQUIRED WARNINGS

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

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

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

207.3.2 DOCUMENTATION AND FEES

The Chief of Police shall deliver the original license to the licensee, within seven days send the duplicate to the Director of Licensing, and shall preserve the triplicate or other form prescribed

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by the Department of Licensing for six years after the license has expired, been voided or revoked, or as otherwise provided in the department's established records retention schedule (RCW 9.41.070(4)).

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

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

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

207.4 LICENSE RENEWAL

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

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

207.5 TEMPORARY EMERGENCY LICENSE

The Chief of Police may issue a temporary emergency license for good cause to an applicant who resides within his/her jurisdiction pending review. However, a temporary emergency license issued under this subsection shall not exempt the holder of the license from any records check requirement. The Chief of Police shall assure temporary emergency licenses are easily distinguishable from regular licenses (RCW 9.41.070).

207.6 REVOCATION OF LICENSES

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

- (a) Discovery that the person was ineligible under RCW 9.41.070 for a concealed pistol license when applying for the license or license renewal.
- (b) Conviction of the licensee of an offense, or commitment of the licensee for mental health treatment, that makes a person ineligible under RCW 9.41.040 to possess a firearm.
- (c) Conviction of the licensee for a third violation of RCW Chapter 9.41 within five calendar years.

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- (d) An order that the licensee forfeit a firearm under RCW 9.41.098(1)(d).
- (e) Upon notification from the Department of Licensing that the licensee has lost the licensee's right to possess a firearm as identified in RCW 9.41.047.
- (f) Receipt of an order to surrender and prohibit weapons or an extreme risk protection order, other than an ex parte temporary protection order, issued against the licensee.

207.6.1 INELIGIBILITY

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

207.6.2 FIREARM FORFEITURE

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

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

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

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

207.7 RECIPROCITY

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

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

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207.8 RESIDENCY

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

207.9 CONFIDENTIAL RECORDS

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

207.10 SUSPENSION OF LICENSES

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

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

Retiree Concealed Firearms

208.1 PURPOSE AND SCOPE

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

208.2 POLICY

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

208.3 LEOSA

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

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

208.3.1 LEOSA IDENTIFICATION CARD FORMAT

The LEOSA identification card should contain a photograph of the former officer and identify him/her as having been employed as a an officer.

If the Duvall Police Department qualifies the former officer, the LEOSA identification card or separate certification should indicate the date the former officer was tested or otherwise found by the Department to meet the active duty standards for qualification to carry a firearm.

208.3.2 AUTHORIZATION

Any qualified former law enforcement officer, including a former officer of this department, may carry a concealed firearm under 18 USC § 926C when he/she is:

- (a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:
 - 1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

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2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.
- (b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
- (c) Not prohibited by federal law from receiving a firearm.
- (d) Not in a location prohibited by Washington law or by a private person or entity on his/her property if such prohibition is permitted by Washington law.

208.4 WASHINGTON IDENTIFICATION CARD

The Chief of Police may issue an identification card to a retired officer of this department for the purposes of carrying a concealed weapon within the State of Washington under RCW 9.41.060 who:

- (a) Has retired from this department.
- (b) Did not retire because of a mental or stress-related disability.
- (c) Has not been convicted or found not guilty by reason of insanity of a crime making him/her ineligible for a concealed pistol license.

If issued, the identification card must document all of the above qualifications (RCW 9.41.060).

Any retired person receiving such an identification card shall abide by all of the other requirements of this policy that are applicable to a LEOSA identification card.

208.5 FORMER OFFICER RESPONSIBILITIES

A former officer with a card issued under this policy shall immediately notify the Shift Sergeant of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order, in accordance with the Reporting of Employee Convictions Policy.

208.5.1 RESPONSIBILITIES UNDER LEOSA

In order to obtain or retain a LEOSA identification card, the former officer shall:

- (a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.
- (b) Remain subject to all applicable department policies and federal, state and local laws.
- (c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.

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- (d) Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

208.6 FIREARM QUALIFICATIONS

The Armorer may provide former officers from this department an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The Armorer will maintain a record of the qualifications and weapons used.

If provided, the qualification shall include the firearms course and certificate developed by the Washington Association of Sheriffs and Police Chiefs (RCW 36.28A.090).

Chapter 3 - General Operations

Use of Force

300.1 PURPOSE AND SCOPE

This policy is intended to provide clarity to officers and promote safety for all by ensuring that all available and appropriate de-escalation techniques are used when possible, force is used appropriately only when necessary, and the amount of force used is proportional to the threat or resistance the officer encounters as well as the seriousness of the law enforcement objective that is being served.

While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every officer of this department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner. Officers must understand that the improper use of force impacts community trust. The proper use of force is essential to ensure impartial policing and building trust in the community.

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device policies.

This policy incorporates and is consistent with the Washington State Office of the Attorney General Model Use of Force Policy.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Chokehold - The intentional application of direct pressure to a person's trachea or windpipe for the purpose of restricting another person's airway (RCW 10.116.020).

Deadly force - The intentional application of force through the use of firearms or any other means reasonably likely to cause death or serious physical injury (RCW 9A.16.010).

De-escalation tactics - Actions used by a peace officer that are intended to minimize the likelihood of the need to use force during an incident (RCW 10.120.010). Using force is not a de-escalation tactic.

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

Flight - An act or instance of running away in an effort to leave and intentionally evade law enforcement.

Immediate threat of serious bodily injury or death - Based on the totality of the circumstances, it is objectively reasonable to believe that a person has the present and apparent ability, opportunity, and intent to immediately cause death or serious bodily injury to the peace officer or another person (RCW 10.120.020).

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Imminent - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

Necessary - Under the totality of the circumstances, a reasonably effective alternative to the use of force or deadly force does not appear to exist, and the type and amount of force or deadly force used is a reasonable and proportional response to effect the legal purpose intended or to protect against the threat posed to the officer or others (RCW 10.120.010).

Neck restraint - Any vascular compression or similar restraint, hold, or other tactic in which pressure is applied to the neck for the purpose of constricting blood flow (RCW 10.116.020).

Physical force (referred to as "force" in this policy) - Any act reasonably likely to cause physical pain or injury or any other act exerted upon a person's body to compel, control, constrain, or restrain the person's movement. Physical force does not include pat-downs, incidental touching, verbal commands, or compliant handcuffing where there is no physical pain or injury (RCW 10.120.010).

Totality of the circumstances - All facts known to the officer leading up to, and at the time of, the use of force, and includes the actions of the person against whom the officer uses such force, and the actions of the officer (RCW 10.120.010).

300.2 POLICY

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

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

It is the fundamental duty of law enforcement to preserve and protect all human life (RCW 10.120.010). Officers may only use force to the extent necessary and reasonable under the totality of the circumstances. This strikes the appropriate balance between two important interests: the safety of the public and the peace officers who serve to protect us, and the right of the people to be secure in their persons against unreasonable searches and seizures. In using their authority, peace officers shall respect and uphold the dignity of all persons and use their authority in a bias-free manner.

Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

Nothing in this policy limits or restricts an officer's authority or responsibility to perform lifesaving measures or community caretaking functions including rendering medical assistance, performing welfare checks and assisting other first responders and medical professionals. Nor does anything in this policy prevent an officer from responding to requests for assistance or service from first responders, medical professionals, behavioral health professionals, social service providers,

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crisis responders, shelter or housing providers, or any member of the public (RCW 10.120.020). Incidental touching, which may occur in the course of community caretaking, is not defined as physical force.

300.2.1 DUTY TO INTERVENE AND REPORT

Any identifiable on-duty officer who witnesses another law enforcement officer or a member attempting to use or using excessive force shall, intervene, when in a position to do so, to end the use of, or attempted use of excessive force. (RCW 10.93.190)

Any identifiable on-duty officer who witnesses any wrongdoing committed by another officer or has reason to believe that another officer committed wrongdoing, shall report these observations to their supervisor. Wrongdoing means conduct that is against the law or contrary to Department policy. (RCW 10.93.190)

300.2.2 PERSPECTIVE

When observing or reporting force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

300.2.3 ADDITIONAL STATE REQUIREMENTS ON THE DUTY TO INTERVENE AND REPORT

An officer shall not be disciplined for or retaliated against in any way for intervening in good faith or for reporting in good faith the unreasonable use of force by another law enforcement officer (RCW 10.93.190) (see the Anti-Retaliation Policy).

300.2.4 CRITICAL DECISION MAKING

Use of critical decision making can help officers achieve the expectations outlined in this policy. When safe and feasible, and if appropriate under the circumstances known to the officers, when making or considering whether to make contact with a member of the public, officers should (Washington State Office of the Attorney General Model Use of Force Policy):

- (a) Begin assessment and planning with available facts before arriving at the scene.
- (b) Request available resources, as needed, such as a crisis intervention team or other appropriate specialty unit or professionals.
- (c) Collect information when on scene.
- (d) Assess situations, threats, and risks.
- (e) Identify options for conflict resolution.
- (f) Determine a reasonable course of action.
- (g) Review and re-assess the situation as it evolves.

Nothing in this policy precludes officers from taking quick action when faced with a life-threatening situation, such as an active shooter. When safe and feasible, officers should not unnecessarily jeopardize their own safety or the safety of others through tactical decisions that unreasonably

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place themselves or others at risk including but not limited to (Washington State Office of the Attorney General Model Use of Force Policy):

- (a) Approaching a person without proper evaluation of the situation.
- (b) Leaving insufficient space between an officer and the person.
- (c) Not providing time for a person to comply with commands.

300.3 USE OF FORCE

Officers shall use only the least amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose. Officers shall use reasonable care when determining whether to use and when using any physical force or deadly force against another person (RCW 10.120.020).

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

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion, tactical positioning and reasonable care in determining the appropriate use of force in each incident and actions aimed at decreasing the likelihood of needing to use physical force.

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

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

(1) For physical force to be necessary, a reasonably effective alternative does not appear to exist, and the use of force must be a reasonable and proportional response to effect the legal purpose intended or to protect against the threat posed to the officer or others.

Reasonableness shall be evaluated based on the totality of circumstances known to the officer leading up to, and at the time of, the use of physical force, including without limitation the severity of the crime at issue; whether the person against who force is used posed an immediate threat; and whether such person was actively resisting or attempting to evade arrest by flight.

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- (a) Determining whether physical force is reasonable includes assessing whether the officer made tactical decisions to minimize unnecessary risk to themselves and others, used all available and appropriate de-escalation tactics when possible, prior to using physical force and exercised reasonable care when using physical force.
- (b) Proportionality should be evaluated based on whether the use of physical force corresponds to the immediacy and severity of the threat or resistance the officer encounters at the time force is applied. The threat or resistance may change over the course of the incident. Proportional force does not require officers to use the same type or amount of physical force as the subject. The more immediate the threat and the more likely that the threat will result in death or serious physical injury, the greater the level of force that may be proportional.

Officers are not required to exhaust one type of force before moving to greater force. Officers are responsible for using the least amount of physical force necessary to overcome resistance under the circumstances known to the officer at the time the physical force is applied. (RCW 10.20.020).

(1) Lower Level Physical Force: This type of force is not intended to and has a low probability of causing injury, but may cause momentary discomfort or pain. Depending on the circumstances, including the characteristics and conditions of the person, lower-level force options may include, but are not limited to:

- (a) Techniques to direct movement (e.g. push back, escort, lift, carry);
- (b) Control holds (e.g. wrist locks, finger locks, joint manipulation);
- (c) Takedowns;
- (d) Use of a restraint.

(2) Intermediate Physical Force: This type of physical force poses a foreseeable risk of significant injury or harm but is neither likely nor intended to cause death. Intermediate force options may include but are not limited to:

- (a) Oleoresin Capsicum (OC) Spray;
- (b) Electronic Control Weapons;
- (c) Projectile Impact Weapons;
- (d) Canine bite or injury caused by physical contact between a canine and a subject;
- (e) Impact weapon strikes (except intentional impact weapon strikes to the head, neck, throat or spine);
- (f) Punches, kicks, or other strikes with an officer's body.

300.3.1 ALTERNATIVE TACTICS - DE-ESCALATION

When possible, officers shall use all de-escalation tactics that are available and appropriate under the circumstances prior to using force (RCW 10.120.020). Officers should use critical decision making when looking at alternative tactics by planning ahead, requesting available resources, collecting and assessing information, identifying options for conflict resolution and reassessing as the situation evolves.

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Depending on the circumstances, officers have a number of de-escalation tactics to choose from which include but are not limited to (Washington State Office of the Attorney General Model Use of Force Policy):

- (a) Employing tactical positioning and repositioning to maintain the benefit of distance and cover, such as backing away from the person to re-assess and determine which tactics to use.
- (b) Placing barriers or using existing structures to provide a shield or other protection between officers and a person.
- (c) Attempting to slow down or stabilize the situation to allow for the consideration and arrival of additional resources that may increase the likelihood of a safe resolution.
- (d) Requesting and using support and resources, when available and time allows such as a crisis intervention team, a designated crisis responder, other behavioral health providers, or back-up officers, including more experienced officers or supervisors.
- (e) Using appropriate instructions (verbal, non-verbal, and/or other appropriate communication methods) and verbal persuasion.
- (f) Employing verbal and non-verbal communication techniques to calm a person (e.g., speaking slowly, regulating tone and body language, uncrossing one's arms, minimizing hand gestures, reducing bright, flashing lights and sirens).
- (g) Attempting to communicate in non-verbal ways when verbal instructions would be inadequate (e.g., when the person and officer speak different languages, the person is unable to hear or understand instructions).
- (h) Communicating in a way that demonstrates respect for people's dignity (e.g., clearly explaining the officer's actions and expectations, listening to the person's questions and concerns and responding respectfully, being neutral and fair when making decisions).
- (i) When there are multiple officers, designating one officer to communicate in order to avoid competing or confusing commands.
- (j) Exhibiting patience while using all available and appropriate tactics and resources to provide as much time as needed to resolve the incident without using force.
- (k) Using any type of physical force is not a de-escalation tactic.

300.3.2 PERMISSIBLE USES OF FORCE

An officer may use force upon another person to the extent necessary to (RCW 10.120.020):

- (a) Protect against a criminal offense when there is probable cause that the person has committed, is committing, or is about to commit the offense.
- (b) Effect an arrest.
- (c) Prevent an escape as defined under chapter 9A.76 RCW.
- (d) Take a person into custody, transport a person for evaluation or treatment, or provide other assistance under RCW 10.77; RCW 71.05; or RCW 71.34.
- (e) Take a minor into protective custody when authorized or directed by statute.

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- (f) Execute or enforce a court order authorizing or directing an officer to take a person into custody.
- (g) Execute a search warrant.
- (h) Execute or enforce an oral directive issued by a judicial officer in the courtroom or a written order where the court expressly authorizes an officer to use force to execute or enforce the directive or order.
- (i) Prevent a person from fleeing or stop a person who is actively fleeing a lawful temporary investigative detention, provided that the person has been given notice that the person is being detained and is not free to leave.
- (j) Take a person into custody when authorized or directed by statute.
- (k) Protect against an imminent threat of bodily injury to the officer, another person, or the person against whom force is being used.
- (l) Execute any other community caretaking function, including but not limited to performing welfare checks, assisting other first responders and medical professionals, behavioral health professionals, social service providers, designated crisis responders, shelter or housing providers, or any member of the public.

300.3.3 REASONABLE CARE

Reasonable care means that the officer shall:

(1) When possible, use all available and appropriate de-escalation tactics before using physical force. (RCW 10.120.020)

(2) Consider the characteristics and conditions of a person for the purposes of determining whether to use physical force or deadly force against that person and, if physical force is necessary, determine the appropriate and least amount of physical force possible to effect a lawful purpose. Such characteristics and conditions may include, but are not limited to:

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) Whether the individual is visibly pregnant or claims to be pregnant
- (e) Whether the individual is a minor, appears to be a minor, or claims to be a minor
- (f) Whether the individual is known to be a vulnerable adult or appears to be a vulnerable adult as defined by RCW 74.34.020
- (g) Whether the individual is experiencing perceptual or cognitive impairments typically related to the use of alcohol, narcotics, hallucinogens, and other drugs
- (h) Whether the individual displays signs of mental, behavioral, intellectual, developmental, or physical impairments or disabilities, including whether the individual appears suicidal.

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- (i) Is in the presence of children. (RCW 10.120.020).
- (j) The individual's ability to understand and comply with officer commands, including the individual's comprehension of English.
- (k) Proximity of weapons or dangerous improvised devices.
- (l) The degree to which the individual has been effectively restrained and the individual's ability to resist despite being restrained.
- (m) The availability of other reasonable and feasible options and their possible effectiveness.
- (n) Seriousness of the suspected offense or reason for contact with the individual.
- (o) Training and experience of the officer.
- (p) Potential for injury to officers, suspects, and others.
- (q) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (r) The risk and reasonably foreseeable consequences of escape.
- (s) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (t) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (u) Prior contacts with the individual or awareness of any propensity for violence.
- (v) Any other exigent circumstances.

(3) Officers shall terminate the use of physical force as soon as the necessity for such force ends. (RCW 10.12.020)

300.3.4 PAIN COMPLIANCE TECHNIQUES

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

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

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

300.3.5 RESTRICTIONS ON RESPIRATORY RESTRAINTS

Officers of this department may not use a chokehold or neck restraint in the course of his or her duties as a police officer (RCW 10.116.020).

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300.3.6 IDENTIFICATION, WARNING, AND OPPORTUNITY TO COMPLY PRIOR TO THE USE OF FORCE

When safe and feasible, prior to the use of force, officers shall (Washington State Office of the Attorney General Model Use of Force Policy):

- (a) Identify themselves as law enforcement officers.
 - 1. Identification is unnecessary when the officer has objectively reasonable grounds to believe the person is aware of this fact.
- (b) Attempt to determine whether the person has a special need, mental condition, physical limitation, developmental disability, language barrier, or other factor that may impact the person's ability to understand and comply with officer commands.
- (c) Provide clear instructions and warnings.
- (d) Warn a person that force will be used unless the person's resistance ceases.
- (e) Give the person a reasonable opportunity to comply with the warning that force may be used.

300.4 DEADLY FORCE APPLICATIONS

When reasonable, the officer shall, prior to the use of deadly force, make efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts. Deadly force includes:

- (a) Impact weapon strikes to the head, neck, throat, or spine;
- (b) Striking a person's head onto a hard, fixed object;
- (c) Discharge of a firearm loaded with lethal ammunition at a person; or
- (d) Intentionally striking with a vehicle a person who is not inside a vehicle.

Use of deadly force is only justified when the officer reasonably believes it is necessary in the following circumstances (RCW 10.120.020):

- (a) An officer may use deadly force to protect the officer or others from what the officer reasonably believes is an immediate threat of serious physical injury or death.
- (b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an immediate threat of serious bodily injury or death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.
- (c) Officers shall only use striking techniques directed at a subject's head as a means of self-defense, or in the defense of others. Striking at a person's head using fists, elbows, knees, and feet, shall not be used as a means of pain compliance.

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However, an officer shall not use deadly force against a person whose actions are a threat solely to themselves unless the person poses an immediate danger of death or serious physical injury to the officer or others.

300.4.1 MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and involve considerations and risks in addition to the justification for the use of deadly force.

An officer may not fire a weapon upon a moving vehicle unless 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. A 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 harm are immediately available to the officer. (RCW 10.116.060).

When feasible, officers shall attempt to move out of the path of a moving vehicle rather than discharge their weapon at the operator.

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

An officer shall not discharge a firearm from a moving vehicle, unless a person is immediately threatening the officer or another person with deadly force.

300.4.2 DRAWING AND POINTING A FIREARM

- (a) An officer should only draw a firearm in the low-ready position (i.e., unholstered but out of the officer's visual field) when the officer makes reasonable observations based on the totality of the circumstances that the situation may evolve to the point where deadly force would be authorized.
- (b) An officer shall only point a firearm at a person when deadly force is authorized.
- (c) When it is determined that the use of deadly force is not currently or foreseeably necessary, the officer should, as soon as safe and feasible, lower, holster, or secure the firearm.
- (d) Pointing a firearm at a person is a reportable use of force and its justification and circumstances shall be documented in accordance with procedures set by the statewide use of force data collection program (RCW 10.118.030).

300.4.3 RESTRICTED USE

Officers should not use a firearm in the following circumstances (Washington State Office of the Attorney General Model Use of Force Policy):

- (a) As an impact weapon except when deadly force is permitted.
- (b) Firing a "warning shot"
- (c) When it appears likely that an innocent person may be injured.
- (d) When discharging or pointing a firearm at a person who presents a danger only to themselves and does not have the apparent ability, opportunity, and intent to immediately cause death or serious bodily injury to the officer or another person.

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- (e) When discharging or pointing a firearm at a person who presents a danger only to property and does not have the apparent opportunity or intent to immediately cause death or serious bodily injury to the officer or another person.

300.4.4 DISCHARGE OF FIREARMS

- (a) Officers are only permitted to discharge a firearm at a person in situations where deadly force is justified. Each discharge of the firearm must be justified.
- (b) When feasible, officers shall attempt to give a verbal warning that a firearm will be discharged.
- (c) Prior to the decision to use a firearm, officers should consider field of fire, backdrop, bystanders, potential for ricochet, and other risks of life (Washington State Office of the Attorney General Model Use of Force Policy).
- (d) Firearms will generally not be discharged as warning shots, unless the officer can clearly articulate emergent reasons for doing this.
- (e) Firearms may be discharged to kill seriously injured or dangerous animals when other dispositions are impractical.
- (f) Firearms will not be discharged at or from moving vehicles, except when necessary to protect human life.
- (g) Whenever practical, officers will issue an oral warning before discharging a firearm at any person. Example: "Police! Stop or I'll shoot."

300.5 REPORTING THE USE OF FORCE

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

To collect data for purposes of training, resource allocation, analysis, and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

300.5.1 NOTIFICATIONS TO SUPERVISORS

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

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the conducted energy device or control device.

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- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

300.5.2 NOTIFICATION TO INDIAN AFFAIRS

When the use of force by an officer results in the death of a person who is an enrolled member of a federally recognized Indian tribe, notification shall be made to the Governor's Office of Indian Affairs within a reasonable period of time, but not more than 24 hours after the department has good reason to believe the person was an enrolled member. Notice shall include sufficient information for the Governor's Office of Indian Affairs to attempt to identify the deceased person and tribal affiliation (RCW 10.114.021).

300.5.3 NOTIFICATION TO CRIMINAL JUSTICE TRAINING COMMISSION (CJTC)

Notification shall be made to CJTC within 15 days of learning of the occurrence of any death or serious injury caused by the use of force by an officer (RCW 43.101.135).

300.5.4 REPORTING TO WASHINGTON STATEWIDE USE OF FORCE DATA PROGRAM

The Department shall submit reports regarding use of force incidents as provided by RCW 10.118.030 to the Washington statewide use of force data program in the format and time frame established by the program (RCW 10.118.030).

300.6 MEDICAL CONSIDERATIONS

All law enforcement personnel must provide or facilitate first aid such that it is rendered at the earliest safe opportunity to injured persons at a scene controlled by law enforcement. (RCW 36.28A.445)

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until the individual can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe (RCW 10.93.190).

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

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any

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use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain, or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away. To reduce the risk of positional and compression asphyxiation:

- (a) Roll the person to their side and move them to an upright position that does not impede normal breathing, except if they are unconscious;
- (b) Do not put prolonged pressure on the chest, neck or back, including by sitting, kneeling, or standing;
- (c) Continuously monitor the person while being restrained, as death can occur suddenly. Monitoring includes assessing breathing, color, and any impairment verbalized by the individual;
- (d) Whenever possible, designate a "Safety Officer" to monitor the health and welfare of the person; and
- (e) Do not transport a restrained person in the prone position.

See the Medical Aid and Response (Policy 431) for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to a reported application of force resulting in visible injury, if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived the individual's *Miranda* rights, the following shall apply:
 - 1. The content of the interview should not be summarized or included in any related criminal charges.
 - 2. The fact that a recorded interview was conducted should be documented in a property or other report.

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3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
 1. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the individual may pursue civil litigation.
 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

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

When an incident results in death, serious bodily harm, or great bodily harm, the supervisor shall immediately contact the Office of Independent Investigations pursuant to the procedures established by the Office of Independent Investigation (RCW 43.102.120).

300.7.1 SHIFT SERGEANT RESPONSIBILITY

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

300.8 TRAINING

All officers and supervisors shall receive training consistent with this policy and related use of force policies at least annually. Training should (Washington State Office of the Attorney General Model Use of Force Policy):

- Be a combination of classroom and scenario-based learning.
- Include community partners, when relevant and feasible.
- Incorporate cultural competency to understand disproportionately impacted communities, and how racialized experiences of policing and the criminal justice system may impact interactions with police.

This policy should be incorporated into defensive tactics curricula.

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300.9 USE OF FORCE ANALYSIS

The Patrol Division Commander shall prepare an annual management review and analysis report on use of force incidents. The report shall be submitted to and reviewed and approved by the Chief of Police. The report should not contain the names of officers, suspects, or case numbers and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

300.10 SELECT FORCE TOOLS

The agency must make less lethal alternatives reasonably available for officers' use.

- (a) Oleoresin Capsicum (OC) Spray - See Duvall Police Department Manual, Policy 303.
- (b) Impact Weapons - See Duvall Police Department Manual, Policy 303.
- (c) Projectile Impact Weapons (also known as Extended Range Impact Weapons) - See Duvall Police Department Manual, Policy 303.
- (d) Electronic Control Weapons (also known as Conducted Energy Weapons) - See Duvall Police Department Manual, Policy 304

300.11 SELECT RESTRAINT DEVICES

See Duvall Police Department Manual, Policy 302

- (a) Spit Guards - See Duvall Police Department Manual, Policy 302
- (b) Hobble Restraint - See Duvall Police Department Manual, Policy 302

Use of Force Review Boards

301.1 PURPOSE AND SCOPE

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

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

301.2 POLICY

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

301.3 REMOVAL FROM LINE DUTY ASSIGNMENT

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

301.4 REVIEW BOARD

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

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

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

The Administrative Services Division Commander will convene the Use of Force Review Board as necessary. It will be the responsibility of the Division Commander or supervisor of the involved employee to notify the Administrative Services Division Commander of any incidents requiring board review. The involved employee's Division Commander or supervisor will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

301.4.1 COMPOSITION OF THE BOARD

The Administrative Services Division Commander should select three Use of Force Review Board members from the following, as appropriate:

- Representatives of each division
- Commanding officer in the involved member's chain of command
- Training Sergeant

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Use of Force Review Boards

- Non-administrative supervisor
- A peer officer
- A sworn peace officer from an outside law enforcement agency
- Department instructor for the type of weapon, device or technique used

The senior ranking command representative who is not in the same division as the involved employee will serve as chairperson.

301.4.2 RESPONSIBILITIES OF THE BOARD

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

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

The board does not have the authority to recommend discipline.

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

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

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

The board shall make one of the following recommended findings:

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

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

The Chief of Police shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional actions, investigations or reviews are appropriate. The Chief of Police's final findings will be

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Use of Force Review Boards

forwarded to the involved employee's Division Commander for review and appropriate action. If the Chief of Police concludes that discipline should be considered, a disciplinary process will be initiated.

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

Handcuffing and Restraints

302.1 PURPOSE AND SCOPE

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

Because restraint devices are designed to compel, control, constrain, or restrain a person's movement, use of these devices is physical force and all considerations governing uses of physical force detailed in this policy and the Use of Force Policy apply to their use (Washington State Office of the Attorney General Model Use of Force Policy). However, physical force does not include compliant handcuffing where there is no complaint of physical pain or injury (RCW 10.120.010). Use of a restraint device is physical force and all considerations governing uses of physical force apply to their use.

302.1.1 DEFINITIONS

Definitions related to this policy include (Washington State Office of the Attorney General Model Use of Force Policy):

Compression asphyxia - An inadequate oxygen level in the blood and/or an excessive increase of carbon dioxide in the blood causing unconsciousness or death brought on by mechanically limiting expansion of the lungs through compressing of the chest and/or abdomen, interfering with breathing.

Positional asphyxia - An inadequate oxygen level in the blood and/or an excessive increase of carbon dioxide in the blood causing unconsciousness or death brought on by a person being placed in a body position which compresses the person's airway and does not allow the person to breathe freely.

302.2 POLICY

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

302.3 USE OF RESTRAINTS

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

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

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.

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- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

Restrained persons shall be monitored while in law enforcement custody (Washington State Office of the Attorney General Model Use of Force Policy).

302.3.1 RESTRAINT OF DETAINEES

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

302.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. Leg restraints, waist chains, or handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure themselves or others, or damage property.

No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances, and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the detainee, officers, or others. See the Transporting Persons in Custody Policy for guidelines relating to transporting pregnant persons.

302.3.3 RESTRAINT OF JUVENILES

A juvenile under 14 years of age should not be restrained unless suspected of committing a dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure themselves, injure the officer, or damage property.

Members who are school resource officers should only use restraints on a student participating in school-sponsored instruction or activity when there is an imminent likelihood of serious harm and pursuant to the school policy for students and staff (RCW 28A.600.485).

302.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

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

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

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

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

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

302.5 APPLICATION OF SPIT GUARDS

A spit guard (sometimes referred to as "spit hood", "spit mask," or "spit sock") is a woven mesh device which can be placed over a person's head and face with the intent of preventing or reducing the transmission of infectious disease through saliva, mucous, and blood.

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

Only officers who have successfully completed agency-approved training on application of a spit guard are authorized to use one. Officers shall only use agency-issued spit guards.

Prior to application of a spit guard, an officer shall warn the individual and provide a reasonable time for the person to comply with the officer's commands. If applied, the officer shall remove the spit guard as soon as the threat of spitting or biting has ended, or the officer observes that the spit guard is no longer necessary.

In the event an officer makes the decision to apply a spit guard in these situations supervisor approval should be sought prior to application. If supervisor approval is not immediately available, the officer shall notify the supervisor of use of a spit guard as soon as reasonably possible. The individual shall remain under constant supervision and medical care should be facilitated as necessary.

Officers utilizing spit guards should ensure that the spit guard is fastened properly according to the manufacturer's instructions to allow for adequate ventilation and that the restrained person can breathe normally. After application of a spit guard and when safe to do so, officers shall move the individual into a seated or side recovery position. Officers shall provide assistance during the movement of a restrained person due to the potential for impairing or distorting that person's vision.

For individuals in mental health crisis, application of a spit guard may provoke an elevated level of distress. Officers should provide verbal reassurance and dynamically assess the situation to remove the spit guard as soon as appropriate. Officers should avoid commingling those wearing spit guards with others and detainees.

Spit guards should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a

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medical condition that affects their breathing, or the person demonstrates symptoms of labored or distressed breathing. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit guard, the spit guard should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated including hair, head, and clothing, prior to application of a spit guard.

After application of the spit guard and when safe to do so, officers shall move the individual into a seated or side recovery position and shall monitor the individual until the spit guard is removed. In the event of a medical emergency, spit guards should be removed immediately. Spit guards shall be discarded after each use.

Application of spit guards shall be documented.

302.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

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

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

302.7 APPLICATION OF LEG RESTRAINT DEVICES

Officers shall only use agency-issued leg restraints, such as, but not limited to, WRAP devices on a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest, or transportation. Officers shall not and are not authorized to use hobble restraints.

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

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

302.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints, the following guidelines should be followed:

- (a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.
- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.

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- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on the person's stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person shall be continually monitored by an officer while in the leg restraint (Washington State Office of the Attorney General Model Use of Force Policy). The officer should ensure that the person does not roll onto and remain on the person's stomach.
- (e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.

Officers shall not connect or assist with connecting a leg restraint to handcuffs or other types of restraints (i.e., hog-tie an individual) (Washington State Office of the Attorney General Model Use of Force Policy; RCW 10.116.022).

302.8 REQUIRED DOCUMENTATION

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

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

Officers shall document the following information in reports, as appropriate, when restraints other than handcuffs are used on a person (Washington State Office of the Attorney General Model Use of Force Policy):

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

302.8.1 SCHOOL RESOURCE OFFICERS

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

302.9 TRAINING

The Training Sergeant should ensure that officers receive periodic training on the proper use of handcuffs and other restraints, including:

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- (a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.
- (b) Response to complaints of pain by restrained persons.
- (c) Options for restraining those who may be pregnant without the use of leg restraints, waist chains, or handcuffs behind the body.
- (d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.
- (e) Proper placement of safely secured persons into an upright or seated position to avoid placement on the stomach for an extended period, as this could reduce the person's ability to breathe.

302.10 POSITIONAL ASPHYXIATION AND COMPRESSION ASPHYXIATION

Consistent with training, officers shall take the following actions to reduce the risk of positional asphyxiation and compression asphyxiation (Washington State Office of the Attorney General Model Use of Force Policy):

- (a) As soon as safe and feasible after handcuffing or otherwise restraining a person taken to the ground, roll the person to the side and move the person to an upright position that does not impede the mechanism of normal breathing, except if the person is unconscious. This requirement is especially important when the person is handcuffed in the prone position.
 - 1. An exception is if the person is conscious and expresses a desire to be placed in a different position, the officers shall place the person in that position unless doing so poses a substantial risk of safety to the individual, officers, or others.
- (b) Do not put prolonged pressure on the chest, neck, or back, including by sitting, kneeling, or standing.
- (c) Continuously monitor the person's condition while being restrained, as death can occur suddenly and develop beyond the point of viable resuscitation within seconds. Monitoring includes but is not limited to assessing the adequacy of the individual's breathing, color, and any impairment as verbalized by the individual.
- (d) Whenever possible during team restraint when manpower limitations allow, the ranking officer shall designate a safety officer. The safety officer shall monitor the health and welfare of the person until:
 - 1. Responsibility is transferred to a health care professional (e.g., emergency medical technician (EMT), paramedic); or
 - 2. The person is placed in a seated position in a transport vehicle and verbalizes to the safety officer that the person feels okay, and the person appears to the safety officer to be well and speaking normally.
- (e) If the safety officer becomes aware of an issue with the person's breathing, color, or any impairment, the safety officer shall inform the ranking officer.
- (f) Do not transport a restrained person in the prone position.

Control Devices and Techniques

303.1 PURPOSE AND SCOPE

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

303.1.1 DEFINITIONS

Definitions related to this policy include (Washington State Office of the Attorney General Model Use of Force Policy):

Oleoresin capsicum (OC) - An inflammatory agent that causes an intense burning sensation of the eyes, nose, mouth, and skin, which may result in closing, tearing, and swelling of the eyes, as well as choking, gagging, and gasping for breath.

Tear gas - Chloroacetophenone (CN), O-chlorobenzylidene malononitrile (CS), and any similar chemical irritant dispersed in the air for the purpose of producing temporary physical discomfort or permanent injury. "Tear gas" does not include oleoresin capsicum (RCW 10.116.030).

303.2 POLICY

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

303.3 ISSUING, CARRYING, AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the Department or approved by the Chief of Police or the authorized designee. Only officers who have successfully completed department-approved training and have demonstrated satisfactory skill and proficiency in the use of any control device are authorized to carry and use the device.

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

When using control devices, officers should carefully consider potential impact areas in order to minimize injuries and unintentional targets. Whenever possible, officers should use available and appropriate less lethal alternatives before using deadly force (RCW 10.120.020). Officers shall use all tools in accordance with training and the equipment manufacturer's instruction.

303.4 RESPONSIBILITIES

Certain personnel have increased levels of responsibility regarding the oversight or use of control devices.

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303.4.1 SHIFT SERGEANT RESPONSIBILITIES

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

303.4.2 ARMORER RESPONSIBILITIES

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

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

303.4.3 USER RESPONSIBILITIES

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices. Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Armorer for disposition. Damage to City property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

303.5 IMPACT WEAPONS

Agency-issued and authorized impact weapons typically include batons.

The need to immediately control a suspect must be weighed against the risk of causing serious injury. Officers shall not intentionally strike vital areas, including the head, neck, face, throat, spine, groin, or kidney unless deadly force is authorized. Officers shall reassess the effectiveness of impact weapon strikes as soon as safe and feasible, and if not effective, move to another appropriate target or to another tactical or physical force option.

Officers shall not use an impact weapon with the intent to intimidate a person when an impact weapon warning is not justified by the threat presented. (see the Use of Force Policy) (Washington State Office of the Attorney General Model Use of Force Policy).

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

303.5.1 PROJECTILE IMPACT WEAPONS (ALSO KNOWN AS EXTENDED RANGE IMPACT WEAPONS)

A Projectile Impact Weapon (PIW) fires less-lethal ammunition and is designed to stun, temporarily incapacitate, or cause temporary discomfort to a person without penetrating the person's body. Officers should be trained to use a PIW before deploying one during law enforcement operations.

When safe and feasible, an officer about to discharge a PIW should advise other officers at the scene prior to the discharge. An officer should follow training on the targeting zones for each PIW, and should target the buttocks, thigh, calf, and large muscle groups.

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Officers should follow training on when to assess the effectiveness of a PIW. If the effect is not achieved a different targeting zone should be used. A PIW should not be used in the following circumstances unless the use of deadly force is justified:

- (a) Intentionally aiming a PIW at the head, neck, chest, or groin;
- (b) At ranges that are inconsistent with the PIW manufacturer's guidelines; or
- (c) At a person who is situated on an elevated surface unless reasonable efforts have been made to prevent or minimize a fall-related injury.

303.6 TEAR GAS GUIDELINES

Officers or other members are not authorized to use tear gas unless necessary to alleviate a present risk of serious harm posed by a (RCW 10.116.030):

- (a) Riot.
- (b) Barricaded subject.
- (c) Hostage situation.

Only the Shift Sergeant, Incident Commander, or Special Weapons and Tactics Team Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary, and other alternatives to the use of tear gas have been exhausted (RCW 10.116.030).

If tear gas is to be used outside a correctional, jail, or detention facility, authorization shall be obtained from the highest elected official of the jurisdiction in which the tear gas is to be used (RCW 10.116.030). Prior to any use, an announcement shall be made of the intent to use tear gas. Sufficient time and space shall be allowed for compliance with the announcement (RCW 10.116.030).

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

303.7 OLEORESIN CAPSICUM GUIDELINES

OC is a spray meant to cause an inflammatory response. The inflammatory response causes stinging or burning sensation to the eyes, mouth, throat, and nasal passages.

As with other control devices, oleoresin capsicum spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in violent behavior. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.

After the initial application of OC spray, each subsequent application must also be justified.

OC spray is not appropriate in an enclosed, highly populated space where there is a likelihood of impacting uninvolved persons, except where OC spray is the only available and appropriate

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force option. Officers deploying OC will attempt to avoid or minimize incidental exposure to non-involved persons (Washington State Office of the Attorney General Model Use of Force Policy).

303.7.1 OC SPRAY

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

303.7.2 PEPPER PROJECTILE SYSTEMS

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine, or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the use of deadly force is justified (see the Use of Force Policy).

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

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

303.7.3 TREATMENT FOR OC SPRAY EXPOSURE

At the earliest safe opportunity at a scene controlled by law enforcement, an officer shall take action to address the effects of the OC by flushing the person's eyes out with clean water and ventilating with fresh air, if possible (Washington State Office of the Attorney General Model Use of Force Policy). Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

303.8 POST-APPLICATION NOTICE

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle or other enclosed area, officers should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that clean up will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

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303.9 KINETIC ENERGY PROJECTILE GUIDELINES

This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles are designed to stun, temporarily incapacitate, or cause temporary discomfort without penetrating the person's body (Washington State Office of the Attorney General Model Use of Force Policy). When used properly, kinetic energy projectiles are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

303.9.1 DEPLOYMENT AND USE

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

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

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

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

303.9.2 DEPLOYMENT CONSIDERATIONS

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

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

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

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An officer should target the buttocks, thigh, calf, and large muscle groups (Washington State Office of the Attorney General Model Use of Force Policy). Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. Officers should not use kinetic energy projectiles in the following circumstances unless the use of deadly force is justified (see the Use of Force Policy) (Washington State Office of the Attorney General Model Use of Force Policy):

- (a) When intentionally aiming kinetic energy projectiles at the head, neck, chest, or groin.
- (b) At ranges that are inconsistent with the projectile manufacturer's guidelines.
- (c) Directed at a person who is situated on an elevated surface (e.g., a ledge, scaffold, near a precipice) unless reasonable efforts have been made to prevent or minimize a fall-related injury (e.g., deploying a safety net).

An officer deploying kinetic energy projectiles shall assess the effectiveness of the projectiles after each shot. If subsequent projectiles are needed, the officer should consider aiming at a different targeted area.

303.9.3 SAFETY PROCEDURES

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

Officers will inspect the shotgun and projectiles at the beginning of each shift to ensure that the shotgun is in proper working order and the projectiles are of the approved type and appear to be free from defects.

When it is not deployed, the shotgun will be unloaded and properly and securely stored in the vehicle. When deploying the kinetic energy projectile shotgun, the officer shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

Absent compelling circumstances, officers who must transition from conventional ammunition to kinetic energy projectiles will employ the two-person rule for loading. The two-person rule is a safety measure in which a second officer watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

303.10 TRAINING FOR CONTROL DEVICES

The Training Sergeant shall ensure that all personnel who are authorized to carry a control device have been properly trained, have demonstrated satisfactory skill and proficiency, are certified to carry the specific control device, and are retrained or recertified as necessary.

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.

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- (b) All training and proficiency for control devices will be documented in the officer's training file.
- (c) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

303.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

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

Conducted Energy Device

304.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the conducted energy device (CED).

304.1.1 DEFINITIONS

Definitions related to this policy include (Washington State Office of the Attorney General Model Use of Force Policy):

Conducted energy device - A portable device that fires darts/electrodes that transmit an electrical charge or current intended to temporarily immobilize a person.

304.2 POLICY

The CED is used in an attempt to control a violent or potentially violent individual. The appropriate use of such a device may result in fewer serious injuries to officers and suspects.

304.3 ISSUANCE AND CARRYING CEDS

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

An officer that is issued a CED is expected to carry it as an option to be considered when deadly force is not justified (Washington State Office of the Attorney General Model Use of Force Policy).

The Armorer should keep a log of issued CEDs and the serial numbers of cartridges/magazines issued to members. CEDs are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the department inventory.

Officers shall only use the CED and cartridges/magazines that have been issued by the Department. Cartridges/magazines should not be used after the manufacturer's expiration date.

Uniformed officers who have been issued the CED shall wear the device in an approved holster.

An officer shall carry a CED in a holster on the support side of the body, and in all but extreme circumstances, shall draw, exhibit, and use the device with the support (i.e., non-handgun firing) hand (Washington State Office of the Attorney General Model Use of Force Policy).

- (a) All CEDs shall be clearly distinguishable to differentiate them from the duty weapon and any other device.
- (b) For single-shot devices, whenever practicable, officers should carry an additional cartridge on their person when carrying the CED.
- (c) Officers should not hold a firearm and the CED at the same time, unless exigent circumstances exist.

Non-uniformed officers may secure the CED in a concealed, secure location in the driver's compartment of their vehicles.

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304.3.1 USER RESPONSIBILITIES

Officers shall be responsible for ensuring that the issued CED is properly maintained and in good working order. Officers carrying a CED will perform a functions check on the weapon and check the remaining battery life prior to every shift as required by the manufacturer and consistent with training.

CEDs that are damaged or inoperative, or cartridges/magazines that are expired or damaged, shall be returned to the Armorer for disposition. Officers shall submit documentation stating the reason for the return and how the CED or cartridge/magazine was damaged or became inoperative, if known.

304.4 VERBAL AND VISUAL WARNINGS

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

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

If, after a verbal warning, an individual fails to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, activate any warning on the device, which may include display of the electrical arc, an audible warning, or the laser in a further attempt to gain compliance prior to the application of the CED. The laser should not be intentionally directed into anyone's eyes.

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

304.5 USE OF THE CED

The CED has limitations and restrictions requiring consideration before its use. The CED should only be used when its operator can safely deploy the device within its operational range. Although the CED may be effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

If sufficient personnel are available and can be safely assigned, an officer designated as lethal cover for any officer deploying a CED may be considered for officer safety.

304.5.1 APPLICATION OF THE CED

The CED may be used when the circumstances reasonably perceived by the officer at the time indicate that such application reasonably appears necessary to control a person who:

- (a) Is violent or is physically resisting.
- (b) Has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, themselves, or others.

Mere flight from a pursuing officer, without additional circumstances or factors, is not good cause for the use of the CED to apprehend an individual.

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

304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the CED on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject, or others, and the officer reasonably believes that the need to control the individual outweighs the potential risk of using the device. This includes (Washington State Office of the Attorney General Model Use of Force Policy). Officers should not use a CED in the following circumstances, unless exigent circumstances exist:

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (e) In any environment where an officer knows or has reason to believe that a potentially flammable, volatile, or explosive material is present that might be ignited by an open spark, including but not limited to OC spray with a volatile propellant, gasoline, natural gas, or propane.
- (f) Individuals who are situated on an elevated surface (e.g., a ledge, scaffold, near a precipice) unless reasonable efforts have been made to prevent or minimize a fall-related injury (e.g., deploying a safety net).
- (g) Individuals known to be located in water.
- (h) Operators in physical control of vehicles in motion, including automobiles, trucks, motorcycles, all-terrain vehicles, bicycles, and scooters unless deadly force is justified.

Officers should be aware that the primary use of a CED is not as a pain compliance tool. Drive-stun mode should only be used when necessary to complete the incapacitation circuit where only one probe has attached to the person, where both probes attached in a close proximity, or when no other less lethal options are available and appropriate (Washington State Office of the Attorney General Model Use of Force Policy).

304.5.3 TARGETING CONSIDERATIONS

Recognizing that the dynamics of a situation and movement of the subject may affect target placement of probes, when practicable, officers should attempt to target the back, lower center mass, and upper legs of the subject, and should avoid intentionally targeting the head, neck, chest, or genitals. If circumstances result in one or more probes inadvertently striking an area outside of the preferred target zones, the individual should be closely monitored until examined by paramedics or other medical personnel.

304.5.4 MULTIPLE APPLICATIONS OF THE CED

Officers shall apply the CED for only one standard cycle of five seconds or less and then evaluate the situation before applying any subsequent cycles (Washington State Office of the Attorney

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General Model Use of Force Policy). Once an officer has successfully deployed two probes on the subject, the officer shall continually assess the subject to determine if additional probe deployments or cycles reasonably appear necessary. Additional factors officers may consider include but are not limited to:

- (a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.
- (b) Whether the probes are making proper contact.
- (c) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (d) Whether verbal commands or other options or tactics may be more effective.

Multiple applications of the CED increase the risk of serious bodily injury or death. Officers should not intentionally deploy multiple CEDs at the same person, unless the first deployed CED clearly fails. An officer shall use only the minimum number of cycles necessary to control the person. Officers will assume that if they have used a CED three times against a person and the person continues to egress,, the CED may not be effective and the officer shall consider other options (Washington State Office of the Attorney General Model Use of Force Policy).

Given that on certain devices (e.g., TASER 10™) each trigger pull deploys a single probe, the officer must pull the trigger twice to deploy two probes to create the possibility of neuro-muscular incapacitation.

304.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers should take appropriate actions to control and restrain the individual as soon as reasonably practicable to minimize the need for longer or multiple exposures to the CED. As soon as practicable, officers shall notify a supervisor any time the CED has been discharged. If needed for evidentiary purposes, the expended cartridge, along with any probes and wire, should be submitted into evidence (including confetti tags, when equipped on the device). The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

304.5.6 DANGEROUS ANIMALS

The CED may be deployed against an animal if the animal reasonably appears to pose an imminent threat to human safety.

304.5.7 OFF-DUTY CONSIDERATIONS

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

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

304.6 DOCUMENTATION

Officers must be able to clearly articulate and document the justification for each individual application of the CED in the related arrest/crime reports and the CED report forms (Washington State Office of the Attorney General Model Use of Force Policy). Photographs should be taken

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of any obvious probe impact or drive-stun application sites and attached to the CED report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, audible warning, laser activation, and arcing the device, other than for testing purposes, will also be documented on the report form. Data downloads from the CED after use on a subject should be done as soon as practicable using a department-approved process to preserve the data.

304.6.1 CED REPORT FORM

As applicable based on the device type, items that shall be included in the CED report form are:

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

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

304.6.2 REPORTS

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

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

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304.7 MEDICAL TREATMENT

At the earliest safe opportunity at a scene controlled by law enforcement, officers trained in probe removal and handling shall remove CED probes, unless probes are in a sensitive area, such as the head, breast, or groin. Probes in sensitive areas shall be removed by an emergency medical technician (EMT), paramedic, or other health care professional (Washington State Office of the Attorney General Model Use of Force Policy). Used CED probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by CED probes, who have been subjected to the electric discharge of the device, or who sustained direct exposure of the laser to the eyes shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The CED probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio/video recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the CED (see the Medical Aid and Response Policy).

304.8 SUPERVISOR RESPONSIBILITIES

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

A supervisor should review each incident where a person has been exposed to a CED. The device's internal logs should be downloaded by a supervisor or Armorer and saved with the related arrest/crime report. The supervisor should arrange for photographs of probe sites to be taken and witnesses to be interviewed.

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304.9 TRAINING

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

An approved CED may only be used by officers who have been certified in its use and are recertified on a yearly basis. A reassessment of an officer's knowledge and/or practical skills may be required at any time, if deemed appropriate, by the Training Sergeant. All training and proficiency for CEDs will be documented in the officer's training files.

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

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

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

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

The Training Sergeant should include the following training:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws until proficient to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes to the head, neck, chest, and groin.
- (e) Scenario-based training, including virtual reality training when available.
- (f) Handcuffing a subject during the application of the CED and transitioning to other force options.
- (g) De-escalation techniques.
- (h) Restraint techniques that do not impair respiration following the application of the CED.
- (i) Proper use of cover and concealment during deployment of the CED for purposes of officer safety.
- (j) Proper tactics and techniques related to multiple applications of CEDs.

Officer-Involved Shootings and Deaths

305.1 PURPOSE AND SCOPE

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

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

305.2 POLICY

The policy of the Duvall Police Department is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner.

305.3 TYPES OF INVESTIGATIONS

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

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

305.4 CONTROL OF INVESTIGATIONS

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

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

305.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

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

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

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305.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

The control of the criminal investigation into the involved officer's conduct during the incident will be determined by the employing agency's protocol. When an officer from this department is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

Requests made of this department to investigate a shooting or death involving an outside agency's officer shall be referred to the Chief of Police or the authorized designee for approval.

305.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

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

305.4.4 OFFICER/DEPUTY USE OF FORCE INVESTIGATIONS

Where the use of deadly force by an officer results in death, substantial bodily harm, or great bodily harm, an investigation shall be completed by an independent investigative team that is independent of the Department and meets the independent investigations criteria of the Criminal Justice Training Commission (RCW 10.114.011; WAC 139-12-020; WAC 139-12-030).

305.5 INVESTIGATION PROCESS

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

305.5.1 UNINVOLVED OFFICERS RESPONSIBILITIES

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

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

305.5.2 SUPERVISOR RESPONSIBILITIES

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

- (a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
 - 1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.

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- (b) If necessary, the supervisor may administratively order any DPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties, and pursue suspects.
 - 1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses, and any other pertinent information.
 - 2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- (c) Provide all available information to the Shift Sergeant and Dispatch. If feasible, sensitive information should be communicated over secure networks.
- (d) Take command of and secure the incident scene with additional DPD members until properly relieved by another supervisor or other assigned personnel or investigator.
 - 1. If the incident involved the use of deadly force that resulted in death, substantial bodily harm, or great bodily harm, contact the appropriate independent investigation team (WAC 139-12-030).
- (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
 - 1. Each involved DPD officer should be given an administrative order not to discuss the incident with other involved officers or DPD members pending further direction from a supervisor.
 - 2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that the officer is provided with a comparable replacement weapon or transported by other officers.

305.5.3 SHIFT SERGEANT RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Shift Sergeant shall be responsible for coordinating all aspects of the incident until he/she is relieved by the Chief of Police or a Division Commander.

All outside inquiries about the incident shall be directed to the Shift Sergeant.

305.5.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Chief of Police
- Patrol Division Commander
- King County Investigative Response Team rollout team
- Outside agency investigators (if appropriate)
- Operations Commander supervisor
- Civil liability response team

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- Psychological/peer support personnel
- Chaplain
- Medical Examiner (if necessary)
- Involved officer's agency representative (if requested)
- Public Information Officer

305.5.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

- (a) Any request for legal or union representation will be accommodated.
 1. Involved DPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
 2. Requests from involved non-DPD officers should be referred to their employing agency.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information.
- (d) A licensed psychotherapist shall be provided by the Department to each involved DPD officer. A licensed psychotherapist may also be provided to any other affected DPD members, upon request.
 1. Interviews with a licensed psychotherapist will be considered privileged.
 2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
 3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (e) Communications between the involved officer and a peer support member or a peer support group counselor is addressed in the Wellness Program Policy.

Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Each involved DPD officer shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the Shift Sergeant to make schedule adjustments to accommodate such leave.

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305.6 CRIMINAL INVESTIGATION

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

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

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:

- (a) DPD supervisors and Operations Commander personnel should not participate directly in any voluntary interview of DPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.
- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.
- (c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.
- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

305.6.1 REPORTS BY INVOLVED DPD OFFICERS

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

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

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

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

305.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

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

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

305.6.3 INVESTIGATIVE PERSONNEL

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

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

305.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation of involved DPD officers to

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determine conformance with department policy. This investigation will be conducted under the supervision of the Operations Commander and will be considered a confidential peace officer personnel file.

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

- (a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
 - 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his or her prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved officer has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
 - 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
 - 2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
 - 3. Administrative interviews should be recorded by the investigator. The officer may also record the interview.
 - 4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her Garrity rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
 - 5. The Operations Commander shall complete all relevant information and reports necessary for the Department to determine compliance with applicable policies.

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6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

305.8 CIVIL LIABILITY RESPONSE

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

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

305.9 AUDIO AND VIDEO RECORDINGS

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

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

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

305.10 DEBRIEFING

Following an officer-involved shooting or death, the Duvall Police Department should conduct both a Critical Incident Stress Debriefing and a tactical debriefing. See the Wellness Program Policy for guidance on Critical Incident Stress Debriefings.

305.10.1 TACTICAL DEBRIEFING

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

305.11 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. Releases will be

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available to the Shift Sergeant, Patrol Division Commander and Public Information Officer in the event of inquiries from the media.

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

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

Firearms

306.1 PURPOSE AND SCOPE

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance, and firearms training.

This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

This policy only applies to those members who are authorized to carry firearms.

306.2 POLICY

The Duvall Police Department will equip its members with firearms to address the risks posed to the public and department members by violent and sometimes well-armed persons. The Department will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

306.3 AUTHORIZED FIREARMS, AMMUNITION, AND OTHER WEAPONS

A firearm is a weapon with lethal ammunition carried by an officer that meets the firearm specifications of the Department or that has been authorized as a specialty firearm by the Chief of Police or the authorized designee (Washington State Office of the Attorney General Model Use of Force Policy). Members shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Armorer.

All other weapons not provided by the Department may not be carried by members in the performance of their official duties without the express written authorization of the member's Division Commander including but not limited to:

- (a) Edged weapons.
- (b) Chemical or electronic weapons.
- (c) Impact weapons.
- (d) Any weapon prohibited, or restricted by law, or that is not covered elsewhere by department policy.

This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

306.3.1 HANDGUNS

The authorized department-issued handgun is the Glock 9mm. The following additional handguns are approved for on-duty use:

MAKE	MODEL	CALIBER
Glock	Pistol	9mm

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306.3.2 SHOTGUNS

The authorized department-issued shotgun is the Remington 870 12 gauge.

When not deployed, the shotgun shall be properly secured consistent with department training in a locking weapons rack in the patrol vehicle.

306.3.3 PATROL RIFLES

The authorized department-issued patrol rifle is the is an AR-15 style with .223 or 5.56 ammunition.

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

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

When not deployed, the patrol rifle shall be properly secured consistent with department training in a locking weapons rack in the patrol vehicle.

306.3.4 PERSONALLY OWNED DUTY FIREARMS

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

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

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306.3.5 AUTHORIZED SECONDARY HANDGUN

Members desiring to carry department or personally owned secondary handguns are subject to the following restrictions:

- (a) The handgun shall be in good working order and on the department list of approved firearms.
- (b) Only one secondary handgun may be carried at a time.
- (c) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Department.
- (d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (e) The handgun shall be inspected by the Armorer prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (f) Ammunition shall be the same as department issue. If the caliber of the handgun is other than department issue, the Chief of Police or the authorized designee shall approve the ammunition.
- (g) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.
- (h) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Armorer, who will maintain a list of the information.

306.3.6 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by members while off-duty is permitted by the Chief of Police but may be rescinded should circumstances dictate (e.g., administrative leave). Members who choose to carry a firearm while off-duty, based on their authority as peace officers, will be required to meet the following guidelines:

- (a) A personally owned firearm shall be used, carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy.
 - 1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.
- (b) The firearm shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (c) It will be the responsibility of the member to submit the firearm to the Armorer for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Armorer.
- (d) Prior to carrying any off-duty firearm, the member shall demonstrate to the Armorer that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.

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- (e) The member will successfully qualify with the firearm prior to it being carried.
- (f) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Armorer, who will maintain a list of the information.
- (g) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.
- (h) Members shall only carry department-authorized ammunition.
- (i) When armed, officers shall carry their badges and Duvall Police Department identification cards under circumstances requiring possession of such identification.

306.3.7 AMMUNITION

Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the member's firearms qualification. Members carrying personally owned authorized firearms of a caliber differing from department-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Armorer when needed, in accordance with established policy.

Members carrying personally owned authorized firearms of a caliber differing from department-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense.

306.4 EQUIPMENT

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

306.4.1 REPAIRS OR MODIFICATIONS

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

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

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

306.4.2 HOLSTERS

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

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306.4.3 TACTICAL LIGHTS

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

306.4.4 OPTICS OR LASER SIGHTS

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

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

306.5 SAFE HANDLING, INSPECTION AND STORAGE

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Armorer. Members shall not dry fire or practice quick draws except as instructed by the Armorer or other firearms training staff.
- (c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.
- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.
- (e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.
- (g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Armorer approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Armorer will be immediately removed from service. If the firearm is the

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member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

306.5.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

Personally owned firearms may be safely stored in lockers at the end of the shift. Department-owned firearms shall be stored in the appropriate equipment storage room. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner outside the building and then stored in the appropriate equipment storage room.

306.5.2 STORAGE AT HOME

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

306.5.3 ALCOHOL AND DRUGS

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

306.6 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to successfully complete training annually with their duty firearms. In addition to annual training, all members will qualify at least annually with their duty firearms. Members will qualify with off-duty and secondary firearms at least once a year. Training and qualifications must be on an approved range course.

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

306.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member shall submit a memorandum to his/her immediate supervisor prior to the end of the required training or qualification period.

Those who fail to meet minimum standards or qualify on their first shooting attempt shall be provided remedial training and will be subject to the following requirements:

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- (a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.
- (b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.
- (c) No range credit will be given for the following:
 - 1. Unauthorized range make-up.
 - 2. Failure to meet minimum standards or qualify after remedial training.

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

306.7 FIREARM DISCHARGE

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

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

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

306.7.1 DESTRUCTION OF ANIMALS

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

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

306.7.2 INJURED ANIMALS

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

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306.7.3 WARNING SHOTS

An officer shall not use a firearm to fire a warning shot (Washington State Office of the Attorney General Model Use of Force Policy).

306.8 ARMORER DUTIES

The range will be under the exclusive control of the Armorer. All members attending will follow the directions of the Armorer. The Armorer will maintain a roster of all members attending the range and will submit the roster to the Training Sergeant after each range date. Failure of any officer to sign in and out with the Armorer may result in non-participation or non-qualification.

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

The Armorer has the responsibility of making periodic inspections, at least once a year, of all duty weapons carried by officers of this department to verify proper operation. The Armorer has the authority to deem any department-issued or personally owned firearm unfit for service. The member will be responsible for all repairs to his/her personally owned firearm; it will not be returned to service until inspected and approved by the Armorer.

The Armorer has the responsibility for ensuring each member meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry.

The Armorer shall complete and submit to the Training Sergeant documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Department, a list of each member who completes the training. The Armorer should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Training Sergeant.

306.9 FLYING WHILE ARMED

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

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.
- (b) Officers must carry their Duvall Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief of Police or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).

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- (c) The Duvall Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Duvall Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.
- (f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

306.10 CARRYING FIREARMS OUT OF STATE

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

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

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

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Active permits from other states are subject to all requirements set forth in 18 USC § 926B.

Vehicle Pursuits

307.1 PURPOSE AND SCOPE

This policy provides guidelines for vehicle pursuits in order to protect the safety of involved officers, the public, and fleeing suspects.

307.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

Pursuit Intervention Technique (PIT) - A low-speed maneuver designed to cause the suspect vehicle to spin out, stall, and come to a stop.

Ramming - The deliberate act of contacting a suspect's vehicle with another law enforcement vehicle to functionally damage or otherwise force the suspect's vehicle to stop.

Roadblocks - A tactic designed to stop a suspect's vehicle by intentionally placing a law enforcement vehicle or other immovable object in the path of the suspect's vehicle.

Terminate - To discontinue a pursuit or stop chasing fleeing vehicles.

Tire deflation device - A device designed to puncture the tires of the pursued vehicle.

Trail - Following the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing vehicle will maintain sufficient distance from the pursuit vehicles so as to clearly indicate an absence of participation in the pursuit.

Vehicle pursuit - An attempt by a uniformed officer in a vehicle equipped with emergency lights and a siren to stop a moving vehicle where the operator of the moving vehicle appears to be aware that the officer is signaling the operator to stop the vehicle and the operator of the moving vehicle appears to be willfully resisting or ignoring the officer's attempt to stop the vehicle by increasing vehicle speed, making evasive maneuvers, or operating the vehicle in a reckless manner that endangers the safety of the community or the officer.

307.2 POLICY

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

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307.3 OFFICER RESPONSIBILITIES

Vehicle pursuits shall only be conducted using authorized police department emergency vehicles that are equipped with and displaying emergency lighting and sirens as required by law.

Officers shall drive with due regard for the safety of all persons and property. However, officers may, when in pursuit of a suspect and provided there is no unreasonable risk to persons and property (RCW 46.61.035):

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

307.3.1 WHEN TO INITIATE A PURSUIT

Officers are not authorized to initiate a pursuit unless the following criteria exists (RCW 10.116.060):

- (a) When reasonable suspicion exists to believe that a person in the vehicle has committed or is committing:
 - 1. A violent offense as defined in RCW 9.94A.030.
 - 2. A sex offense as defined in RCW 9.94A.030.
 - 3. A vehicular assault offense under RCW 46.61.522.
 - 4. A first, second, third, or fourth degree assault offense involving domestic violence as defined in RCW 10.99.020.
 - 5. An escape under Chapter 9A.76 RCW.
 - 6. An impaired driving offense under RCW 46.61.502.
- (b) The pursuit is necessary for the purpose of identifying or apprehending the person.
- (c) The person poses a threat to the safety of others and the safety risks of failing to apprehend or identify the person are considered to be greater than the safety risks of the vehicle pursuit under the circumstances.

307.3.2 WHEN TO TERMINATE A PURSUIT

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

When a supervisor directs the pursuit to be terminated, officers will immediately terminate the pursuit.

The factors listed in this policy on when to initiate a pursuit will apply equally to the decision to terminate a pursuit. Officers and supervisors must objectively and continuously weigh the

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seriousness of the offense against the potential danger to innocent motorists, themselves and the public when electing to continue a pursuit.

In addition to the factors that govern when to initiate a pursuit, other factors should be considered in deciding whether to terminate a pursuit, including:

- (a) The distance between the pursuing vehicle and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.
- (b) The pursued vehicle's location is no longer definitely known.
- (c) The pursuing vehicle sustains damage or a mechanical failure that renders it unsafe to drive.
- (d) The pursuing vehicle's emergency lighting equipment or siren becomes partially or completely inoperable.
- (e) Hazards to uninvolved bystanders or motorists.
- (f) The danger that the continued pursuit poses to the public, the officers or the suspect, balanced against the risk of allowing the suspect to remain at large.
- (g) The identity of the suspect is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit.
- (h) Extended pursuits of violators for misdemeanors not involving violence or weapons (independent of the pursuit) are generally discouraged.

307.3.3 VEHICLE PURSUIT FACTORS

Factors that shall be considered, both individually and collectively, when deciding to initiate or continue a pursuit include but are not limited to (RCW 10.116.060):

- (a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists, and others.
- (c) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones), and the speed of the pursuit relative to these factors.
- (d) The pursuing officers' familiarity with the area of the pursuit, the quality of radio communications between the pursuing vehicles and the dispatcher/supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- (e) Whether weather, traffic, and road conditions unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.
- (f) Whether the identity of the suspect has been verified and whether there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.

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- (g) The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.
- (h) Emergency lighting and siren limitations on unmarked police department vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights, concealable or temporary emergency lighting equipment, and concealed or obstructed siren positioning.
- (i) Vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., minors, passengers, co-offenders, hostages).
- (k) The availability of other resources, such as air support assistance.
- (l) Whether the pursuing vehicle is carrying passengers other than on-duty police officers. Pursuits should not be undertaken with an arrestee in the pursuit vehicle unless exigent circumstances exist, and then only after the need to apprehend the suspect is weighed against the safety of the arrestee in transport. A vehicle containing more than a single arrestee should not be involved in a pursuit.

307.4 PURSUIT VEHICLES

When involved in a pursuit, unmarked police department emergency vehicles should be replaced by marked emergency vehicles whenever practicable.

Vehicle pursuits should be limited to three police department emergency vehicles (two pursuit vehicles and the supervisor vehicle). However, the number of vehicles involved will vary with the circumstances.

An officer or supervisor may request that additional vehicles join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the number of suspects. All other officers shall stay out of the pursuit but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the pursuit termination point at legal speeds, following the appropriate rules of the road.

307.4.1 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Officers operating vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in any pursuit. Officers in such vehicles may provide support to pursuing vehicles as long as the vehicle is operated in compliance with all traffic laws. Those officers should discontinue such support immediately upon arrival of a sufficient number of authorized emergency police department vehicles or any air support.

307.4.2 PRIMARY PURSUIT VEHICLE RESPONSIBILITIES

The initial pursuing officer will be designated as the primary pursuit vehicle and will be responsible for the conduct of the pursuit unless the officer is unable to remain reasonably close to the suspect's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect without unreasonable danger to himself or others.

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The primary pursuing officer shall notify a supervisor immediately upon initiating a vehicle pursuit. The officer and the supervisor shall consider alternatives to initiating a vehicle pursuit as well as safety considerations (RCW 10.116.060).

The primary pursuing officer shall notify the dispatcher, commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable provide information including but not limited to:

- (a) The location, direction of travel, and estimated speed of the suspect's vehicle.
- (b) The description of the suspect's vehicle including the license plate number, if known.
- (c) The reason for the pursuit.
- (d) The use of firearms, threat of force, violence, injuries, hostages, or other unusual hazards.
- (e) The number of occupants and identity or description.
- (f) The weather, road, and traffic conditions.
- (g) The need for any additional resources or equipment.
- (h) The identity of other law enforcement agencies involved in the pursuit.

Until relieved by a supervisor or a secondary pursuing officer, the officer in the primary pursuit vehicle shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary pursuing officer should, as soon as practicable, relinquish the responsibility of broadcasting the progress of the pursuit to an officer in a secondary pursuit vehicle or to air support joining the pursuit to minimize distractions and allow the primary pursuing officer to concentrate foremost on safe pursuit tactics.

307.4.3 SECONDARY PURSUIT VEHICLE RESPONSIBILITIES

The second officer in the pursuit will be designated as the secondary pursuit vehicle and is responsible for:

- (a) Immediately notifying the dispatcher of his/her entry into the pursuit.
- (b) Remaining a safe distance behind the primary pursuit vehicle unless directed to assume the role of primary pursuit vehicle or if the primary pursuit vehicle is unable to continue the pursuit.
- (c) Broadcasting information that the primary pursuing officer is unable to provide.
- (d) Broadcasting the progress of the pursuit, updating known or critical information and providing changes in the pursuit, unless the situation indicates otherwise.
- (e) Identifying the need for additional resources or equipment as appropriate.
- (f) Serving as backup to the primary pursuing officer once the suspect has been stopped.

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307.5 PURSUIT DRIVING

The decision to use specific driving tactics requires the same assessment of the factors the officer considered when determining whether to initiate and/or terminate a pursuit. The following are tactics for officers who are involved in the pursuit:

- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to unusual maneuvers by the fleeing vehicle.
- (b) Because intersections can present increased risks, the following tactics should be considered:
 - 1. Available officers not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
 - 2. Pursuing officers should exercise due caution and slow down as may be necessary when proceeding through controlled intersections.
- (c) As a general rule, officers should not pursue a vehicle driving the wrong direction on a roadway, highway or freeway. In the event the pursued vehicle does so, the following tactics should be considered:
 - 1. Request assistance from available air support.
 - 2. Maintain visual contact with the pursued vehicle by paralleling the vehicle while driving on the correct side of the roadway.
 - 3. Request other officers to observe exits available to the suspect.
- (d) Notify the Washington State Patrol or other law enforcement agency if it appears that the pursuit may enter its jurisdiction.
- (e) Officers involved in a pursuit should not attempt to pass other pursuing vehicles unless the situation indicates otherwise or they are requested to do so by the pursuing officer and with a clear understanding of the maneuver process between the involved officers.

307.5.1 PURSUIT TRAILING

In the event that initial pursuing officers relinquish control of the pursuit to another agency, the initial officers may, with the permission of a supervisor, trail the pursuit to the termination point in order to provide information and assistance for the arrest of the suspect and reporting the incident.

307.5.2 AIR SUPPORT ASSISTANCE

When available, air support assistance should be requested. Once the air support crew has established visual contact with the pursued vehicle, they should assume communication control over the pursuit. The primary and secondary ground pursuit vehicles, or involved supervisor, will maintain operational control but should consider whether the participation of air support warrants their continued close proximity and/or involvement in the pursuit.

The air support crew should coordinate the activities of resources on the ground, report progress of the pursuit, and provide officers and supervisors with details of upcoming traffic congestion, road hazards or other pertinent information to evaluate whether to continue the pursuit. If officers on the

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ground are not within visual contact of the pursued vehicle and the air support crew determines that it is unsafe to continue the pursuit, the air support crew should recommend terminating the pursuit.

307.5.3 OFFICERS NOT INVOLVED IN THE PURSUIT

Officers who are not involved in the pursuit should remain in their assigned areas, should not parallel the pursuit route and should not become involved with the pursuit unless directed otherwise by a supervisor. Uninvolved officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Those officers should attempt to place their vehicles in locations that provide some safety or an escape route in the event of an unintended collision or if the suspect intentionally tries to ram the police department vehicle.

Non-pursuing members needed at the pursuit termination point should respond in a nonemergency manner, observing the rules of the road.

The primary pursuit vehicle, secondary pursuit vehicle and supervisor vehicle should be the only vehicles operating under emergency conditions (emergency lights and siren) unless other officers are assigned to the pursuit.

307.6 SUPERVISORY CONTROL AND RESPONSIBILITIES

Available supervisory and management control will be exercised over all vehicle pursuits involving officers from this department (RCW 10.116.060).

The field supervisor of the officer initiating the pursuit, or if unavailable, the nearest field supervisor, will be responsible for:

- (a) Immediately notifying involved officers and the dispatcher of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit. This is to ensure that the pursuit is conducted within established department guidelines.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the required law enforcement vehicles are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in the field supervisor's judgment, it is not justified to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that assistance from air support, canines, or additional resources is requested, if available and appropriate.
- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring that the Shift Sergeant is notified of the pursuit, as soon as practicable.
- (i) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this department.

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- (j) Controlling and managing Duvall Police Department officers when a pursuit enters another jurisdiction.
- (k) Preparing a post-pursuit review and documentation of the pursuit as required.

307.6.1 SHIFT SERGEANT RESPONSIBILITIES

Upon becoming aware that a pursuit has been initiated, the Shift Sergeant should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Shift Sergeant has the final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command.

The Shift Sergeant shall review all pertinent reports for content and forward them to the Division Commander.

307.7 DISPATCH

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

307.7.1 RESPONSIBILITIES

Upon notification or becoming aware that a pursuit has been initiated, the dispatcher is responsible for:

- (a) Clearing the radio channel of nonemergency traffic.
- (b) Coordinating pursuit communications of the involved officers.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Ensuring that a field supervisor is notified of the pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Notifying the Shift Sergeant as soon as practicable.
- (g) Assigning an incident number and logging all pursuit activities.

307.8 LOSS OF PURSUED VEHICLE

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

307.9 INTERJURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary pursuing officer or supervisor, taking into consideration the distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit.

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Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary pursuing officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether the jurisdiction is expected to assist.

307.9.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

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

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

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local law enforcement agencies, a request for another agency's assistance will mean that its personnel will assume responsibility for the pursuit. For the same reasons, when a pursuit leaves another jurisdiction and a request for assistance is made to this department, the other agency should relinquish control.

307.9.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Officers from this department should not join a pursuit unless specifically requested to do so by the pursuing agency and with approval from a supervisor. The exception to this is when a single vehicle from the initiating agency is in pursuit. Under this circumstance, an officer from this department may, with supervisor approval, immediately join the pursuit until sufficient vehicles from the initiating agency join the pursuit or until additional information is provided allowing withdrawal from the pursuit.

When a request is made for this department to assist or take over a pursuit that has entered the jurisdiction of the Duvall Police Department, the supervisor should consider:

- (a) The public's safety within this jurisdiction.
- (b) The safety of the pursuing officers.
- (c) Whether the circumstances are serious enough to continue the pursuit.
- (d) Whether there is adequate staffing to continue the pursuit.
- (e) The ability to maintain the pursuit.

As soon as practicable, a supervisor or the Shift Sergeant should review a request for assistance from another agency. The Shift Sergeant or supervisor, after considering the above factors, may decline to assist in or assume the other agency's pursuit.

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

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

307.10 PURSUIT INTERVENTION

Pursuit intervention is an attempt to stop the suspect's ability to continue to flee in a vehicle through tactical application of technology, tire deflation devices, blocking or vehicle intercept, boxing-in, the PIT, ramming or roadblock procedures.

Pursuit intervention is an attempt to prevent a stationary criminal suspect or impaired driver from becoming mobile in a vehicle, using tire deflation devices and/or tactical positioning of police vehicles.

The Duvall Police Department currently utilizes the following tire deflation devices, however nothing in this policy prevents the Department from utilizing similar commercially manufactured devices in the future.

- "Stop Stick" : A commercially manufactured tire deflation device intended for deployment on a moving or stationary vehicle
- Stop Stick "Terminator" : A commercially manufactured tire deflation device intended for deployment on a stationary vehicle, or on a vehicle traveling at a maximum of 25 MPH. The Stop Stick "Terminator" can also be used as a perimeter security device to slow unauthorized vehicular ingress to a secured area.

The above-referenced tire deflation devices should not be utilized on any vehicle equipped with fewer than four tires for normal operation (motorcycles, motorized tricycles, bicycles, etc.).

307.10.1 WHEN USE IS AUTHORIZED

As soon as practicable after initiating a pursuit, the primary pursuing officer and supervisor, if available, shall develop a plan for the termination of the pursuit using available intervention options (RCW 10.116.060).

In deciding whether to use intervention tactics, officers/supervisors should balance the risk of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers, and persons in or on the pursued vehicle. With this in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances apparent to the officer at the time of the decision.

307.10.2 USE OF FIREARMS

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers should not utilize firearms during an

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ongoing pursuit unless the conditions and circumstances meet the requirements authorizing the use of deadly force. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon (see the Use of Force Policy).

307.10.3 INTERVENTION STANDARDS

Any intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public, or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of force, including deadly force, and are subject to policies guiding such use. Officers shall consider these facts and requirements prior to deciding how, when, where, and if an intervention tactic should be employed.

- (a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to the public's safety, and when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved, this intervention tactic should only be employed by properly trained officers and after giving consideration to the following:
 - 1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risk of injury or death to occupants of the suspect vehicle, officers, or others.
 - 2. All other reasonable intervention tactics have failed or reasonably appear ineffective.
 - 3. Employing the blocking or vehicle intercept maneuver does not unreasonably increase the risk of danger to those involved or the public.
 - 4. The suspect vehicle is stopped or traveling at a low speed.
 - 5. Only law enforcement vehicles should be used in this tactic.
- (b) The PIT is limited to use by properly trained officers with the approval of a supervisor and upon assessment of the circumstances and conditions presented at the time, including the potential for risk of injury to officers, the public, and occupants of the pursued vehicle.
- (c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted or would not be effective, and immediate control is necessary. Ramming should be reserved for situations where there does not appear to be another reasonable alternative method. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized. When ramming is used as a means to stop a fleeing vehicle, the following factors should be present:
 - 1. The suspect is an actual or suspected felon, who reasonably appears to represent a serious threat to the public if not apprehended.
 - 2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner or using the vehicle as a weapon.

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- (d) Boxing-in a suspect vehicle should only be attempted upon approval by a supervisor. The use of such a tactic must be carefully coordinated with all involved vehicles, taking into consideration the circumstances and conditions apparent at the time, as well as the potential risk of injury to officers, the public, and occupants of the pursued vehicle. Officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.
- (e) Tire deflation devices should be deployed only after notification of pursuing officers and the supervisor of the intent and location of the intended deployment, and in a manner that:
 - 1. Should reasonably only affect the pursued vehicle.
 - 2. Provides the deploying officer adequate cover and escape from intentional or unintentional exposure to the approaching vehicle.
 - 3. Takes into account the limitations of such devices as well as the potential risk to officers, the public, and occupants of the pursued vehicle.
 - 4. Takes into account whether the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children.
- (f) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor. If roadblocks are deployed, it should only be done under extraordinary conditions when all other reasonable intervention tactics have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, officers, or the public.

307.10.4 TIRE DEFLATION DEVICES (PRE AND POST DEPLOYMENT CONSIDERATIONS)

Officers may deploy tire deflation devices to a stationary vehicle when the officer has reasonable suspicion to believe the occupants are committing, have committed, or are about to commit a crime, and the officer has lawful grounds to detain the vehicle occupants. This extends to subjects with active and extraditable arrest warrants, and to subjects who are reasonably suspected of impairment by drugs, alcohol, or other means.

Officers should recognize the potential dangers in deploying tire deflation devices designed for rapid tire deflation and adhere to training standards. This style of tire deflation device is not intended to be deployed on vehicles moving faster than 25 MPH, in areas of heavy traffic, or where pedestrians are present in the immediate area.

As early as practicable, officers should advise the driver of a stationary vehicle that the tire deflation devices have been deployed.

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Officers should only remove the device from a stationary vehicle when it is safe to do so and communicate to the vehicle's operator when the device has been removed.

Following the successful application of a tire deflation device, either on a moving vehicle or a stationary vehicle that becomes mobile, officers are authorized to trail the affected vehicle for the purpose of maintaining visual surveillance to coordinate apprehension efforts only. Officers should not have their emergency equipment activated, other than intermittent use to bypass a red stop signal, stop sign, or localized heavy traffic, unless a vehicular pursuit is authorized under RCW 10.116.060 (see policy section 307.3.1 WHEN TO INITIATE A PURSUIT).

Nothing in this policy shall be construed to require officers to follow a moving vehicle after the successful application of a tire deflation device. The on-duty supervisor and involved officer(s) shall exercise sound judgment and continually weigh ongoing apprehension efforts against the danger to the public, officers, or offender.

307.11 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

Unless relieved by a supervisor, the primary pursuing officer should coordinate efforts to apprehend the suspect following the pursuit. Officers should consider the safety of the public and the involved officers when formulating plans for setting up perimeters or for containing and capturing the suspect.

307.12 REPORTING REQUIREMENTS

All appropriate reports shall be completed to comply with appropriate laws and policies or procedures.

- (a) The primary pursuing officer shall complete appropriate crime/arrest reports.
- (b) The primary pursuing officer or supervisor shall complete the appropriate pursuit report.
- (c) After first obtaining the available information, the involved, or if unavailable, on-duty field supervisor shall promptly complete a supervisor's log or interoffice memorandum, briefly summarizing the pursuit to the Chief of Police or the authorized designee. This log or memorandum should include, at a minimum:
 - 1. Date and time of the pursuit.
 - 2. Initial reason and circumstances surrounding the pursuit.
 - 3. Length of pursuit in distance and time, including the starting and termination points.
 - 4. Involved vehicles and officers.

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5. Alleged offenses.
 6. Whether a suspect was apprehended, as well as the means and methods used.
 - (a) Any use of force shall be reported and documented in compliance with the Use of Force Policy.
 7. Arrestee information, if applicable.
 8. Any injuries and/or medical treatment.
 9. Any property or equipment damage.
 10. Name of supervisor at the scene or who handled the incident.
 11. A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.
- (d) After receiving copies of reports, logs, and other pertinent information, the Chief of Police or the authorized designee shall conduct or assign the completion of a post-pursuit review, as appropriate.
- (e) Annually, the Chief of Police shall direct a documented management review and analysis of department vehicle pursuits to minimally address policy (including suitability and compliance), procedure, training, and/or personnel issues that are identified during the review process. The Chief of Police shall review and approve the final report.

307.13 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary training on pursuits, all officers will participate, no less than annually, in regular and periodic training addressing this policy and the importance of vehicle safety and protecting the public. Training will include recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others.

All officers engaging in vehicle pursuits shall have completed an emergency vehicle operator course, refresher training in emergency vehicle operation within two years prior to the pursuit, and be certified in at least one pursuit intervention option (RCW 10.116.060).

307.14 POLICY REVIEW

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

Officer Response to Calls

308.1 PURPOSE AND SCOPE

This policy provides officers with guidelines for the safe and appropriate vehicular response to emergency and non-emergency incidents or requests for assistance, whether these are dispatched or self-initiated.

308.2 POLICY

It is the policy of this department to appropriately respond to emergency and non-emergency calls for service or requests for assistance, whether these are dispatched or self-initiated.

308.3 RESPONSE TO CALLS

Officers responding to non-emergency calls shall proceed accordingly, unless they are sent or redirected to a higher priority call, and shall obey all traffic laws.

308.3.1 EMERGENCY CALLS

Officers responding to an emergency call shall proceed immediately as appropriate and shall continuously operate the emergency vehicle lighting and siren as required by law.

Officers should only respond to a call as an emergency response when so dispatched or when circumstances reasonably indicate an emergency response is required. This includes but is not limited to:

- (a) When in pursuit or apprehending a violator or suspected violator.
- (b) When responding to a reported emergency involving possible personal injury, death, or significant property damage.
- (c) When immediate assistance is requested by an officer or other law enforcement agency.

If an officer believes an emergency response to any call is appropriate, the officer shall immediately notify the dispatcher. Officers not responding to a call as an emergency response shall observe all traffic laws and proceed without the use of emergency lights and siren.

308.4 REQUESTING EMERGENCY ASSISTANCE

When requesting emergency assistance, the involved department member should reasonably believe there is an imminent threat to the safety of him/herself or another person, or that assistance is needed to prevent imminent serious harm to the public.

If circumstances permit, the requesting member should provide the following information:

- Identifying call sign
- Location of the emergency situation
- Suspect information, including weapons
- Reason for the request and type of emergency

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- The number of officers or resources required
- Hazards and any known or potential dangers for responding officers

In any event where a situation has stabilized and emergency response is not required, the requesting member shall immediately notify the dispatcher.

308.5 SAFETY CONSIDERATIONS

Responding with emergency lights and siren does not relieve the operator of an emergency vehicle of the duty to continue to drive with due regard for the safety of all persons and property, and does not protect the operator from the consequences of reckless disregard for the safety of others. However the officer may, when responding to a call with an emergency response, and provided there is no endangerment or unnecessary risk to persons and property (RCW 46.61.035):

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

308.5.1 NUMBER OF OFFICERS ASSIGNED

The number of officers assigned to respond to an emergency call or request for assistance should be limited to that which is reasonably necessary.

An emergency response involving more than one police vehicle should be coordinated by Dispatch to avoid any unanticipated intersecting of response routes. The dispatcher shall notify the Shift Sergeant or field supervisor, who will make a determination regarding the appropriateness of the response and reduce or enhance the response as warranted.

308.6 EMERGENCY EQUIPMENT

Vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in an emergency response. Officers in such vehicles may provide support to pursuing vehicles as long as the vehicles are operated in compliance with all traffic laws. Those officers should terminate their involvement in any emergency response immediately upon arrival of a sufficient number of emergency law enforcement vehicles.

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the emergency response and continue accordingly. The officer shall notify the Shift Sergeant, field supervisor or the dispatcher of the equipment failure so that another officer may be assigned to the emergency response.

308.7 OFFICER RESPONSIBILITIES

The decision to initiate or continue an emergency response is at the discretion of the officer. If, in the officer's judgment, the weather, traffic and road conditions do not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of emergency lights and siren at the legal speed limit. In such an event, the officer should immediately notify the

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dispatcher. An officer shall also discontinue an emergency response when directed by a supervisor or as otherwise appropriate.

Upon receiving authorization or determining that an emergency response is appropriate, whenever practicable, an officer shall immediately give the location from which he/she is responding.

The first officer arriving at the emergency call should determine whether to increase or reduce the level of the response of additional officers and shall notify the dispatcher of his/her determination. Any subsequent change in the appropriate response level should be communicated to the dispatcher by the officer in charge of the scene unless a supervisor assumes this responsibility.

308.8 DISPATCH

When information reasonably indicates that the public is threatened with serious injury or death, or an officer requests emergency assistance and immediate law enforcement response is needed, the dispatcher shall assign an emergency response and ensure acknowledgement and response of handling and assisting officers. In all other circumstances, the dispatcher shall obtain authorization from the Shift Sergeant or a field supervisor prior to assigning an emergency response.

308.8.1 RESPONSIBILITIES

Upon notification or assignment of an emergency response, the dispatcher is responsible for:

- (a) Confirming the location from which the officer is responding or requesting assistance.
- (b) Attempting to assign the closest available assisting officers to the location of the emergency call.
- (c) Continuing to obtain and broadcast information as necessary concerning the response and monitoring the situation until it is stabilized or terminated.
- (d) Notifying and coordinating allied emergency services (e.g., fire, emergency medical services).
- (e) Notifying the Shift Sergeant as soon as practicable.
- (f) Controlling all radio communications during the emergency and coordinating assistance under the direction of the Shift Sergeant or field supervisor.

308.9 SUPERVISOR RESPONSIBILITIES

Upon being notified that an emergency response has been initiated or requested, the Shift Sergeant or the field supervisor shall verify that:

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

The field supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing officers into or out of the response, if necessary. If, in the supervisor's

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judgment, the circumstances require additional officers to be assigned an emergency response, the supervisor may do so.

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

When making the decision to authorize an emergency response, the Shift Sergeant or the field supervisor should consider:

- The type of call or crime involved.
- The type and circumstances of the request.
- The necessity of a timely response.
- Weather, traffic and road conditions.
- The location of the responding officers and the location of the incident.

Domestic Violence

309.1 PURPOSE AND SCOPE

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

309.1.1 DEFINITIONS

Definitions related to this policy include:

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

Domestic violence - Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, sexual assault, coercive control, unlawful harassment, or stalking of one intimate partner by another intimate partner or of one family or household member by another family or household member (RCW 10.99.020; RCW 7.105.010).

309.2 POLICY

The Duvall Police Department's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible. Officers should also understand their statutory duty as required by the state's official response to Domestic Violence in chapter 10.99 RCW. Officers abiding by this policy and listed RCWs help to lower continued risks of harm when a DV perpetrator has access to firearms, regardless of whether firearms were used in the specific incident.

309.3 OFFICER SAFETY

The investigation of domestic violence cases often places officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

309.4 INVESTIGATIONS

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

- (a) Calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.

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- (b) When practicable, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.
- (c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
- (d) When practicable and legally permitted, video or audio record all significant statements and observations.
- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Patrol Section in the event that the injuries later become visible.
- (f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.
- (h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.
 - 1. Officers who have probable cause that a crime has been committed shall lawfully seize all firearms and ammunition that they reasonably believe were used or threatened to be used in the commission of the offense. Officers shall also seize all firearms in plain sight or discovered in a lawful search. Officers shall request consent to take temporary custody of any other firearms and ammunition that the alleged suspect may have access to (RCW 10.99.030).
 - 2. Officers shall separate the victim and inquire whether there are any firearms or ammunition in the home, whether the suspect has access to any firearms either on the premises or stored elsewhere, whether the suspect has a concealed pistol license, and whether a firearm has ever been used by the suspect under other circumstances that could be threatening or coercive (RCW 10.99.030).
 - 3. The officer should make it clear to the victim that the officer is not asking only about whether a firearm was used at the time of the incident, but also under other circumstances or if there are other firearms in a vehicle or other locations. Officers may use a pictorial display of common firearms to assist the victim in identifying firearms.
 - 4. All information about firearms and CPLs must be documented in the incident report so there is a complete record for future court proceedings. The incident report needs to clearly indicate the presence of or access to firearms so prosecutors and judicial officers can address the heightened risk to the victim, family, and officer safety due to the alleged abuser's access to firearms. Under the provisions of RCW 10.99.040, the court will rely on the documentation

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regarding firearms with considering the issuance of a criminal No-Contact Order. Without the information regarding the presence or access to firearms and dangerous weapons, and whether the firearms have already been collected, the prosecutor will not have the information they need to present, and the court will not have the information to make an informed decision when issuing an NCO necessary to protect the DV victim.

- (i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.
- (j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
 - 1. Whether the suspect lives on the premises with the victim.
 - 2. Claims by the suspect that the victim provoked or perpetuated the violence.
 - 3. The potential financial or child custody consequences of arrest.
 - 4. The physical or emotional state of either party.
 - 5. Use of drugs or alcohol by either party.
 - 6. Denial that the abuse occurred where evidence indicates otherwise.
 - 7. A request by the victim not to arrest the suspect.
 - 8. Location of the incident (public/private).
 - 9. Speculation that the complainant may not follow through with the prosecution.
 - 10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
 - 11. The social status, community status, or professional position of the victim or suspect.
- (k) Unless doing so would jeopardize the criminal investigation, the victim should be apprised of investigative plans such as when the suspect or witnesses are going to be interviewed and any plans for making an arrest.
- (l) At the minimum the following information should be obtained from the reporting party, if not obtained by Telecommunicators or other agency personnel:
 - 1. Complete address location, including apartment, unit number, trailer, or other information;
 - 2. Nature of the relationship to determine if the incident should be updated or entered as a DV Call type or whether an ERPO may need to be considered;
 - 3. Names and dates of birth of involved parties (if known);

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4. Weapons information, including firearms on the person, in the residence, at another location, in a vehicle; accessible or secured; and specific types, descriptions, and location of all firearms;
 5. If there are any injuries and if an EMS response is needed;
 6. If any children are in the residence;
 7. If any drugs or alcohol are involved;
 8. If able the context of the altercation and any pertinent history, including prior DV incidents, assault threats, or Protection Order violations.
- (m) All incident reports and citations must be coded or clearly articulated that the incident is DV related.

309.4.1 HOSPITALIZED VICTIM

When responding to a medical facility regarding an injured person, officers should make a reasonable attempt to determine whether the injury was a result of domestic violence prior to contacting the victim or person who reported the incident.

If domestic violence is suspected, contact should be made with the medical facility representatives out of the view and hearing of the victim and any potential suspects when practical.

309.4.2 IF A SUSPECT IS ARRESTED

Under RCW 10.99.030, when an officer responds to a DV call and has probable cause to believe that a crime has been committed, the officer must exercise arrest powers with reference to the criteria in RCW 10.31.100.

If a suspect is arrested, officers should:

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

In considering a release from custody for a DV charge the court must verify that the responding officers secured firearms related to the crime, those which were in plain sight, or discovered pursuant to a lawful search and review the sworn statements of an officer documenting that the responding officers separated the parties and asked the victim or victims at the scene about firearms, or other dangerous weapons, and ammunition that the defendant owns or has access to, and whether the defendant has a CPL. If the sworn statement of the officer or other information provided to the court indicates there may be a risk of harm if the defendant has access to firearms, dangerous weapons, or an active CPL, the court must verify that officers have temporarily removed and secured all the firearms, dangerous weapons, and CPL.

The court will then determine whether an OTSPW or an ERPO should be issued prohibiting the defendant from possessing, purchasing, receiving, having in the defendant's control or custody,

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accessing, or attempting to purchase or receive, any firearms, dangerous weapons, and any CPL and must order the defendant to surrender, and prohibit the defendant from possessing, any firearms, dangerous weapons, and any CPL as required in RCW 9.41.800, or must issue an ERPO as required. Officers should also attempt to verify any firearm purchase history by the defendant and include this information in their report. This information will be used by the court to determine whether a No-Contact Order, an OTSPW, or an ERPO must be issued or, if previously issued, extended.

309.4.3 IF NO ARREST IS MADE

If no arrest is made, the officer should:

- (a) Advise the parties of any options, including but not limited to:
 - 1. Their right to initiate a criminal proceeding in all cases where the officer has not made an arrest or has decided to initiate criminal proceedings by citation or otherwise. In such cases they must also be advised of the importance of preserving evidence.
 - 2. Voluntary separation of the parties.
 - 3. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).
- (b) Document the resolution in a report.

309.4.4 VICTIM INTERVIEWING

Building rapport is the first step in interviewing victims in a trauma-informed way. There is no correct reaction to a traumatic event and it is critical to keep in mind that "a victim's reality is your reality" when preparing for and conducting investigative interviews. Officers should take time to explain to the victim that they are having a normal reaction to an abnormal event.

Each person will respond to trauma in their own way. The fight or flight neurological response to trauma limits the brain's ability to process events. A person in trauma is unlikely to have clear or chronological recall of events.

Officers should be prepared for some of the following trauma-based reactions when interviewing victims or Protection Order petitioners:

- (a) The person may deny they are a victim, blame themselves, or attempt to minimize the conduct of the perpetrator;
- (b) Victims may be fearful of what will happen to them if they make a statement or involve law enforcement;
- (c) Perpetrators may threaten to harm or kill a victim if they speak to law enforcement;
- (d) Victims may have an inherent fear or distrust of law enforcement and/or the criminal justice system;
- (e) Officers should also be aware of cultural differences and provide reassuring support and understanding in their attempt to protect the victim;

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- (f) Victims may be distracted, angry, reluctant, or concerned about their own needs or their children's;
- (g) Victims may have fears around safety and privacy, particularly if the interview is in front of others; or
- (h) Victims may have unmet medical needs, including the lack of nutrition or sleep.

As officers approach a victim to conduct an interview, it should be a gradual and non-threatening process in consideration of the following steps;

- (a) First, if the victim requires medical services, call for aid or transport the victim to appropriate care;
- (b) Interviewers should introduce themselves and explain their role at the beginning of every interview;
- (c) The use of audio or video recording of the interview can later show the state of mind, trauma, and emotional impact to the victim immediately after the event, but the victim must be comfortable with the recording process;
- (d) Acknowledge that the situation is not the victim's fault, the perpetrator is responsible;
- (e) If a local advocate is not available to meet with the victim, officers should refer the victim to a local or national domestic violence service provider for safety planning; and
- (f) Trained advocates are best positioned to address the victim's health, transportation, and housing needs.

Officers should also be familiar with use of lethality and risk assessments and their goals in the prevention and response to Domestic Violence. These assessments can be helpful for law enforcement and social service providers when determining future risk to victims and the potential of harm or death. They also serve to educate intimate partner violence victims about risk factors for homicide and to connect them with support and safety planning services.

The assessment tool is initially used by law enforcement. However, the results inform charging and sentencing decisions for prosecutors, judges, advocates and, most importantly, can inform a victim of the danger they are facing. The two assessments available to our agency are the Lethality Assessment Protocol (LAP) and the Danger-Assessment Law Enforcement (DA-LE). Information regarding DV evaluations and assessments are attached to this policy. [See attachment: DV Evaluations and Assessments.pdf](#)

The LAP is an actuarial assessment used at the scene or soon after as practical, where the victim answers several evidence-based questions. The answers to these questions assess the victim's level of risk for being killed by their intimate partner. The DA-LE assessment is also used at the scene, or soon after as practical, and consists of similar questions.

Any assessment and results should be utilized as a supplement to the police report. While there is consistency with the LAP process, a high-risk response to a DA-LE requires the victim to be immediately connected to services and the assessment must be provided to the court to inform any criminal proceedings.

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When using these tools and completing the assessments, it is not acceptable to leave a victim on their own given the assessed danger or waiting until regular business hours to contact domestic violence service providers to determine which services are available and right for them. It is vital that a person who scores as high-risk for homicide receives support immediately. Based on the interview, officers shall contact the Departments DV advocate to arrange for assistance to the victim.

309.5 VICTIM ASSISTANCE

Victims may be traumatized or confused. Officers should:

- (a) Recognize that a victim's behavior and actions may be affected.
- (b) Provide the victim with the department's domestic violence information handout, even if the incident may not rise to the level of a crime.
- (c) Alert the victim to any available victim advocates, shelters, and community resources.
- (d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.
- (e) Seek medical assistance as soon as practicable for the victim if the victim has sustained injury or complains of pain.
- (f) Ask the victim whether the victim has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a safety concern or if the officer determines that a need exists.
- (g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (h) Seek or assist the victim in obtaining an emergency order if appropriate (RCW 10.99.040).

309.6 DISPATCH ASSISTANCE

Dispatch can lessen the victims trauma and it is often overlooked that a victim's first point of contact in a emergency is not the officer arriving at the scene, the first person they talk to and receive help from is the 911 dispatcher.

The way the 911 dispatcher sets the stage for the subsequent contact by law enforcement, fire, or EMS is essential to an effective scene response and investigation. If the dispatcher comes across as curt, rushed, or disinterested during the call, the victim may be hostile or untrusting of the first responders who subsequently arrive at the scene.

A person in shock, experiencing trauma, and in fear for their life will be able to more easily respond to simple, basic questions. This will help gather vital information and may orient the person back to their immediate setting. 911 dispatchers should attempt to utilize trauma based interviewing as outlined in this policy to obtain information in a non-threatening manner.

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

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

309.7 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

309.7.1 CANADIAN COURT ORDERS

Any foreign court order properly issued in Canada shall be enforced by an officer as a foreign court order above. Any notice, if required, should be made in compliance with RCW 26.55.020.

309.8 VERIFICATION OF COURT ORDERS

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

- (a) Ask the subject of the order about the notice or receipt of the order, knowledge of its terms, and efforts to respond to the order.
- (b) Check available records or databases that may show the status or conditions of the order.
- (c) Contact the issuing court to verify the validity of the order.
- (d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

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

309.9 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

- (a) The primary duty of officers when responding to a domestic violence situation is to enforce the laws allegedly violated and to protect the complaining party (RCW 10.99.030(1)).
- (b) When an officer responds to a domestic violence call and has probable cause to believe that a crime has been committed, an arrest shall be made pursuant to the criteria in RCW 10.31.100 (RCW 10.99.030(2)(a)).

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- (c) When an officer has confirmed that a valid court order exists and has probable cause to believe the defendant has violated that order, the officer shall make a physical arrest (RCW 10.99.055; RCW 10.31.100(2)). Whenever a member of this department serves or assists in serving a court order and that service is completed, a return of service form shall be completed and submitted to the Washington Crime Information Center (WACIC).

309.10 REPORTS AND RECORDS

- (a) Officers responding to a domestic violence call shall take a complete offense report, including the disposition of the case (RCW 10.99.030(2)(b)).
 - 1. The report shall include all information about firearms and concealed pistol licenses and be properly coded to alert any officials reviewing the report to the existence of the information concerning firearms (RCW 10.99.030).
- (b) All such reports should be documented under the appropriate crime classification and should use the distinction "Domestic Violence" in the Type of Crime box of the crime report form (RCW 10.99.035).
- (c) Whenever there is probable cause to believe that a crime has been committed and unless the case is under active investigation, the Patrol Supervisor shall ensure that all domestic violence crime reports are forwarded to the County Prosecutor's Office within 10 days of the date the incident was reported (RCW 10.99.035).
- (d) The Records Manager shall ensure that accurate records of domestic violence incidents are maintained and submitted to the Washington Association of Sheriffs and Police Chiefs, in accordance with state law (RCW 10.99.035).
- (e) The Records Manager should ensure that the original receipt issued for any firearm, dangerous weapon, or pistol license surrendered after service of a protection order is filed with the court within 24 hours of service of the order and retain a copy of the receipt electronically if available (RCW 9.41.801).

309.11 ENTRY OF COURT ORDERS

The Records Manager shall ensure that orders received from the court are entered into the WACIC or other applicable criminal intelligence information system for one year or until the expiration date specified on the order (RCW 10.99.040; RCW 10.99.050).

309.12 SERVICE OF COURT ORDERS

The officer serving a protection order, no-contact order, or restraining order that includes an order to surrender all firearms, dangerous weapons, and a concealed pistol license under RCW 9.41.800 shall (RCW 9.41.801):

- (a) Advise the subject that the order is effective upon service.
- (b) Request that any firearms, dangerous weapons, and any concealed pistol license be immediately surrendered. Officers shall take possession of any firearms discovered in plain view, lawful search, or consent from the subject.

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1. If the subject indicates by word or action an intent to not comply with a request to surrender firearms, dangerous weapons, or a concealed pistol license, consideration should be given to obtaining a search warrant for seizure.
- (c) Issue a receipt for any surrendered items.
 1. The officer should ensure the original receipt is forwarded to the Records Manager as soon as practicable for filing with the court.
- (d) Attempt to notify the petitioner/protected person if phone or email information has been provided and note in their report the attempt to contact.

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

309.12.1 ELECTRONIC SERVICE OF COURT ORDERS

When an officer petitions the court ex parte for an emergency protection order on behalf of the victim and the court does not include an order to surrender and prohibit weapons or an extreme risk protection order, or has verified that all firearms, dangerous weapons, and any concealed pistol license have been temporarily removed by law enforcement, service of the order on the respondent may be made electronically pursuant to the requirements of RCW 10.99.040.

309.13 ORDERS TO SHOW CAUSE

When the Department receives notice from the court of an order to show cause regarding the surrender of weapons, the Patrol Section supervisor should consult with legal counsel, as appropriate, to address any requirements involving the Department, including the following (RCW 9.41.801):

- (a) Fulfilling any additional service requirements for the order to show cause.
- (b) Providing the court with a complete list of firearms and other dangerous weapons surrendered by the person pursuant to the court order that are in the possession of the Department.
- (c) Providing the court with verification that any concealed pistol license was surrendered by the person pursuant to the court order and that an agency with authority to revoke the license has been notified.
- (d) Filing an affidavit with the court where there is reasonable suspicion that the person who is subject to the court order is not in full compliance with the terms, including the basis for the belief.

Search and Seizure

310.1 PURPOSE AND SCOPE

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

310.2 POLICY

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

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

310.3 SEARCHES

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

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

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

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

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

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

310.3.1 RESTRICTIONS ON CELL SITE SIMULATOR USE

A member may only install or use a pen register, trap and trace device, or cell site simulator device with a supporting court order or when there is both coordination with a prosecuting attorney

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and joint determination of probable cause to believe an emergency situation exists that involves immediate danger of death or serious bodily injury to a person. A court order must be obtained within 48 hours after installation of the pen register, trap and trace device, or cell site simulator device when an emergency situation exists (RCW 9.73.260).

310.4 SEARCH PROTOCOL

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

- (a) Members of this department will strive to conduct searches with dignity and courtesy.
- (b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.
- (c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- (d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
- (e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:
 1. Another officer or a supervisor should witness the search.
 2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

310.5 DOCUMENTATION

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

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

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

Temporary Custody of Juveniles

311.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Duvall Police Department (34 USC § 11133).

311.1.1 DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent or alien juvenile who may be legally held for his/her own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for his/her protection, or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person.

Juvenile offender - A juvenile 17 years of age or younger who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense) or a juvenile who has violated RCW 9.41.040(2)(a) by possessing a handgun (28 CFR 31.303).

Non-secure custody - When a juvenile is held in the presence of an officer or other custody employee at all times and is not placed in a locked room, cell or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object.

Examples of secure custody include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- (b) A juvenile handcuffed to a rail.
- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- (d) A juvenile being processed in a secure booking area when an unsecure booking area is available.
- (e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.
- (f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.
- (g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

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Sight and sound separation - Located or arranged to prevent physical, visual, or auditory contact.

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, or truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender.

311.2 POLICY

The Duvall Police Department is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the Duvall Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

311.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the Duvall Police Department:

- (a) Unconscious
- (b) Seriously injured
- (c) A known suicide risk or obviously severely emotionally disturbed
- (d) Significantly intoxicated
- (e) Extremely violent or continuously violent

Officers taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation.

These juveniles should not be held at the Duvall Police Department unless they have been evaluated by a qualified medical and/or mental health professional.

If the officer taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release or a transfer is completed.

311.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Duvall Police Department when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile who is suspected of being a victim.

No juvenile should be held in temporary custody at the Duvall Police Department without authorization of the arresting officer's supervisor or the Shift Sergeant. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile's parent, legal guardian, or other responsible adult or transferred to a juvenile custody facility or to other authority as soon

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as practicable and in no event shall a juvenile be held beyond six hours from the time of his/her entry into the Department (34 USC § 11133; RCW 13.04.116(b)).

311.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Duvall Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders may not be held in secure custody (34 USC § 11133).

311.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (34 USC § 11133; RCW 43.185C.260).

311.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Duvall Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

Generally, juvenile offenders may be taken into custody under the following circumstances (RCW 13.40.040(1)):

- (a) Pursuant to a court order.
- (b) Without a court order, by an officer if grounds exist for the arrest of an adult in identical circumstances.
- (c) When his/her parole has been suspended.

311.4.4 LIMITATIONS ON RELEASE OF JUVENILE OFFENDERS

Juveniles should be referred to the appropriate juvenile authority and not released to a parent or guardian when there is probable cause to believe the juvenile (RCW 13.40.040(2)):

- (a) Will likely fail to appear for further proceedings.
- (b) Needs protection from him/herself.
- (c) Is a threat to community safety.
- (d) Will intimidate witnesses or otherwise unlawfully interfere with the administration of justice.
- (e) Has committed a crime while another case was pending.
- (f) Is a fugitive from justice.
- (g) Has had his/her parole suspended or modified.
- (h) Is a material witness.

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311.4.5 VICTIMS OF SEXUAL EXPLOITATION

An officer may take a juvenile into custody to investigate possible sexual exploitation when the officer reasonably believes the juvenile is attempting to engage in sexual conduct for money or anything of value (RCW 43.185C.260).

In these cases, the officer should transport the juvenile to an authorized evaluation and treatment facility in coordination with a community service provider (RCW 43.185C.260) (see the Child Abuse Policy for any mandatory notification requirements).

311.5 ADVISEMENTS

When a juvenile offender is taken into custody, the officer should, as soon as practicable, notify the juvenile's parent, guardian, or a responsible relative that the juvenile is in custody.

Juveniles taken into custody should be advised the reason for the custody (RCW 43.185C.265).

311.6 JUVENILE CUSTODY LOGS

Any time a juvenile is held in custody at the Department, the custody shall be promptly and properly documented in the juvenile custody log, including:

- (a) Identifying information about the juvenile being held.
- (b) Date and time of arrival and release from the Duvall Police Department.
- (c) Shift Sergeant notification and approval to temporarily hold the juvenile.
- (d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender or non-offender.
- (e) Any changes in status.
- (f) Time of all welfare checks.
- (g) Any medical and other screening requested and completed.
- (h) Circumstances that justify any secure custody.
- (i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The Shift Sergeant shall initial the log to approve the custody, including any secure custody, and shall also initial the log when the juvenile is released.

311.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (34 USC § 11133). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Duvall Police Department shall maintain a constant, immediate presence with the juvenile or the adult to minimize any

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contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

311.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Duvall Police Department shall ensure the following:

- (a) The Shift Sergeant should be notified if it is anticipated that a juvenile may need to remain at the Duvall Police Department more than four hours. This will enable the Shift Sergeant to ensure no juvenile is held at the Duvall Police Department more than six hours.
- (b) Welfare checks and significant incidents/activities are noted on the log.
- (c) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.
 - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.
 - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (d) A member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
- (e) There is reasonable access to toilets and wash basins.
- (f) There is reasonable access to a drinking fountain or water.
- (g) Food should be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.
- (h) There are reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
- (i) There is privacy during family, guardian, and/or attorney visits.
- (j) Juveniles are generally permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (k) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.
 - 1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (l) Adequate shelter, heat, light, and ventilation should be provided without compromising security or enabling escape.
- (m) Adequate furnishings are available, including suitable chairs or benches.
- (n) Juveniles shall have the right to the same number of telephone calls as an adult in custody (see the Temporary Custody of Adults Policy).

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- (o) Discipline is not administered to any juvenile, nor will juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse.

311.9 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Duvall Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Shift Sergeant. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse.

311.9.1 PREGNANT JUVENILES

Juveniles who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

311.10 PERSONAL PROPERTY

The personal property of a juvenile shall be processed in the same manner as an adult in temporary custody (see the Temporary Custody of Adults Policy).

311.11 SECURE CUSTODY

Only juvenile offenders 14 years and older may be placed in secure custody. Shift Sergeant approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to him/herself or others.

Members of this department should not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option.

When practicable, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody, rather than the use of a locked enclosure. An employee must be present at all times to ensure the juvenile's safety while secured to a stationary object.

Generally, juveniles should not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter. Supervisor approval should be documented.

311.11.1 LOCKED ENCLOSURES

A thorough inspection of the area shall be conducted before placing a juvenile into the enclosure. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room should be photographed and documented in the crime report.

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The following requirements shall apply to a juvenile offender who is held inside a locked enclosure:

- (a) The juvenile shall constantly be monitored by an audio/video system during the entire custody.
- (b) Juveniles shall have constant auditory access to department members.
- (c) Initial placement into and removal from a locked enclosure shall be logged.
- (d) Random personal visual checks of the juvenile by a staff member, no less than every 15 minutes, shall occur.
 - 1. All checks shall be logged.
 - 2. The check should involve questioning the juvenile as to his/her well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
 - 3. Requests or concerns of the juvenile should be logged.
- (e) Males and females shall not be placed in the same locked room.
- (f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
- (g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

311.12 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY OF A JUVENILE

The Patrol Division Commander will ensure procedures are in place to address the suicide attempt, death or serious injury of any juvenile held at the Duvall Police Department. The procedures will address:

- (a) Immediate request for emergency medical assistance if appropriate.
- (b) Immediate notification of the on-duty supervisor, Chief of Police and Patrol Section supervisor.
- (c) Notification of the parent, guardian or person standing in loco parentis, of the juvenile.
- (d) Notification of the appropriate prosecutor.
- (e) Notification of the City Attorney.
- (f) Notification of the Medical Examiner.
- (g) Notification of the juvenile court.
- (h) Evidence preservation.

311.13 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent, to an interview or interrogation.

Prior to conducting a custodial interrogation, including the waiver of *Miranda* rights, an officer shall permit a juvenile 17 years of age or younger to consult with legal counsel in person, by telephone, or by video conference. The consultation may not be waived by the juvenile. The requirement to consult with legal counsel does not apply when (RCW 13.40.740):

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- (a) There is a belief that the juvenile is a victim of trafficking as defined by RCW 9A.40.100.
- (b) Information is necessary to protect an individual's life from an imminent threat.
- (c) A delay to allow legal consultation would impede the protection of an individual's life from imminent threat.
- (d) The questions are limited to what is reasonably expected to obtain the information necessary to protect an individual's life from an imminent threat.

After a consultation, any assertion of constitutional rights by the juvenile through legal counsel must be treated as though it came from the juvenile. The waiver of any constitutional rights of the juvenile may only be made according to the requirements of RCW 13.40.140 (judicial rights) (RCW 13.40.740).

311.13.1 RECORDING OF INTERVIEWS OR INTERROGATIONS

Interrogations or interviews of juvenile suspects shall be recorded when conducted at a place of detention (RCW 10.122.020; RCW 10.122.030). See the Investigation and Prosecution Policy for specific recording requirements.

311.14 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

A juvenile offender may be photographed and fingerprinted as provided by RCW 43.43.735.

311.15 RELEASE OF INFORMATION CONCERNING JUVENILES

Court decisions and legislation have combined to carefully specify situations in which information may be given out or exchanged when a case involves a juvenile. Officers of this department shall not divulge any information regarding juveniles in situations where they are uncertain of the legal authority to do so.

311.15.1 RELEASE OF INFORMATION PURSUANT TO WASHINGTON LAW

Juvenile records are confidential and may be released only as provided in RCW 13.50.010 and RCW 13.50.050:

- (a) Information may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile is being pursued by the other participant, or when that other participant is assigned the responsibility for supervising the juvenile.
- (b) Information not in the juvenile court file that could not reasonably be expected to identify the juvenile or the juvenile's family may be released.
- (c) Following the decision to arrest, information about an investigation, diversion or prosecution of a juvenile, including an incident report, may be released to the school in which the juvenile is enrolled to assist in protecting other students, staff and school property.
- (d) Information about a juvenile offender, the offender's parent or guardian and the circumstances of the crime may be released to the victim or the victim's immediate family.

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- (e) Information identifying child victims of sexual assault committed by juvenile offenders may be released only with the permission of the child victim or legal guardian.
- (f) A court may permit certain juvenile records to be released by rule or order.

It shall be the responsibility of the Records Manager and the appropriate Patrol Section supervisors to ensure that personnel of those bureaus act within legal guidelines.

311.16 RELIGIOUS ACCOMMODATION

Juveniles have the right to the same religious accommodation as adults in temporary custody (see the Temporary Custody of Adults Policy).

Adult Abuse

312.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Duvall Police Department members as required by law.

312.1.1 DEFINITIONS

Definitions related to this policy include:

Adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement.

312.2 POLICY

The Duvall Police Department will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

312.3 MANDATORY NOTIFICATION

Members of the Duvall Police Department shall notify the Washington State Department of Social and Health Services (DSHS) when there is reasonable cause to believe that abandonment, abuse, financial exploitation, or neglect of a vulnerable adult has occurred. Members shall also notify DSHS when there is reason to suspect sexual assault or physical assault or reasonable cause to believe that an act has caused fear of imminent harm. The Medical Examiner shall also be notified when there is reason to suspect that the death of a vulnerable adult was caused by abuse, neglect, or abandonment by another person (RCW 74.34.035).

For purposes of notification, the following definitions apply (RCW 74.34.020):

- Abandonment is action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the person without the means or ability to obtain necessary food, clothing, shelter, or health care.
- Abuse is intentional, willful, or reckless action or inaction that inflicts injury, unreasonable confinement or restraint, sexual abuse, physical abuse, financial exploitation, mental abuse, intimidation, or punishment.
- A vulnerable adult is a person who meets any of the following criteria:
 - (a) Is 60 years or older and who has the functional, mental, or physical inability to care for oneself.
 - (b) Is found by the superior court to be incapacitated under RCW 11.130.005 et seq.
 - (c) Has a developmental disability as defined under RCW 71A.10.020.
 - (d) Is admitted to any facility as defined in RCW 74.34.020 (e.g., assisted living facility, nursing home, other facility licensed by DSHS).

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- (e) Is receiving services from an individual provider or licensed home health, hospice, or home care agency.
- (f) Self-directs self-care and receives services from a personal aide under RCW 74.39.001 et seq.

312.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (RCW 74.34.035):

- (a) All notification to DSHS shall be made immediately or as soon as practicable by telephone
- (b) Information provided shall include, if known:
 - 1. The name and address of the person making the report.
 - 2. The name and address of the vulnerable adult.
 - 3. The name and address of the facility or agency providing care for the vulnerable adult.
 - 4. The name and address of the legal guardian or alternate decision maker.
 - 5. The nature and extent of the abandonment, abuse, financial exploitation, neglect, or self-neglect.
 - 6. Any history of previous abandonment, abuse, financial exploitation, neglect, or self-neglect.
 - 7. The identity of the alleged perpetrator, if known.
 - 8. Any other information that may be helpful in establishing the extent of abandonment, abuse, financial exploitation, neglect, or the cause of death of the deceased vulnerable adult.

312.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

- (a) Conduct interviews in appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to adult abuse investigations.
- (c) Present all cases of alleged adult abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

312.5 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated. If the investigation reveals that a crime may

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have been committed, the City prosecutor shall be provided a written report of the incident (RCW 74.34.063(3)).

Investigations and reports related to suspected cases of adult abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected adult abuse victim is contacted.
- (b) Any relevant statements the victim may have made and to whom he/she made the statements.
- (c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.
- (e) Whether the victim was transported for medical treatment or a medical examination.
- (f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.
- (g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.
- (h) Previous addresses of the victim and suspect.
- (i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

312.6 PROTECTIVE CUSTODY

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for oneself, the officer should make reasonable attempts to contact DSHS. Generally, removal of an adult abuse victim from the abuse victim's family, guardian, or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove an adult abuse victim from the abuse victim's family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the officer should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the adult is delivered to DSHS.

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Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking the adult into protective custody.

When adult abuse victims are under state control, have a state-appointed guardian, or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

312.7 INTERVIEWS

312.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should audio record the preliminary interview with a suspected adult abuse victim. Officers should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available.

312.7.2 DETAINING VICTIMS FOR INTERVIEWS

An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
 - 1. A reasonable belief that medical issues of the adult need to be addressed immediately.
 - 2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
 - 3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.
- (b) A court order or warrant has been issued.

312.8 MEDICAL EXAMINATIONS

When an adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency, or entity having legal custody of the adult. The officer should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency, or entity having legal custody and is refusing to give consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

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312.9 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

312.9.1 SUPERVISOR RESPONSIBILITIES

The Patrol Section supervisor should:

- (a) Work with professionals from the appropriate agencies, including DSHS, other law enforcement agencies, medical service providers and local prosecutors, to develop community-specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies the Patrol Section supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives.
- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the adult.

312.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives should:

- (a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Patrol Section supervisor so an interagency response can begin.

312.10 STATE MANDATES AND OTHER RELEVANT LAWS

Washington requires or permits the following:

312.10.1 ARREST WITHOUT WARRANT

When an officer has confirmed that a valid court order for protection, including a temporary order, exists and has probable cause to believe that a person has violated that order, the officer has the authority to arrest the person without a warrant (RCW 10.31.100).

312.10.2 RECORDS SECTION RESPONSIBILITIES

The Records Section is responsible for:

- (a) Providing a copy of the adult abuse report to DSHS as required by law.
- (b) Retaining the original adult abuse report with the initial case file.

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312.10.3 RELEASE OF REPORTS

Information related to incidents of adult abuse or suspected adult abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (RCW 74.34.035(9); RCW 74.34.095).

312.10.4 PROTECTIVE ORDERS

In any situation which an officer reasonably believes that a vulnerable adult has been abused, abandoned, or subjected to financial exploitation or neglect, or threatened with such actions, the officer should obtain a protective order against the person alleged to have committed or threatened such abuse pursuant to RCW 74.34.110 or RCW 7.105.100.

312.11 TRAINING

The Department should provide training on best practices in adult abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting interviews.
- (c) Availability of therapy services for adults and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to adult abuse investigations.
- (f) Availability of victim advocates or other support.

Discriminatory Harassment

313.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent department members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

313.2 POLICY

The Duvall Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against employees in hiring, promotion, discharge, compensation, fringe benefits, and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The nondiscrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

313.3 DEFINITIONS

Definitions related to this policy include:

313.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or department equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to department policy and to a work environment that is free of discrimination.

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313.3.2 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

313.3.3 SEXUAL HARASSMENT

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position, or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

313.3.4 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission and Washington State Human Rights Commission guidelines.
- (b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

313.4 RESPONSIBILITIES

This policy applies to all department members, who shall follow the intent of these guidelines in a manner that reflects department policy, professional standards, and the best interest of the Department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Chief of Police, the Personnel Manager, or the City Administrator.

Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment or discrimination, is

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encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

313.4.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring their subordinates understand their responsibilities under this policy.
- (d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.
- (f) Notifying the Chief of Police or the Personnel Manager in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

313.4.2 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

- (a) Behavior of supervisors and managers should represent the values of the Department and professional standards.
- (b) False or mistaken accusations of discrimination, harassment, or retaliation have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members, or issuing discipline in a manner that is consistent with established procedures.

313.4.3 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Chief of Police, the Personnel Manager, or the City Administrator for further information, direction, or clarification.

313.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all

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complaints of discrimination, retaliation, or harassment shall be fully documented, and promptly and thoroughly investigated.

313.5.1 SUPERVISOR RESOLUTION

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

313.5.2 FORMAL INVESTIGATION

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

The member assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, the Personnel Manager, or the City Administrator.

313.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

313.6 DOCUMENTATION OF COMPLAINTS

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

- (a) Approved by the Chief of Police, the City Administrator, or the Personnel Manager, depending on the ranks of the involved parties.
- (b) Maintained in accordance with the established records retention schedule.

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313.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the action taken to remedy or address the circumstances giving rise to the complaint.

313.7 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that the member has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's term with the Department.

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

Child Abuse

314.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Duvall Police Department members are required to notify the Department of Children, Youth, and Families, Child Protective Services (CPS) of suspected child abuse.

314.1.1 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency.

314.2 POLICY

The Duvall Police Department will investigate all reported incidents of alleged criminal child abuse and ensure CPS is notified as required by law.

314.3 MANDATORY NOTIFICATION

Members of the Duvall Police Department shall notify CPS when a report of abuse or neglect of a child is received or when there is reasonable cause to believe that a child has suffered abuse or neglect (RCW 26.44.030).

For purposes of notification, abuse or neglect of a child includes sexual abuse, sexual exploitation, female genital mutilation, and human trafficking; injury inflicted by any person under circumstances that cause harm to the child's health, welfare, or safety, excluding lawful discipline; and the negligent treatment or maltreatment by a person who is responsible for, or providing care to, a child (RCW 26.44.020).

Officers shall promptly notify CPS whenever a child under 16 years of age is in a vehicle being driven by the child's parent, guardian, legal custodian, sibling, or half-sibling and that person is being arrested for a drug or alcohol-related driving offense (RCW 46.61.507).

If, during an investigation of drug manufacturing, an officer discovers that a child is present at the investigation site, the officer shall notify CPS immediately (RCW 26.44.200).

314.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (RCW 26.44.030(5)):

- (a) In emergency cases, notification to CPS should be made immediately when the child's welfare is endangered but in all such cases within 24 hours.

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- (b) In non-emergency cases, notification to CPS shall be made within 72 hours after a report is received.
- (c) Notification, when possible, should include (RCW 26.44.040):
 - 1. The name, address and age of the child.
 - 2. The name and address of the child's parents, stepparents, guardians or other persons having custody of the child.
 - 3. The nature and extent of the alleged injury or injuries.
 - 4. The nature and extent of the alleged neglect.
 - 5. The nature and extent of the alleged sexual abuse.
 - 6. Any evidence of previous injuries, including the nature and extent of the injury.
 - 7. Any other information that may be helpful in establishing the cause of the child's death, injury or injuries, and the identity of the alleged perpetrator or perpetrators.
- (d) The Department shall forward all case dispositions to CPS.

314.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

- (a) Conduct interviews in child appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all cases of alleged child abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies, and school administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians, and support for the child and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (RCW 26.44.180).

314.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.

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- (c) Any relevant statements the child may have made and to whom the child made the statements.
- (d) If a child was taken into protective custody, the reasons, the name, and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.
- (k) Applicable local protocol regarding child abuse investigations (RCW 26.44.185).

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

314.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact CPS. Generally, removal of a child from the child's family, guardian, or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to CPS.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations (RCW 26.44.050):

- (a) A court order has been issued authorizing the removal of the child.
- (b) There is probable cause to believe that taking the child into custody is necessary to prevent imminent physical harm to the child due to child abuse or neglect, including that which results from sexual abuse, sexual exploitation, a high-potency synthetic opioid (e.g., fentanyl), or a pattern of severe neglect, and that the child would be

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seriously injured or could not be taken into custody if it were necessary to first obtain a court order (e.g., the child could be taken and concealed).

314.7 INTERVIEWS

314.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

314.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
 - 1. A reasonable belief that medical issues of the child need to be addressed immediately.
 - 2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
 - 3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
- (b) A court order or warrant has been issued.

314.7.3 TRAINING REQUIREMENT

Only those members who have successfully completed Washington State Criminal Justice Training Commission (WSCJTC) sponsored training on interviewing child victims of sexual abuse shall participate in or conduct such interviews. Interviews of children who are suspected victims of sexual abuse will be conducted in compliance with the training standards set forth in RCW 43.101.224.

314.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a

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medical examination, the notified supervisor should consider obtaining a court order for such an examination.

314.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking, or use of narcotics.

314.9.1 SUPERVISOR RESPONSIBILITIES

The Patrol Section Supervisor should:

- (a) Work with professionals from the appropriate agencies, including CPS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies the Patrol Section Supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.
- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the child.

314.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

- (a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Patrol Section Supervisor so an interagency response can begin.

314.10 STATE MANDATES AND OTHER RELEVANT LAWS

Washington requires or permits the following:

314.10.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (RCW 42.56.240).

Records and information may be made available to multidisciplinary investigative team members as necessary for the performance of the member's duties as a member of the team. Members receiving records and information are subject to the same privacy and confidentiality restrictions as the person providing the information or records (RCW 26.44.175).

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314.10.2 ARREST WITHOUT WARRANT

When an officer responds to a call alleging that a child has been subjected to sexual or physical abuse or criminal mistreatment and has probable cause that a crime has been committed, or the officer responds to a call alleging that a temporary restraining order or preliminary injunction has been violated, he/she has the authority to arrest the person without a warrant (RCW 10.31.100; RCW 26.44.130).

314.10.3 CASE SUBMISSION TO PROSECUTOR

The Duvall Police Department shall forward all cases of child abuse to the appropriate prosecutor when a crime may have been committed and (RCW 26.44.030):

- (a) A child has died or has had a physical injury.
- (b) Injuries were inflicted upon a child other than by accidental means.
- (c) A child has been subjected to alleged sexual abuse.

314.10.4 AGENCY COORDINATION

If this department responds to a complaint of alleged child abuse and discovers that another agency has also responded to the complaint, this department shall notify the other agency of its presence. The agencies shall coordinate the investigation and keep each other apprised of progress (RCW 26.44.035).

314.10.5 LOCAL CHILD ABUSE PROTOCOLS

The Patrol Section Supervisor should ensure that local child abuse protocols for the investigation of child abuse are available to those department members who have a role in child abuse investigations (RCW 26.44.185).

314.10.6 CONFLICT OF INTEREST IN INVESTIGATIONS

An officer shall not participate as an investigator in a child abuse case concerning a child for whom he/she is, or has been, a parent, guardian or foster parent (RCW 26.44.190).

314.10.7 POSTING OF MANDATED REPORTER REQUIREMENTS

The Shift Sergeant shall ensure that the CPS poster regarding mandated reporting requirements for child abuse and neglect is posted in a member common area (RCW 26.44.030).

314.10.8 CHILD FATALITY INVESTIGATIONS

The Department should cooperate with any local health department child fatality investigation (RCW 70.05.170).

314.11 TRAINING

The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.

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- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.
- (g) Recognizing abuse that requires mandatory notification to another agency.

Missing Persons

315.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

315.1.1 DEFINITIONS

Definitions related to this policy include:

At risk - Includes persons who:

- (a) Are 13 years of age or younger.
- (b) Regardless of age, are believed or determined to be experiencing one or more of the following circumstances:
 - 1. Out of the zone of safety for their chronological age and developmental stage
 - 2. Mentally or behaviorally disabled
 - 3. Drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening
 - 4. Absent from home for more than 24 hours before being reported to law enforcement as missing
 - 5. In a life-threatening situation
 - 6. In the company of others who could endanger their welfare
 - 7. Absent in a way that is inconsistent with established patterns of behavior and cannot be readily explained. Most children have an established and reasonably predictable routine.
 - 8. Involved in a situation that would cause a reasonable person to conclude the person should be considered at risk

Missing person - Any person who is reported missing to law enforcement when that person's location is unknown.

Missing person networks - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the National Missing and Unidentified Persons System (NamUs), and the Washington Crime Information Center (WACIC).

315.2 POLICY

The Duvall Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The Duvall Police Department gives missing person cases priority over property-related cases and does not require a specific amount of time to have passed before beginning a missing person investigation.

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315.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Patrol Section supervisor shall ensure the following forms and kits are developed and available:

- Missing person report form
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation (RCW 43.43.876)
- Missing person school notification form
- Medical records release form
- Biological sample collection kits

315.4 ACCEPTANCE OF REPORTS

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction.

315.5 INITIAL INVESTIGATION

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

- (a) Respond to a dispatched call as soon as practicable.
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
- (c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).
- (d) Broadcast "Be on the Look-Out (BOLO) bulletin" if the person is under 16 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 16 years of age or may be at risk.
- (e) Ensure that entries are made into the appropriate missing person networks:
 1. Immediately, when the missing person is at risk.
 2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.
- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable according to the facts.
- (g) Collect and/or review:

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1. A photograph and fingerprint card of the missing person, if available.
 2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
 3. Any documents that may assist in the investigation, such as court orders regarding custody.
 4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (h) When circumstances permit and if appropriate, attempt to determine the missing person's location through their telecommunications carrier (RCW 80.36.570).
1. Information may only be sought from a carrier in an emergency situation that involves the risk of death or serious physical harm.
 2. Members shall check NCIC and other available databases for a history of domestic violence or court order restricting contact and verify through the Washington State Patrol (WSP) that the missing person is not participating in the address confidentiality program under RCW 40.24.030 et seq. Information obtained from NCIC, other databases, or WSP shall not be released except by court order.
 3. Information received from a carrier is restricted and should only be released to first responders responding to the emergency situation.
- (i) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.
- (j) Consider contacting the WSP Missing and Exploited Children's Task Force (MECTF) if additional resources are needed (RCW 13.60.110).

315.6 REPORT PROCEDURES AND ROUTING

Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

315.6.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include, but are not be limited to:

- (a) Reviewing and approving missing person reports upon receipt.
 1. The reports should be promptly sent to the Records Section.
- (b) Ensuring resources are deployed as appropriate.
- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.

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- (e) Ensuring that records have been entered into the appropriate missing persons networks.
- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.
 - 1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

315.6.2 RECORDS SECTION RESPONSIBILITIES

The responsibilities of the Records Section receiving member shall include but are not limited to:

- (a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.
- (b) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen.
- (c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.
- (d) Forwarding a copy of the report to the Patrol Section.
- (e) Coordinating with the NCIC Terminal Contractor for Washington to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

315.7 PATROL SECTION FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

- (a) Should ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
 - 1. The notice shall be in writing and should also include a photograph.
 - 2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information, if the school receives a call requesting the transfer of the missing child's files to another school.
- (b) Should recontact the reporting party and/or other witnesses within 30 days of the initial report and within 30 days thereafter to keep them informed, as appropriate, and to determine if any additional information has become available.
- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (d) Shall verify and update WACIC, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
- (e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.

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- (f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
- (g) Should make appropriate inquiry with the Medical Examiner.
- (h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples, as applicable.
- (i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to the WSP Missing and Unidentified Persons Unit (MUPU) and enter the photograph into applicable missing person networks (34 USC § 41308).
- (j) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

315.7.1 MISSING OVER 30 DAYS OR WHEN CRIMINAL ACTIVITY SUSPECTED

When a person reported missing has not been found within 30 days of the report or at any time when criminal activity is suspected, the handling detective shall contact the county coroner or medical examiner to determine if that office has any information concerning the missing person. If, after conferring with the coroner or medical examiner, the person is still determined to be missing, the handling officers shall:

- (a) File a missing person's report with MUPU.
- (b) Initiate the collection of biological samples from the known missing person and his/her family members for nuclear and mitochondrial DNA testing along with the necessary consent forms, if not previously obtained during the investigation.
- (c) Ask the missing person's family or next of kin to give written consent to request the person's dental records.
 - 1. Whenever possible, obtain diagnostic quality copies or original records of the missing person's dental records. As soon as possible, biological samples shall be submitted to the appropriate lab; dental records shall be submitted to MUPU (RCW 43.43.751; RCW 68.50.320).

In all missing person cases, the assigned detective should attempt contact with the reporting party no less than every 30 days in order to verify the status of the reported missing person. After 12 months, contact with the reporting party should be attempted yearly. All verifications should be reported to WSP via A Central Computerized Enforcement Service System (ACCESS).

315.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party,

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as appropriate, and other involved agencies, and refer the case for additional investigation if warranted.

The Records Manager should ensure that, upon receipt of information that a missing person has been located, the following occurs:

- (a) Notification is made to MUPU.
- (b) A missing child's school is notified.
- (c) Entries are made in the applicable missing person networks.
- (d) When a person is at risk, the fact that the person has been found should be reported within 24 hours to MUPU.
- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

315.8.1 UNIDENTIFIED PERSONS

Members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying themselves should:

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File and the NamUs database.
- (c) Use available resources, such as those related to missing persons, to identify the person.

315.9 CASE CLOSURE

The Patrol Section Supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.
- (b) If the missing person is a resident of Duvall or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

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315.10 TRAINING

Subject to available resources, the Training Sergeant should ensure that members of this department whose duties include missing person investigations and reports receive training that includes:

- (a) The initial investigation:
 - 1. Assessments and interviews
 - 2. Use of current resources, such as Mobile Audio Video (MAV)
 - 3. Confirming missing status and custody status of minors
 - 4. Evaluating the need for a heightened response
 - 5. Identifying the zone of safety based on chronological age and developmental stage
- (b) Briefing of department members at the scene.
- (c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).
- (d) Verifying the accuracy of all descriptive information.
- (e) Initiating a neighborhood investigation.
- (f) Investigating any relevant recent family dynamics.
- (g) Addressing conflicting information.
- (h) Key investigative and coordination steps.
- (i) Managing a missing person case.
- (j) Additional resources and specialized services.
- (k) Update procedures for case information and descriptions.
- (l) Preserving scenes.
- (m) Internet and technology issues (e.g., Internet use, cell phone use).
- (n) Media relations.

Public Alerts

316.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

316.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

316.3 RESPONSIBILITIES

316.3.1 MEMBER RESPONSIBILITIES

Members of the Duvall Police Department should notify their supervisors, Shift Sergeant or Patrol Section supervisor as soon as practicable upon learning of a situation where public notification, a warning, or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person, or gathering information.

316.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Division Commander and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- (a) Updating alerts
- (b) Canceling alerts
- (c) Ensuring all appropriate reports are completed
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander

316.3.3 PUBLIC ALERT REPORTING OFFICER RESPONSIBILITIES

The Chief of Police should designate a public alert reporting officer, who is responsible for:

- (a) Remaining familiar with the protocols for activating, maintaining and cancelling all applicable public alerts.
- (b) Being the point of contact with the Washington AMBER Alert Advisory Committee.
- (c) Ensuring the Department has members who have completed the appropriate training.

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316.4 WASHINGTON STATEWIDE AMBER ALERT™ PLAN

The AMBER Alert™ Plan is a voluntary partnership between law enforcement, state government agencies, broadcasters and other participants to rapidly disseminate information to enhance the public's ability to assist in recovering abducted children (RCW 13.60.010).

The Duvall Police Department participates in this partnership and may initiate an AMBER Alert to disseminate information to the public when the criteria for an AMBER Alert are met.

316.4.1 CRITERIA

The following criteria must exist prior to requesting an AMBER Alert:

- (a) The child is under 18 years of age and is known to have been abducted. The child is not a runaway or an abandoned child.
- (b) The abducted child is believed to be in danger of death or serious bodily injury.
- (c) The AMBER Alert activation should occur within four hours of the qualifying event unless circumstances or the timeliness of the information warrant otherwise.
- (d) There must be enough descriptive information to believe that an AMBER Alert activation will assist in the recovery of the child, including:
 - 1. Where the abduction took place.
 - 2. A physical description of the child: height, weight, age, hair color and length, eye color, clothing worn when the child was last seen, and any distinguishing physical characteristics.
 - 3. A physical description of the abductor: height, weight, age, hair color and length, eye color, clothing worn when the suspect last seen, and any distinguishing physical characteristics.
 - 4. Place last seen.
 - 5. Description of the vehicle: color, make, model, license number, approximate year.
- (e) The incident must be reported to and investigated by a law enforcement agency.

316.4.2 PROCEDURE

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

- (a) Ensure that department protocol is followed regarding approval of the alert.
- (b) Ensure all appropriate documentation is completed.
- (c) Contact the Washington State Patrol (WSP) Communication Center for entry into the Law Enforcement Alerting Portal (LEAP).
- (d) Ensure prompt entry of information into the Washington Crime Information Center (WACIC) and the National Crime Information Center (NCIC) databases.
- (e) Promptly notify the Chief of Police and the appropriate Division Commander of any AMBER Alert activation.

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- (f) Ensure the preparation of an initial press release that includes all the information required by the Washington Statewide AMBER Alert Plan, and any other available information that might aid in locating the child, such as:
 - 1. A photograph.
 - 2. Detail regarding location of incident, direction of travel, and potential destinations, if known.
 - 3. Name and telephone number of the Public Information Officer (PIO) or other authorized point of contact to handle media and law enforcement liaison.
 - 4. A telephone number and point of contact for the public to call with leads or information.

316.5 ENDANGERED MISSING PERSON ADVISORY

The Endangered Missing Person Advisory is a voluntary partnership between law enforcement, other government agencies, and local broadcasters to rapidly disseminate information to law enforcement agencies, the media, and the public about a missing and endangered person in circumstances that do not qualify for an AMBER Alert (RCW 13.60.050).

The Duvall Police Department participates in this partnership and may initiate the required notifications whenever a person is reported missing from this jurisdiction and meets the criteria of an Endangered Missing Person.

An endangered missing person advisory may be termed a (RCW 13.60.010):

- (a) "Silver alert" when initiated to assist in the recovery of a missing endangered person age 60 or older.
- (b) "Missing Indigenous person alert" to assist in the recovery of a missing Indigenous person.

316.5.1 CRITERIA

All of the following criteria must exist prior to initiating an Endangered Missing Person Advisory:

- (a) The person is missing under unexplained, involuntary, or suspicious circumstances.
- (b) The person has a developmental disability, is a vulnerable adult, or is believed to be in danger because of age, health, mental or physical disability, in combination with environmental or weather conditions, or is believed to be unable to return to safety without assistance. This also includes a person diagnosed as having Alzheimer's disease or other age-related dementia (RCW 13.60.010).
- (c) There is enough information that could assist the public in the safe recovery of the missing person (e.g., photo or description, clothing worn when last seen, vehicle, location last seen).
- (d) The incident has been reported to and investigated by a law enforcement agency.

316.5.2 PROCEDURE

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

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- (a) Ensure that department protocol is followed regarding approval of the alert.
- (b) Ensure all appropriate documentation is completed.
- (c) Contact the WSP Communication Center for entry into LEAP.
- (d) Direct Records Section personnel to enter the information into the WACIC and NCIC databases using the proper message key: Missing (MNP), Endangered (EME), or Involuntary (EMI).
- (e) Notify Dispatch of the advisory and ensure that it is prepared to handle a high volume of telephone calls.
- (f) Ensure that the handling officer attempts to obtain a photograph of the missing person and/or suspect as soon as possible.
- (g) Direct the Records Section to enter the photograph into WACIC and NCIC, then send an email to the WSP Missing Persons Unit (MPU).
- (h) Appoint a PIO to handle the media.
 - 1. The PIO should notify the media through appropriate channels regarding the Endangered Person Advisory. Upon request, the WSP MPU can provide electronic posters with details of the missing person.
 - 2. If the Endangered Missing Person is 21 years of age or younger, NCMEC should be notified as soon as practicable.
- (i) The Records Section personnel should promptly cancel the advisory after an Endangered Missing Person is located by sending an administrative message through A Central Computerized Enforcement Service System (ACCESS), noting that the person has been found.

316.6 BLUE ALERTS

The Blue Alert system is a voluntary cooperation between law enforcement, state government agencies and local broadcasters to enhance the public's ability to assist in locating and apprehending persons suspected of killing or seriously injuring a law enforcement officer (RCW 10.108.030).

The Duvall Police Department participates in this partnership and may initiate a Blue Alert to disseminate information to the public when the criteria for a Blue Alert are met.

316.6.1 CRITERIA

All of the following criteria are required to exist prior to initiating a Blue Alert (RCW 10.108.030):

- (a) The suspect has not been apprehended.
- (b) The suspect poses a serious threat to the public.
- (c) Sufficient information is available to disseminate to the public to assist in locating and apprehending the suspect.
- (d) The release of the information will not compromise the investigation.

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- (e) The release of the information will not improperly notify an officer's next of kin.

316.6.2 PROCEDURE

Should the Shift Sergeant or supervisor determine that the incident meets the criteria of a Blue Alert, the Shift Sergeant or supervisor should:

- (a) Direct Records Section personnel to prepare a Blue Alert administrative message through ACCESS. The words, "Blue Alert Advisory" should be included in the title of the message.
- (b) Contact WSP Communications to verify that the advisory was received and, if available, provide the suspect's vehicle information and request the Washington Department of Transportation (WSDOT) to activate variable message signs.
- (c) Ensure that descriptive information about the suspect, the suspect's whereabouts, and the suspect's method of escape is disseminated.
- (d) Appoint a PIO to issue press releases and handle media inquiries.
 - 1. The PIO should be updated continually and be in constant contact with all media outlets to obtain maximum media exposure, provide updates, and cancel the Blue Alert when appropriate.
- (e) Notify Dispatch of the Blue Alert and ensure that it is prepared to handle a high volume of telephone calls.
- (f) Ensure that a press release is issued cancelling the Blue Alert.

316.7 HIT-AND-RUN ALERTS

The Hit-and-Run Alert system is a program of cooperation among state, local, and tribal law enforcement agencies and WSDOT to enhance the ability to identify and recover a fleeing vehicle involved in a serious injury or fatality hit-and-run collision.

316.7.1 CRITERIA

All of the following criteria must exist prior to initiating a Hit-and-Run Alert:

- (a) A hit-and-run collision resulting in serious injury or death occurred (RCW 46.52.020).
- (b) Enough descriptive information is available to assist in locating the suspect vehicle, such as a full or partial license plate, a description of the vehicle and any possible damage to it, location, or direction of travel when last seen.
- (c) The incident has been reported and is being investigated by a law enforcement agency.

316.7.2 PROCEDURE

Should the Shift Sergeant or supervisor determine that the incident meets the criteria of a Hit-and-Run Alert, the Shift Sergeant or supervisor should:

- (a) Ensure that department protocol is followed regarding approval of the alert.
- (b) Ensure the appropriate form is completed.

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- (c) Email the form to the WSP Hit-and-Run Alert Activation Team and immediately call the Team to discuss the activation.
- (d) Notify Dispatch of the advisory and ensure that it is prepared to handle a high volume of telephone calls.
- (e) Appoint a PIO to handle media inquiries.

The Records Section personnel should promptly cancel the alert when no longer needed by sending an email to the WSP Hit-and-Run Alert Activation Team.

Victim Witness Assistance

317.1 PURPOSE AND SCOPE

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

317.2 POLICY

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

317.3 CRIME VICTIM LIAISON

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

317.3.1 SPECIFIC VICTIM LIAISON DUTIES

The crime victim liaison should:

- (a) Ensure that the Department affords victims and witnesses their appropriate rights (RCW 7.69.030; RCW 7.69B.020; RCW 70.125.110).
- (b) Ensure that child victims and witnesses are provided appropriate services and rights (RCW 7.69A.030).
- (c) Coordinate with the County Prosecutor's Office to ensure that all other required notifications are provided to victims and witnesses.

317.4 CRIME VICTIMS

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

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

317.4.1 RIGHT OF IMMEDIATE MEDICAL ASSISTANCE

Victims have the right to immediate medical assistance and should not be detained for an unreasonable length of time before having such assistance administered. The officer may accompany the victim to a medical facility to question the victim about the criminal incident if the questioning does not hinder the administration of medical assistance (RCW 7.69.030).

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Victim Witness Assistance

317.5 VICTIM INFORMATION

The Administrative Services Division Commander shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims including domestic violence and sexual assault victims.
- (b) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; RCW 70.125.110).
- (c) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (d) A clear explanation of relevant court orders and how they can be obtained.
- (e) Information regarding available compensation for qualifying victims of crime.
- (f) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (g) Notice regarding U-Visa and T-Visa application processes.
- (h) Resources available for victims of identity theft.
- (i) A place for the officer's name, badge number, and any applicable case or incident number.
- (j) A written statement enumerating the rights of victims (RCW 7.69.030; RCW 7.69A.030; RCW 7.69B.020).
- (k) The name, address, and telephone number of the local victim/witness program, or contact information for the Washington Coalition of Crime Victim Advocates.
- (l) An advisement notifying victims of domestic violence of their right to personally initiate a criminal proceeding when an officer does not exercise arrest powers or initiate criminal proceedings by citation (RCW 10.99.030).
- (m) Information about the address confidentiality program (RCW 40.24.030).

317.6 WITNESSES

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

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

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317.7 WITNESS INFORMATION

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

The Administrative Services Division Commander shall ensure that witness information handouts are available and current. These should include information regarding witness rights (RCW 7.69.030).

Hate Crimes

318.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

318.2 DEFINITIONS

Definitions related to this policy include:

Hate crime - A crime motivated by prejudice based on actual or perceived race, color, religion, national origin, ethnicity, gender, sexual orientation, gender identity or expression, or disability of the victim.

318.3 PREVENTION AND PREPARATION

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by:

- (a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes, and forming networks that address prevention and response.
- (b) Providing victim assistance and community follow-up or identifying available resources to do so.
- (c) Educating community and civic groups about hate crime laws.

318.4 INVESTIGATIONS

Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

- (a) Assigned officers should contact the victim, witness, or reporting party to investigate the matter further as circumstances may dictate.
- (b) A supervisor should be notified of the circumstances as soon as practical.
- (c) Once the in-progress aspect of any such situation has been stabilized (e.g., treatment of victims or arrest of suspects at the scene), the assigned officers should take reasonable steps to preserve evidence that establishes a possible hate crime.
- (d) Based upon available information, officers should take appropriate action to mitigate further injury or damage to potential victims or the community.
- (e) Depending on the situation, the assigned officers or supervisor may request assistance from investigators or other resources.
- (f) The assigned officers should interview available witnesses, victims, and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.

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- (g) The assigned officers should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as required by the Victim Witness Assistance Policy.
- (h) The assigned officers should include all available evidence indicating the likelihood of a hate crime in the relevant reports. All related reports should be clearly marked "Hate Crime."
- (i) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid (e.g., Anti-Harassment Protective Order (AHPO)) through the courts or City Attorney.

318.4.1 PATROL SECTION RESPONSIBILITY

If a hate crime case is assigned to the Patrol Section, the assigned investigator will be responsible for:

- (a) Coordinating further investigation with the City Attorney and other appropriate law enforcement agencies.
- (b) Maintaining contact with the victim and other involved individuals, as needed.
- (c) Maintaining statistical data and tracking of suspected hate crimes required by state law, and reporting such data to the Washington Association of Sheriffs and Police Chiefs (WASPC) (RCW 36.28A.030).

318.5 TRAINING

All members of this department should receive training on hate crime recognition and investigation.

318.6 POLICY

The Duvall Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the state and federal constitution and incorporated in state and federal law.

Standards of Conduct

319.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Duvall Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

319.2 POLICY

The continued employment or appointment of every member of the Duvall Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

319.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

319.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

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

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

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319.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.
- (d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

319.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Washington constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

319.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service.

319.5.1 LAWS, RULES AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or City manuals.
- (b) Disobedience of any legal directive or order issued by any department member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.

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319.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the Duvall Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.

319.5.1 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

319.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on duty or through the use of one's official capacity.
- (b) Engaging in on duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.
- (e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.

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319.5.5 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this department.
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any department property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (e) Using department resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and nonsubpoenaed records.

319.5.3 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

319.5.8 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Department within 24 hours of any change in residence address or contact numbers.
- (f) Failure to notify the Department of Human Resources of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

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319.5.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

319.5.11 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.
- (e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic collision.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

319.5.11 CONDUCT

- (a) Failure of any member to promptly and fully report activities on the member's part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy (RCW 10.93.190).
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful, or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening, or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.

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- (f) Discourteous, disrespectful, or discriminatory treatment of any member of the public or any member of this department or the City.
- (g) Use of obscene, indecent, profane, or derogatory language while on-duty or in uniform.
- (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
- (i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel, or the services or property of others; unauthorized removal or possession of department property or the property of another person.
- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement to include fraud in securing the appointment or hire.
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.
- (m) Any other on- or off-duty conduct that any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency, or morale, or tends to reflect unfavorably upon this department or its members.

319.5.11 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any workrelated investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.
- (c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:

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1. While on department premises.
 2. At any work site, while on-duty or while in uniform, or while using any department equipment or system.
 3. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
1. Unauthorized attendance while on-duty at official legislative or political sessions.
 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or on department property except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police.
- (i) Any act on or off duty that brings discredit to this department.

Information Technology Use

320.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

320.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented, or licensed by the Duvall Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

Hardware - Includes but is not limited to computers, computer terminals, network equipment, electronic devices, telephones (including cellular and satellite), modems, or any other tangible computer device generally understood to comprise hardware.

Software - Includes but is not limited to all computer programs, systems, and applications, including shareware and firmware. This does not include files created by the individual user.

Temporary file, permanent file, or file - Any electronic document, information, or data residing or located, in whole or in part, on the system including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs, or videos.

320.2 POLICY

It is the policy of the Duvall Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

320.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any department computer system.

The Department reserves the right to access, audit, and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network, and/or any information placed into storage on any department system or device. This includes records of all keystrokes or web-browsing history made at any department computer or over any department network. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices, or networks.

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Employees may not be asked or required to disclose logon information for their personal social networking accounts or to provide access to their personal social networking accounts unless otherwise allowed under RCW 49.44.200 (RCW 49.44.200).

320.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Shift Sergeants.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

320.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

320.4.2 HARDWARE

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

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320.4.3 INTERNET USE

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include but are not limited to adult forums, pornography, gambling, chat rooms, and similar or related internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information from the internet shall be limited to messages, mail, and data files.

320.4.4 OFF-DUTY USE

Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities. This also applies to personally owned devices that are used to access department resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

320.5 PROTECTION OF SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off, and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor. Passwords for accounts that access CJI are governed by the CJIS Access, Maintenance, and Security Policy.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to a supervisor.

320.6 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department

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involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

Report Preparation

321.1 PURPOSE AND SCOPE

Report preparation is a major part of each officer's job. The purpose of reports is to document sufficient information to refresh the officer's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

321.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Typed reports should be completed through Spillman and/or SECTOR. Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

321.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

321.2.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution.

Activity to be documented in a written report includes:

- (a) All arrests
- (b) All felony crimes
- (c) Non-felony incidents involving threats or stalking behavior
- (d) Situations covered by separate policy. These include:
 - 1. Use of Force Policy

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Report Preparation

2. Domestic Violence Policy
 3. Child Abuse Policy
 4. Adult Abuse Policy
 5. Hate Crimes Policy
 6. Suspicious Activity Reports Policy
- (e) All misdemeanor crimes where the victim desires a report

321.2.2 NON-CRIMINAL ACTIVITY

Incidents that require documentation on the appropriate approved report include:

- (a) Any time an officer points a firearm at any person.
- (b) Any use of force against any person by a member of this department (see the Use of Force Policy).
- (c) Any firearm discharge (see the Firearms Policy).
- (d) Any time a person is reported missing, regardless of jurisdiction (see the Missing Persons Reporting Policy).
- (e) Any found property or found evidence.
- (f) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy).
- (g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy.
- (h) All protective custody detentions.
- (i) Suspicious incidents that may place the public or others at risk.
- (j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor.

321.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigation Policy. An officer handling a death investigation should notify and apprise a supervisor of the circumstances surrounding the incident and a determination will be made on how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

- (a) Sudden or accidental deaths.
- (b) Suicides
- (c) Homicide or suspected homicide.

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- (d) Unattended deaths (No physician in attendance within 36 hours preceding death).
- (e) Found dead bodies or body parts.

321.2.4 INJURY OR DAMAGE BY CITY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a City employee. Additionally, reports shall be taken involving damage to City property or City equipment.

321.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

- (a) The injury is a result of drug overdose.
- (b) Attempted suicide.
- (c) The injury is major/serious, whereas death could result.
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

321.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

321.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS

Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for departmental consistency.

321.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS

County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

321.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should complete the Report Correction form stating the reasons for rejection. The original report and the correction form should be returned to the reporting employee for correction as soon as practical. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

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321.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Section for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Section may be corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing supervisor.

Media Relations

322.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

322.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police, however, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Division Commanders, Shift Sergeants and designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

322.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated department media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

- (a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated department media representative.
- (b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.
- (c) Under no circumstance should any member of this department make any comment(s) to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.

322.3 MEDIA ACCESS

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions:

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
 - 1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the department Public Information Officer or other designated spokesperson.

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2. Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Shift Sergeant. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137).
- (c) No member of this Department who is under investigation shall be subjected to media visits or interviews without the consent of the involved employee.
- (d) Media interviews with individuals who are in custody shall not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media should be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Public Information Officer.

322.3.1 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception the Chief of Police will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

322.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Department will maintain a daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives through the Shift Sergeant. When requested, additional information may be made available (RCW 42.56.070(1)). This log will generally contain the following information:

- (a) The date, time, location, case number, type of crime, extent of injury or loss and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

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- (b) The date, time, location, case number, name, birth date and charges for each person arrested by this department unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law.

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner's Office.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the Public Records Officer, or if unavailable, to the Shift Sergeant. Such requests will generally be processed in accordance with the provisions of the Public Records Act (RCW Chapter 42.56.001 et seq.).

322.4.1 RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department (see the Records Maintenance and Release and Personnel Files policies). When in doubt, authorized and available legal counsel should be obtained.

Subpoenas and Court Appearances

323.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Duvall Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

323.2 POLICY

Duvall Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

323.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so.

A subpoena may be served upon a member by personal service or by leaving such copy at the place of his/her residence (Civil Rules, CR 45; Civil Rules, CrLJ 45; Criminal Rules, CrRLJ 4.8; Criminal Rules, CrR 4.8).

Criminal subpoenas may also be served upon a member by first-class mail in a limited criminal matter. A criminal subpoena in Superior Court may be served by first-class mail together with a waiver of personal service and instructions for returning such waiver to complete service (Criminal Rules, CrRLJ 4.8; Criminal Rules, CrR 4.8).

323.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the City Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.
- (b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.
- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Duvall Police Department.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Duvall Police Department.

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

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No member shall be retaliated against for testifying in any matter.

323.3.2 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding or collective bargaining agreement.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

323.3.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

323.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

323.5 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

323.6 COURTROOM PROTOCOL

When appearing in court, members shall:

- (a) Be punctual when appearing in court and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress in the department uniform or business attire.
- (c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

323.6.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

323.7 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.

Outside Agency Assistance

324.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

324.2 POLICY

It is the policy of the Duvall Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

324.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Shift Sergeant's office for approval. In some instances, a mutual aid agreement or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this department, the Shift Sergeant may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

324.3.1 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Duvall Police Department shall notify his/her supervisor or the Shift Sergeant and Dispatch as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

324.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

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The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

324.5 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Shift Sergeant.

324.6 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Administrative Services Division Commander or the authorized designee.

The documentation should include:

- (a) The conditions relative to sharing.
- (b) The training requirements for:
 - 1. The use of the supplies and equipment.
 - 2. The members trained in the use of the supplies and equipment.
- (c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to Dispatch and the Shift Sergeant to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Training Sergeant should maintain documentation that the appropriate members have received the required training.

Registered Offender Information

325.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Duvall Police Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered offenders.

325.2 POLICY

It is the policy of the Duvall Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

325.3 REGISTRATION

The Patrol Section supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the Washington State Patrol (WSP) within five working days in accordance with RCW 43.43.540. The Washington Association of Sheriffs and Police Chiefs (WASPC) shall be provided any requested information for the administration of the Sex Offender Information website (RCW 4.24.550).

A criminal investigation for failure to register will be initiated if a registrant refuses to provide any of the required information or complete the process.

325.3.1 CONTENTS OF REGISTRATION FOR SEX OR KIDNAPPING OFFENDERS

Sex or kidnapping offenders who are required to register must appear in person and provide the following (RCW 9A.44.130):

- Name
- Complete residential address or where he/she plans to stay
- Date and place of birth
- Place of employment
- Crime for which the person has been convicted
- Date and place of conviction
- Aliases
- Social Security number

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- Biological sample if one has not already been submitted to the WSP (see the Biological Samples Policy for collection protocol) (RCW 43.43.754)

Offenders lacking a fixed residence must report weekly, in person, to the sheriff's office where he/she is registered. Forms used to record where the offender stayed during the week should include an express request for offenders to provide an accurate accounting of where they stayed to the county sheriff.

The registering member shall take photographs and fingerprints, which may include palmprints, of all sex/kidnapping offenders.

325.3.2 CONTENTS OF REGISTRATION FOR FELONY FIREARM OFFENDERS

Felony firearm offenders who are required to register must appear in person and provide the following (RCW 9.41.330; RCW 9.41.333):

- Name and any aliases
- Complete residential address or where he/she plans to stay
- Identifying information, including a physical description
- Crime for which the person has been convicted
- Date and place of conviction
- Names of any other county where the firearm offender may have registered

The registering member may take photographs and fingerprints of the felony firearm offender.

325.4 MONITORING OF REGISTERED OFFENDERS

The Patrol Section supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include, as applicable:

- (a) Efforts to confirm residence using an unobtrusive method, such as an Internet search, drive-by of the declared residence or address verification under RCW 9A.44.135.
 1. When notice is received that a sex offender is moving outside the jurisdiction of the Duvall Police Department, the Patrol Section supervisor is responsible for address verification until the registrant completes registration with a new residential address (RCW 9A.44.130(5)).
- (b) Review of information on the WASPC Sex Offender Information website.
- (c) Contact with a registrant's community correction officer.
- (d) Review any available Washington State database of felony firearm offenders.

Any discrepancies with sex/kidnapping offenders should be reported to ACCESS (A Central Computerized Enforcement Service System), which is administered by WSP, and, in the case of sex offenders only, to WASPC.

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The Patrol Section supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Duvall Police Department personnel, including timely updates regarding new or relocated registrants.

325.4.1 OFFENDERS TRAVELING OUT OF THE COUNTRY

When written notice is received from a registrant who intends to travel outside of the United States, the Sheriff shall notify the United States Marshals Service as soon as practicable after receipt of notification and also of any further notice of changes or cancellation of travel plans (RCW 9A.44.130(3)).

325.5 DISSEMINATION OF PUBLIC INFORMATION

Members will not unilaterally make a public notification advising the community of a particular sex/kidnapping registrant's presence in the community. Members who identify a significant risk or other public safety issue associated with a sex/kidnapping registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on sex/kidnapping registrants should be provided the WASPC Sex Offender Information website or the Duvall Police Department's website.

The Records Manager shall release local sex/kidnapping registered offender information to residents in accordance with RCW 4.24.550 and in compliance with a request under the Public Records Act (RCW 42.56.001 et seq.).

Information pertaining to felony firearm offenders should not be disseminated to the public. All inquiries should be referred to WSP.

325.5.1 RELEASE NOTIFICATIONS FOR SEX OR KIDNAPPING OFFENDERS

Registrant information that is released should include notification that:

- (a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
- (b) The information is provided as a public service and may not be current or accurate.
- (c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- (d) The crime for which a person is convicted may not accurately reflect the level of risk.
- (e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.
- (f) The Duvall Police Department has no authority to direct where an offender may live.

325.5.2 MANDATORY NOTIFICATION

The Patrol Division Commander shall ensure that:

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- (a) A public notification is made for sex offenders who are classified as Risk Level III and who register in the County. The notice shall conform to the guidelines established in RCW 4.24.5501.
- (b) All information on sex/kidnapping offenders registered in the County is regularly updated and posted on the WASPC Sex Offender Information website (RCW 4.24.550(5)).

325.5.3 DISCRETIONARY DISSEMINATION FOR SEX OFFENDERS

Dissemination should be predicated upon the levels detailed below (RCW 4.24.550(3)):

- (a) Offenders classified as Risk Level I: The Department may disclose, upon request, relevant, necessary and accurate information to any victim or witness to the offense and to any individual community member who lives near the residence where the sex offender resides, expects to reside or is regularly found, and to any individual who requests information regarding a specific offender.
- (b) Offenders classified as Risk Level II: In addition to the dissemination for Level I, the Department may also disclose relevant, necessary and accurate information to public and private schools, child day care centers, family day care providers, public libraries, businesses and organizations that serve primarily children, women or vulnerable adults, and neighbors and community groups near the residence where the sex offender resides, expects to reside or is regularly found.
- (c) Offenders classified as Risk Level III: In addition to the dissemination of Level I and Level II, the Department may also disclose relevant, necessary and accurate information to the public at large.
- (d) Homeless and transient sex offenders may present unique risks to the community due to the impracticality of localized notification. The Department may also disclose relevant, necessary and accurate information to the public at large for sex offenders registered as homeless or transient.

325.5.4 SCHOOL NOTIFICATIONS

The Sheriff has the responsibility of notifying the appropriate person at a school or other educational institution as set forth in RCW 9A.44.138 of any sex/kidnapping offender who attends or is employed there, and for providing the following information about the offender:

- Name
- Complete residential address
- Date and place of birth
- Place of employment
- Crime for which the person has been convicted
- Date and place of conviction

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- Aliases
- Photograph
- Risk level classification

325.6 SEX OFFENDER RISK ASSESSMENT

The Patrol Division Commander shall establish a procedure to review and assign an initial risk level classification of sex offenders who have moved or are released into this jurisdiction and the risk assessment level has not already been assigned by the Washington Department of Corrections. That procedure shall address (RCW 4.24.550(6)):

- The circumstances under which the Duvall Police Department is authorized to assign its own risk level.
- Risk level classification criteria.
- What risk assessment tools may be used and how such tools are scored.
- Assessment of known aggravating or mitigating factors related to the risk posed by the offender to the community.
- Notification process following a change in the risk level classification.
- The process for an offender to petition for review of the risk level classification.

Major Incident Notification

326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

326.2 POLICY

The Duvall Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

326.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police and the affected Division Commander. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- Homicides.
- Traffic accidents with fatalities.
- Officer-involved shooting on- or off-duty (See the Officer-Involved Shootings and Deaths Policy for special notifications).
- Significant injury or death to employee on- or off-duty.
- Death of a prominent Duvall official.
- Arrest of Department employee or prominent Duvall official.
- Aircraft crash with major damage and/or injury or death.
- In-custody deaths.

326.4 SHIFT SERGEANT RESPONSIBILITY

The Shift Sergeant is responsible for making the appropriate notifications. The Shift Sergeant shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Shift Sergeant shall attempt to make the notifications as soon as practical. Notification should be made by calling the home phone number first and then any additional contact numbers supplied.

326.4.1 STAFF NOTIFICATION

In the event an incident occurs described in MINIMUM CRITERIA FOR NOTIFICATION, the Chief of Police shall be notified along with the affected Division Commander and the Detective Lieutenant if that division is affected.

326.4.2 PUBLIC INFORMATION OFFICER (PIO)

The Public Information Officer shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.

Death Investigation

327.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers initially respond to and investigate the circumstances of a deceased person.

Some causes of death may not be readily apparent and some cases differ substantially from what they appear to be initially. The thoroughness of death investigations and use of appropriate resources and evidence gathering techniques is critical.

327.2 INVESTIGATION CONSIDERATIONS

Emergency medical services shall be called in all suspected death cases unless death is obvious (e.g., decapitated, decomposed).

A supervisor shall be notified as soon as possible to assist and provide appropriate personnel and resources. The on-scene supervisor should determine whether follow-up investigation is required and notify the Patrol Division Commander as necessary. The Shift Sergeant will make notification to command staff in accordance with the Major Incident Notification Policy.

327.2.1 MEDICAL EXAMINER JURISDICTION OVER REMAINS

The Medical Examiner has jurisdiction of bodies of all deceased persons who come to their death suddenly in any of the following cases (RCW 68.50.010):

- (a) When in apparent good health without medical attendance within the thirty-six hours preceding death.
- (b) Where the circumstances of death indicate death was caused by unnatural or unlawful means.
- (c) Where death occurs under suspicious circumstances.
- (d) Where a Medical Examiner's autopsy or postmortem or Medical Examiner's inquest is to be held.
- (e) Where death results from unknown or obscure causes.
- (f) Where death occurs within one year following an accident.
- (g) Where the death is caused by any violence whatsoever.
- (h) Where death results from a known or suspected abortion; whether self-induced or otherwise.
- (i) Where death apparently results from drowning, hanging, burns, electrocution, gunshot wounds, stabs or cuts, lightning, starvation, radiation, exposure, alcoholism, narcotics or other addictions, tetanus, strangulations, suffocation, or smothering.
- (j) Where death is due to premature birth or still birth.
- (k) Where death is due to a violent contagious disease or suspected contagious disease which may be a public health hazard.
- (l) Where death results from alleged rape, carnal knowledge, or sodomy.

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(m) Where death occurs in a jail or prison.

(n) Where a body is found dead or is not claimed by relatives or friends.

The body or human remains shall not be disturbed or moved from the position or place of death without permission of the Medical Examiner (RCW 68.50.050).

327.2.2 REPORTING

All incidents involving a death shall be documented on the appropriate form.

327.2.3 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the officer shall take steps to protect the scene. The Patrol Section shall be notified to determine the possible need for an investigator to respond to the scene.

If the on-scene supervisor, through consultation with the Shift Sergeant or Patrol Section supervisor, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

The investigator assigned to investigate a homicide or death that occurred under suspicious circumstances may, with the approval of the investigator's supervisor, request the Medical Examiner to conduct physical examinations and tests, and to provide a report.

327.2.4 INDIGENOUS PERSONS

Upon knowledge that the remains are of an indigenous person, officers shall attempt to identify and contact, as soon as practicable, family members and any affected tribes, tribal organizations, and communities prior to removal or disturbance of the remains, except where deemed necessary by the Medical Examiner and officers in the interest of safety or to preserve evidence for any ongoing criminal investigation. Efforts shall include attempts to facilitate contact through the regional liaison for missing and murdered indigenous persons pursuant to RCW 43.43.874 within 10 days of the Medical Examiner having jurisdiction over the remains (RCW 68.50.325).

The lead investigator in cooperation with the Medical Examiner shall provide the family member or representative of a list that contains any prohibited conduct when interacting with the remains including an explanation of why the conduct is prohibited. Additionally, any practices or ceremonies related to the remains by the family or representative require proper authorization by the Medical Examiner and the lead investigator while the remains are under the jurisdiction of the Medical Examiner (RCW 68.50.325).

327.2.5 EMPLOYMENT-RELATED DEATHS OR INJURIES

Any member of this department who responds to and determines that a death, serious illness, or serious injury has occurred as a result of an accident at or in connection with the victim's employment should ensure that the regional Washington Division of Occupational Safety and Health (DOSH) office is notified of all pertinent information.

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327.3 POLICY

It is the policy of the Duvall Police Department to respond, document, and investigate incidents where a person is deceased. Investigations involving the death of a person, including those from natural causes, accidents, workplace incidents, suicide, and homicide, shall be initiated, conducted, and properly documented.

327.4 UNIDENTIFIED DEAD BODY

If the identity of a dead body cannot be established, the handling officer will request from the Medical Examiner a unique identifying number for the body. The number shall be included in any report.

327.5 DEATH NOTIFICATION

When reasonably practicable, and if not handled by the Medical Examiner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification.

If a deceased person has been identified as a missing person, this department shall attempt to locate family members and inform them of the death and location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports.

Identity Theft

328.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

328.2 REPORTING

This department will initiate an incident report whenever a person reasonably suspects that his/her financial information or means of identification has been unlawfully obtained, used, or transferred to another person or entity in all cases where the victim resides or works within this jurisdiction, or where any part of the crime occurred within this jurisdiction. The employee receiving the report will ensure that the complainant receives a copy of the incident report (RCW 9.35.050).

In cases where the reporting party does not reside or work within this jurisdiction and there is no known or suspected criminal activity occurring within this jurisdiction the reporting party may be referred to the appropriate law enforcement agency having jurisdiction. If it is not reasonably practical for the reporting party to file a timely report with his/her home jurisdiction the receiving employee should take a courtesy incident report to be forwarded to the agency having jurisdiction.

Reports should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).

The employee preparing the report should also cross-reference all other known reports made by the victim (e.g., US Secret Service, credit reporting bureaus, US Postal Service and DOL) with all known report numbers.

Following supervisory review and departmental processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

Limited English Proficiency Services

329.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

329.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the Duvall Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

329.2 POLICY

It is the policy of the Duvall Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

329.3 LEP COORDINATOR

The Chief of Police may delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Patrol Division Commander or the authorized designee.

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

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- (a) Coordinating and implementing all aspects of the Duvall Police Department's LEP services to LEP individuals.
- (b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.
- (c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Shift Sergeant and Dispatch Supervisor. The list should include information regarding the following:
 - 1. Languages spoken
 - 2. Contact information
 - 3. Availability
- (d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.
- (e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.
- (f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.
- (g) Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters.
- (h) Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures, or recommending modifications to this policy.
- (i) Receiving and responding to complaints regarding department LEP services.
- (j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

329.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

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- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

329.5 TYPES OF LEP ASSISTANCE AVAILABLE

Duvall Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

329.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

329.7 AUDIO RECORDINGS

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

329.8 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

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When a qualified bilingual member from this department is not available, personnel from other City departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

329.1 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

329.1.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other City departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

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329.1.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

329.1 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

329.13 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

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Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

329.14 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Duvall Police Department will take reasonable steps and will work with the Department of Human Resources to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

329.14.1 EMERGENCY CALLS TO 9-1-1

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in Dispatch, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

329.4 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

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329.4 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

329.17 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

329.18 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

The Training Sergeant shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Sergeant shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

329.18.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Training Sergeant shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

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329.18 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

329.18 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

Chaplains

331.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Duvall Police Department chaplains to provide counseling or emotional support to members of the Department, their families and members of the public (RCW 41.22.030; RCW 41.22.040).

331.2 POLICY

The Duvall Police Department shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

331.3 ELIGIBILITY

Requirements for participation as a chaplain for the Department may include, but are not limited to:

- (a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and excessive debt.
- (b) Having a good reputation in the community.
- (c) Successful completion of an appropriate-level background investigation.
- (d) Possession of a valid driver license.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

331.4 IDENTIFICATION AND UNIFORMS

As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms and necessary safety equipment will be provided for each chaplain. Identification symbols worn by chaplains shall be different and distinct from those worn by officers through the inclusion of "Chaplain" on the uniform and not reflect any religious affiliation.

Chaplains will be issued Duvall Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Duvall Police Department identification cards, with the exception that "Chaplain" will be indicated on the cards. Chaplains shall be required to return any issued uniforms or department property at the termination of service.

Chaplains shall conform to all uniform regulations and appearance standards of this department.

331.5 DUTIES AND RESPONSIBILITIES

Chaplains assist the Department, its members and the community, as needed. Assignments of chaplains will usually be to augment the Patrol Division. Chaplains may be assigned to other areas within the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

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Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while representing themselves as chaplains with this department. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Duvall Police Department.

331.5.1 COMPLIANCE

Chaplains are volunteer members of this department, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy and other applicable policies.

331.5.2 ASSISTING DEPARTMENT MEMBERS

The responsibilities of a chaplain related to department members include, but are not limited to:

- (a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.
- (b) Visiting sick or injured members in the hospital or at home.
- (c) Attending and participating, when requested, in funerals of active or retired members.
- (d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.
- (e) Providing counseling and support for members and their families.
- (f) Being alert to the needs of members and their families.

331.5.3 ASSISTING THE DEPARTMENT

The responsibilities of a chaplain related to this department include, but are not limited to:

- (a) Assisting members in the diffusion of a conflict or incident, when requested.
- (b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Shift Sergeant or supervisor aids in accomplishing the mission of the Department.
- (c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.
- (d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department members.
- (e) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.
- (f) Participating in in-service training classes.
- (g) Willingness to train others to enhance the effectiveness of the Department.

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331.5.4 ASSISTING THE COMMUNITY

The duties of a chaplain related to the community include, but are not limited to:

- (a) Fostering familiarity with the role of law enforcement in the community.
- (b) Providing an additional link between the community, other chaplain coordinators and the Department.
- (c) Providing liaison with various civic, business and religious organizations.
- (d) Promptly facilitating requests for representatives or leaders of various denominations.
- (e) Assisting the community in any other function as needed or requested.
- (f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

331.6 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Department may work or volunteer for the Duvall Police Department in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Duvall Police Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

Child and Dependent Adult Safety

332.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Adult Abuse policies.

332.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Duvall Police Department will endeavor to create a strong cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

332.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

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332.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered, children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
 - 1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
- (b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
 - 1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
- (c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (d) Notify the Department of Social and Health Services, if appropriate.
- (e) Notify the field supervisor or Shift Sergeant of the disposition of children and dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

Officers shall promptly notify Child Protective Services (CPS) whenever a child under 13 years of age is present in a vehicle and his/her parent, guardian or legal custodian is arrested for a drug or alcohol driving offense in accordance with the department Child Abuse Policy (RCW 26.44.250).

332.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any

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child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law.

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

332.3.3 REPORTING

- (a) For all arrests where children are present or living in the household, the reporting member will document the following information:
 - 1. Name
 - 2. Sex
 - 3. Age
 - 4. Special needs (e.g., medical, mental health)
 - 5. How, where and with whom or which agency the child was placed
 - 6. Identities and contact information for other potential caregivers
 - 7. Notifications made to other adults (e.g., schools, relatives)
- (b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:
 - 1. Name
 - 2. Sex
 - 3. Age
 - 4. Whether he/she reasonably appears able to care for him/herself
 - 5. Disposition or placement information if he/she is unable to care for him/herself

332.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

332.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked law enforcement vehicle or taken into formal protective custody.

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Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

332.5 TRAINING

The Training Sergeant is responsible to ensure that all members of this department who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.

Service Animals

333.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to ensure that the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act (ADA).

333.1.1 DEFINITIONS

Definitions related to this policy include:

Service animal - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size, and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

All references to "service animals" in this policy also mean a dog or miniature horse undergoing training to become a service animal (RCW 49.60.040).

333.2 POLICY

It is the policy of the Duvall Police Department to provide services and access to services, programs, and activities of the Department to persons with service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law.

333.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Duvall Police Department affords to all members of the public (28 CFR 35.136).

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness, or collar.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors, or flipping switches for people who have limited use of their hands, arms, or legs.

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- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

333.4 INQUIRIES REGARDING SERVICE ANIMALS

If it is apparent or if a member is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the member should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The individual should not be questioned about their disabilities nor should members ask any individual to provide any license, certification, or identification card for the service animal.

333.5 CONTACT WITH SERVICE ANIMALS

Service animals are not pets. Department members should not interfere with a service animal by talking to, petting, or otherwise initiating contact.

333.6 REMOVAL OF SERVICE ANIMALS

If a service animal is not housebroken, exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, a department supervisor may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136 (b); 28 CFR 35.139).

Each incident must be considered individually, and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse access to services, programs, and activities to an individual with a disability. Members are expected to provide all services, programs, and activities that are reasonably available to an individual with a disability, with or without a service animal.

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333.7 COMPLAINTS

When handling calls of a complaint regarding a service animal, members should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice (DOJ).

Off-Duty Law Enforcement Actions

334.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place an officer as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for officers of the Duvall Police Department with respect to taking law enforcement action while off-duty.

334.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving, or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Officers are not expected to place themselves in unreasonable peril. However, any officer of this department who becomes aware of an incident or circumstance that the officer reasonably believes would justify the use of deadly force or result in significant property damage may take reasonable action to minimize or eliminate the threat (see the Use of Force Policy).

When public safety or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

334.3 FIREARMS

Officers of this department may carry firearms while off-duty in accordance with federal regulations and department policy. All firearms and ammunition must meet guidelines as described in the department Firearms Policy. When carrying firearms while off-duty officers shall also carry their department-issued badge and identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication or any combination thereof that would tend to adversely affect the officer's senses or judgment.

334.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

- (a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.
- (c) The lack of equipment, such as handcuffs, OC or baton.

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- (d) The lack of cover.
- (e) The potential for increased risk to bystanders if the off-duty officer were to intervene.
- (f) Unfamiliarity with the surroundings.
- (g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

334.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty officer is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as an Duvall Police Department officer until acknowledged. Official identification should also be displayed.

334.4.2 INCIDENTS OF PERSONAL INTEREST

Officers should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances officers should call the responsible agency to handle the matter.

334.4.3 NON-SWORN RESPONSIBILITIES

Non-sworn personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

334.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

334.5 REPORTING

Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Shift Sergeant as soon as practicable. The Shift Sergeant shall determine whether a report should be filed by the employee.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

Department Use of Social Media

335.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

335.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services.

335.2 POLICY

The Duvall Police Department will use social media as a method of effectively informing the public about department services, issues, investigations, recruitment, and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all people.

335.3 AUTHORIZED USERS

Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member's chain of command.

335.4 RETENTION OF RECORDS

The Administrative Services Division Commander should work with the Public Records Officer to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

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335.6 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission, and that conforms to all department policies regarding the release of information may be posted.

Examples of appropriate content include:

- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Investigative requests for information.
- (d) Requests that ask the community to engage in projects that are relevant to the department mission.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings, or disaster information.
- (f) Traffic information.
- (g) Media releases.
- (h) Recruitment of personnel.

Authorized members shall review all content prior to posting to ensure that the posting does not contain prohibited content.

335.6.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

335.6 MONITORING CONTENT

The Chief of Police will appoint a supervisor to review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content, and the resolution of any issues. The same supervisor should review the department social media on a quarterly basis for any posted prohibited content and remove the same upon discovery.

335.7 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Duvall Police Department or its members.

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- (e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

335.7.1 PUBLIC POSTING PROHIBITED

Department social media sites shall be designed and maintained to prevent posting of content by the public. However the site may allow for commenting by the public as long as it does not contain prohibited content, commercial advertisements, or otherwise violate the commenting policy posted on the site.

The Department may provide a method for members of the public to contact department members directly.

335.8 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

Native American Graves Protection and Repatriation

336.1 PURPOSE AND SCOPE

This policy is intended to ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

336.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects - Objects that, as part of the death rite or ceremony of a Native American culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains. Funerary objects are either associated funerary objects or unassociated funerary objects.

Associated funerary objects are any funerary objects related to removed human remains, where the location of the human remains is known. This includes objects that were made exclusively for burial purposes or to contain human remains, regardless of the physical location or existence of any related human remains.

Unassociated funerary objects are any other funerary objects that are identified by a preponderance of the evidence such as:

- Related to human remains but the remains were not removed, or the location of the remains is unknown.
- Related to specific individuals or families.
- Removed from specific burial sites with Native American cultural affiliation.
- Removed from an area where such burial sites are known to have existed, but the site no longer exists.

Native American human remains - Any physical part of the body of a Native American individual.

Objects of cultural patrimony - Objects having ongoing historical, traditional, or cultural importance that is central to the Native American group or culture itself and, therefore, cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

336.2 POLICY

It is the policy of the Duvall Police Department that the protection of Native American human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred

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objects, or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption, or complicated custody transfer processes.

336.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred objects, or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.5).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.5):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land - Medical Examiner (RCW 68.50.645)
- Tribal land - Responsible Indian tribal official

336.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.7).

Community Relations

337.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Hate Crimes Policy.
- Limited English Proficiency Services Policy.
- Communications with Persons with Disabilities Policy.
- Chaplains Policy.
- Patrol Function Policy.
- Suspicious Activity Reporting Policy.

337.2 POLICY

It is the policy of the Duvall Police Department to promote positive relationships between department members and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

337.3 MEMBER RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

- (a) Make casual and consensual contacts with community members to promote positive community relationships (see the Contacts and Temporary Detentions Policy).
- (b) Become reasonably familiar with the schools, businesses, and community groups in their assigned jurisdictional areas.
- (c) Work with community members and the department community relations coordinator to identify issues and solve problems related to community relations and public safety.
- (d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Officers carrying out foot patrols should notify an appropriate supervisor and Dispatch of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform Dispatch of their location and status during the foot patrol.

337.4 COMMUNITY RELATIONS COORDINATOR

The Chief of Police or the authorized designee should designate a member of the Department to serve as the community relations coordinator. He/she should report directly to the Chief of Police or the authorized designee and is responsible for:

- (a) Obtaining department-approved training related to his/her responsibilities.

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- (b) Responding to requests from department members and the community for assistance in identifying issues and solving problems related to community relations and public safety.
- (c) Organizing surveys to measure the condition of the department's relationship with the community.
- (d) Working with community groups, department members and other community resources to (RCW 43.101.240):
 - 1. Identify and solve public safety problems within the community.
 - 2. Organize programs and activities that help build positive relationships between department members and the community and provide community members with an improved understanding of department operations.
- (e) Working with the Patrol Division Commander to develop patrol deployment plans that allow officers the time to participate in community engagement and problem-solving activities.
- (f) Recognizing department and community members for exceptional work or performance in community relations efforts.
- (g) Attending City council and other community meetings to obtain information on community relations needs.
- (h) Assisting with the department's response to events that may affect community relations, such as an incident where the conduct of a department member is called into public question.
- (i) Informing the Chief of Police and others of developments and needs related to the furtherance of the department's community relations goals, as appropriate.

337.5 SURVEYS

The community relations coordinator should arrange for a survey of community members and department members to be conducted at least annually to assess the condition of the relationship between the Department and the community. Survey questions should be designed to evaluate perceptions of the following:

- (a) Overall performance of the Department
- (b) Overall competence of department members
- (c) Attitude and behavior of department members
- (d) Level of community trust in the Department
- (e) Safety, security or other concerns

A written summary of the compiled results of the survey should be provided to the Chief of Police.

337.6 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS

The community relations coordinator should organize or assist with programs and activities that create opportunities for department members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

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- (a) Department-sponsored athletic programs (e.g., baseball, basketball, soccer, bowling).
- (b) Police-community get-togethers (e.g., cookouts, meals, charity events).
- (c) Youth leadership and life skills mentoring.
- (d) School resource officer/Drug Abuse Resistance Education (D.A.R.E.®) programs.
- (e) Neighborhood Watch and crime prevention programs.

337.7 INFORMATION SHARING

The community relations coordinator should work with the Public Information Officer to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in department operations, comments, feedback, positive events) between the Department and community members. Examples of information-sharing methods include:

- (a) Community meetings.
- (b) Social media (see the Department Use of Social Media Policy).
- (c) Department website postings.

Information should be regularly refreshed, to inform and engage community members continuously.

337.8 LAW ENFORCEMENT OPERATIONS EDUCATION

The community relations coordinator should develop methods to educate community members on general law enforcement operations so they may understand the work that officers do to keep the community safe. Examples of educational methods include:

- (a) Development and distribution of informational cards/flyers.
- (b) Department website postings.
- (c) Presentations to driver education classes.
- (d) Instruction in schools.
- (e) Department ride-alongs (see the Ride-Along Policy).
- (f) Scenario/Simulation exercises with community member participation.
- (g) Youth internships at the Department.
- (h) Citizen academies.

Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make a complaint to the department regarding alleged misconduct or inappropriate job performance by department members.

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337.9 SAFETY AND OTHER CONSIDERATIONS

Department members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, not allow them to be present in any location or situation that would jeopardize their safety.

Department members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

337.10 COMMUNITY ADVISORY COMMITTEE

The Chief of Police should establish a committee of volunteers consisting of community members, community leaders and other community stakeholders (e.g., representatives from schools, churches, businesses, social service organizations). The makeup of the committee should reflect the demographics of the community as much as practicable.

The committee should convene regularly to:

- (a) Provide a public forum for gathering information about public safety concerns in the community.
- (b) Work with the Department to develop strategies to solve public safety problems.
- (c) Generate plans for improving the relationship between the Department and the community.
- (d) Participate in community outreach to solicit input from community members, including youth from the community.

The Training Sergeant should arrange for initial and ongoing training for committee members on topics relevant to their responsibilities.

The Chief of Police may include the committee in the evaluation and development of department policies and procedures and may ask them to review certain personnel complaints for the purpose of providing recommendations regarding supervisory, training or other issues as appropriate.

337.10.1 LEGAL CONSIDERATIONS

The Chief of Police and the community relations coordinator should work with the City Attorney as appropriate to ensure the committee complies with any legal requirements such as public notices, records maintenance and any other associated obligations or procedures.

337.11 TRANSPARENCY

The Department should periodically publish statistical data and analysis regarding the department's operations. The reports should not contain the names of officers, suspects or case numbers. The community relations coordinator should work with the community

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advisory committee to identify information that may increase transparency regarding department operations.

337.12 TRAINING

Subject to available resources, members should receive training related to this policy, including training on topics such as:

- (a) Effective social interaction and communication skills.
- (b) Cultural, racial and ethnic diversity and relations.
- (c) Building community partnerships.
- (d) Community policing and problem-solving principles.
- (e) Enforcement actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

Protection Orders, Extreme Risk Protection Orders, and Orders to Surrender Weapons

338.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning and serving protection orders, extreme risk protection orders, orders to surrender weapons, and accounting for the firearms obtained pursuant to those orders. It is the policy of the Duvall Police Department to petition for and serve such orders in compliance with state laws and to properly account for firearms obtained by the Department pursuant to such orders. This policy may be supplemented and/or updated as needed based on changes in the law or best practices as recommended by the Regional Domestic Firearms Unit.

338.2 INTRODUCTION

In the effort of seeking protection from batterers and other violent persons, victims, family members, Petitioners, and law enforcement personnel face significant risks. In the United States, based on an analysis of FBI and Florida State homicide reports, a woman is fatally shot by her partner every 16 hours. In addition, research shows that people with a history of domestic violence are five-times more likely to murder their partner if there is a firearm in the house.

A 2016 report from the National Law Enforcement Officers Memorial Fund found that calls related to domestic disputed and domestic-related incidents resulted in more police fatalities than any other type of call. Further, research also tells us that a woman's risk of homicide is highest when she is trying to end the relationship. For these reasons, in 2014, the Washington State Legislature unanimously passed a law requiring immediate surrender of weapons for certain persons subject to Protection Orders.

In addition, in 2016, the Washington voters authorized a new type of order, the Extreme Risk Protection Order (ERPO), mandating immediate removal of firearms from those posing risk of harm to self or others, such as individuals in crisis.

Swift order service, along with temporarily removing firearms for safekeeping at the time of service, particularly for those Restrained Persons who present the greatest risk, is critically important.

338.3 DEFINITIONS

Coercive control - means a pattern of behavior that is used to cause another to suffer physical, emotional, or psychological harm, and in purpose or effect unreasonably interferes with a person's free will and personal liberty. In determining whether the interference is unreasonable, the court shall consider the context and impact of the pattern of behavior from the perspective of a similarly situated person. Examples of coercive control include, but are not limited to, engaging in any of the following (RCW 7.105.010 (4)(a);

- (a) Intimidating or controlling or compelling conduct by:
 - 1. Damaging, destroying, or threatening to damage or destroy, or forcing the other party to relinquish, goods, property, or items of special value;

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2. Using technology to threaten, humiliate, harass, stalk, intimidate, exert undue influence over, or abuse the other party, including engaging in cyberstalking, monitoring, surveillance, impersonation, manipulation of electronic media, or distribution of or threats to distribute actual or fabricated intimate images;
3. Carrying, exhibiting, displaying, drawing, or threatening to use, any firearm or any other weapon apparently capable of producing bodily harm, in a manner, under circumstances, and at a time and place that either manifests and intent to intimidate the other party or that warrants alarm by the other party for their safety or the safety of other persons;
4. Driving recklessly with the other party or minor children in the vehicle;
5. Communicating, directly or indirectly the intent to:
 - (a) Harm the other party's career;
 - (b) Attempt suicide or other acts of self-harm; or
 - (c) Contact local or federal agencies based on actual or suspected immigration status;
6. Making, or threatening to make, private information public, including the other party's sexual orientation or gender identity, medical or behavioral health information, or other confidential information that jeopardizes safety; or
7. Engaging in sexual or reproductive coercion;
8. Causing dependence, confinement, or isolation of the other party from friends, relatives, or other sources of support, including schooling and employment, or subjecting the other party to physical confinement or restraint;
9. Depriving the other party of basic necessities or committing other forms of financial exploitation;
10. Controlling, exerting undue influence over, interfering with, regulating, or monitoring the other party's movements, communications, daily behavior, finances, economic resources, or employment, including but not limited to interference with or attempting to limit access to services for children of the other party, such as health care, medication, child care, or school-based extracurricular activities;
11. Engaging in vexatious litigation or abusive litigations and defined in RCW 26.51.020 against the other party to harass, coerce, or control the other party, to diminish or exhaust the other party's financial resources, or to compromise the other party's employment or housing; or
12. Engaging in psychological aggression, including inflicting fear, humiliating, degrading, or punishing the other party.

Domestic Violence - means the crimes listed in RCW 10.99.020 when committed either by:

- (a) One family or household member against another family or household member; or
- (b) One intimate partner against another intimate partner.

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Family or household member - means individuals who have the following types of relationships with a Respondent/Restrained Person (RCW 7.0105.010 (14)):

- (a) Persons related by blood, marriage, domestic partnership, or adoption;
- (b) Dating partners. Persons 13 years of age or older in a dating relationship with a person 16 years of age or older;
- (c) Persons with a child in common, regardless of whether such persons have been married or have lived together; Persons who currently or formerly resided together (for an ERPO, the persons must have resided together within the past year);
- (d) Domestic partner;
- (e) Person in a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren; and/or
- (f) Persons acting or have acted as the Respondent/Restrained Person's legal guardian.

Hope Card - means a wallet sized card that was established in 2025, that can be requested by the petitioner. This card will have essential Protection Order information on it so that it can be provided to law enforcement, instead of petitioners having to carry the hard copy of the order to provide law enforcement. The information on the card allows officers to access the order record online.

Intimate partner - means spouses or domestic partners, former spouses or domestic partners, persons who have a child in common regardless of whether they have been married or have lived together at any time, unless the child is conceived through sexual assault or persons who have or have had a dating relationship wither bother persons are at least 13 years of age or older (RCW 7.105.010 (21)). A person who is or was married, in a state-registered domestic partnership, or in an intimate or dating relationship with another person at the present or at some time in the past. Any person who has one or more children in common with another person, regardless of whether they have been married, in a domestic partnership with each other, or lived together at any time, shall be treated as an Intimate Partner.

Petitioner - means the person who files the initial case. In most cases, the person who initiated the case is also the Protected Person. In some situation, where there is an overarching family law case, such as a dissolution, or parenting plan, the person who initiated that case may be listed as the Respondent/Restrained Person on the Protection Order.

Sexual conduct - means any of the following (RCW 7.105.010 (33)):

- (a) Any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing;
- (b) Any intentional or knowing display of genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent;
- (c) Any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing, that the petitioner is forced to perform by another person or the respondent;

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- (d) Any forced display of the petitioner's genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent or others;
- (e) Any intentional or knowing touching of the clothed or unclothed body of a child under the age of 16, if done for the purposes of sexual gratification or arousal of the respondent or others; or
- (f) Any coerced or forced touching or fondling by a child under the age of 16, directly or indirectly, including through clothing, of the genitals, anus, or breasts of the respondent or others.

Stalking - means any of the following (RCW 7.105.010 (35):

- (a) Any act of stalking as defined under RCW 9A.46.110;
- (b) Any act of cyber harassment as defined under RCW 9A.90.120; or Any course of conduct involving repeated or continuing contacts, attempts to contact, monitoring, tracking, surveillance, keeping under observation, disrupting activities in a harassing manner, or following of another person that:
 - 1. Would cause a reasonable person to feel intimidated, frightened, under duress, significantly disrupted, or threatened and that actually causes such a feeling;
 - 2. Serves no lawful purpose; and
 - 3. The respondent knows or reasonably should know, threatens, frightens, or intimidates the person, even if the respondent did not intend to intimidate, frighten, or threaten the person.

338.4 TYPES OF ORDERS

There are various types of civil and criminal protection orders. Officers should be aware of the different types of circumstances where they may apply.

Domestic Violence Protection Order (DVPO) - A civil order to protect against domestic violence or threat of violence by an "intimate partner" or a "family or household member". Domestic violence may include controlling behavior ("Coercive control"). Petitioners may seek protection for themselves and for family or household members who are minors or vulnerable adults. A petitioner who has been sexually assaulted, harassed,, or stalked by an intimate partner or a family or household member should, but is not required to, seek a DVPO, instead of another type of protection order.

Vulnerable Adult Protection Order (VAPO) - A civil order to protect a vulnerable adult who has been abandoned, abused, financially exploited, or neglected, or is threatened with abandonment, abuse, financial exploitation, or neglect by respondent. The vulnerable adult, guardian, or other interested person may file on behalf of the vulnerable adult.

Antiharassment Protection Order (AHPO) - A civil order to protect against unwanted contact or behavior that causes substantial emotional distress and serves to legitimate or lawful purpose. The contact could be a pattern of behavior that occurs over time, or a single act or threat of violence which meets certain standards. The contact must be directed specifically at the protected person and be seriously alarming, annoying, harassing, or detrimental.

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Sexual Assault Protection Order (SAPO) - A civil order to protect a victim of nonconsensual sexual conduct or penetration, even if the conduct or penetration only occurred once. A single incident of nonconsensual sexual conduct or nonconsensual sexual penetration is sufficient grounds for a petition for a SAPO.

Stalking Protection Order (SPO) - A civil order to protect against stalking behavior that serves no lawful purpose and has reasonably caused the protected person to feel intimidated, frightened, under duress, significantly disrupted, or threatened. The respondent either knows or should know that their behavior causes those feelings, even if that was not the respondent's intent.

Extreme Risk Protection Order (ERPO) - A civil court order that temporarily suspends an adult or juvenile's right to possess firearms if there is evidence that the person is threatening to harm themselves or others. Unlike a No Contact Order or other Civil Protection Orders, an ERPO does not restrict contact with persons or locations. An ERPO is limited to restricting the possession of and access to firearms or a concealed pistol license(s) (CPL). An ERPO may be requested by a family or household member, intimate partner, or law enforcement to restrain a respondent who poses a significant danger of causing person injury to self or others by having in their custody or control, purchasing, possessing, accessing, or receiving, or attempting to purchase or receive a firearm.

Order to Surrender and Prohibit Weapons (OTSPW) - Under RCW 9A.01.001, when the court issues any Protection Orders, other than ERPOs the court must (mandatory) or may (discretionary) also issue an accompanying OTSPW, or it may be issued in a criminal DV case. The OTSPW requires the respondent to immediately surrender all firearms, CPL, and other dangerous weapons in the possession, custody, or control of the respondent to the designated local law enforcement agency.

Criminal Domestic Violence No-Contact Order (DVNCO) - A criminal order issued by a judge pursuant to an underlying criminal case to protect a victim against future violence or threats of abuse by the defendant. In general, for a DVNCO, the abuse must be reported, and the defendant charged when the court issues this order. Often these orders are issued before the defendant is released from custody if booked for the offense.

Emergency Domestic Violence No-Contact Order - Law enforcement may petition for an Emergency DVNCO pursuant to RCW 10.99.040, on an ex-parte basis and before criminal charges or any protection order has been filed, if there is concern for safety until a court hearing can be held.

Temporary (Ex-Parte) Protection Order - A temporary or "ex-parte" civil Protection Order is usually the first step in the process, when there is a concern about harm if protection isn't quickly ordered. The court issues it without notice to the respondent and then must ensure the respondent is served notice and a hearing held within 14 days to determine whether a full order should be ordered. For a temporary Protection Order to be issued, the court must find from the petition filed (and any additional evidence) that the respondent:

- (a) Has engaged in conduct against the petitioner that serves as a basis for a Protection Order; and

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- (b) "Serious immediate harm or irreparable injury" could result if an order is not issued immediately without prior notice to the respondent.

Full Protection Order - A full Protection Order is a protection order that is issued by the court after notice to the respondent and where the parties had the opportunity for a full hearing by the court. Full protection orders includes a protection order entered by the court by agreement of the parties to resolve the petition for a protection order without a full hearing. When issuing an order after notice to the respondent and a hearing, the court may either grant relief for a fixed period or enter a permanent order for protection. Other than for anti-harassment orders, the court may not grant relief for less than one year unless the petitioner has specifically requested relief for a shorter period.

Other Criminal No-Contact Orders - In addition to the orders listed above, if the court finds a criminal defendant has been charged with, arrested for, or convicted of the following offenses, the court may issue a No-Contact Order and include firearm prohibitions:

- (a) Sexual Assault under chapter 9A.44 RCW;
- (b) Promoting Prostitution under chapter 9A.88 RCW; and
- (c) Human Trafficking under chapter 9A.40 RCW.

338.4.1 NOTICE TO PERSONS AT RISK

When a member petitions for an extreme risk protection order, the member shall make a good-faith effort to provide notice to an intimate partner or family or household member of the person and to any known third party who the member reasonably believes may be at risk of violence. The notice shall state the petitioner intends to petition the court for an ERPO or has already done so, and include referrals to appropriate resources, including behavioral health, domestic violence, and counseling resources (RCW 7.105.110). The member must attest in the petition to having provided such notice or attest to the steps that will be taken to provide such notice.

Per RCW 9.41.340 Officers must notify any person identified in a No Contact Order, Restraining Order, or Protection Order as the protected person and/or any identified victim of the crime that resulted in the firearm surrender. Officers must note in their report if any family member, or intimate partner requests to be notified when a law enforcement agency returns a firearm to the individual from whom it was obtained or to an authorized representative of that person. Notifications related to the return of one firearm is considered notification for all firearms for that person. Notifications may be made via telephone, email, text message, or other method that allows notification to be provided with unnecessary delay. All notification of attempts to deliver the notification must be documented.

The agency must not provide any notification to any party other than another criminal justice agency, the family, household member or intimate partner who requested the notification:

- (a) The identified protected person; or
- (b) The identified victim of the crime that resulted in the firearm surrender.

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The information provided by a family or household member or intimate partner, including the existence of the request for notification, is not subject to public disclosure under chapter 42.546 RCW.

338.4.2 REQUIREMENTS OF PETITION

An application for an extreme risk protection order should be prepared, filed, and served consistent with state law and the procedures developed by the extreme risk protection order coordinator (RCW 7.105.100; RCW 7.105.105; RCW 7.105.110).

Officers petitioning the court shall use any standard petition, order, and confidential party information forms created by the administrative office of the courts (RCW 7.105.105).

The petition shall (RCW 7.105.100; RCW 7.105.105; RCW 7.105.110):

- (a) Allege that the person poses a significant danger of causing personal injury to the person or others by having in the person's control or custody, purchasing, possessing, accessing, receiving, or attempting to purchase or receive a firearm and be accompanied by the confidential party form and declaration signed under penalty of perjury that provides the specific statements and circumstances for which relief is sought.
- (b) Identify the number, types, and locations of any firearms that the [officer_deputy] believes to be owned, possessed, accessed, controlled, or in the custody of the person.
- (c) Identify any other known existing protection orders governing the person.
- (d) Identify, if reasonably identifiable, any pending lawsuits, complaints, petitions, or other action between the person and the Duvall Police Department.
- (e) Include an attestation that the officer provided notice of the intent to seek the order to a family or household member of the person and to any third party who the officer reasonably believes may be at risk of violence, or an attestation to the steps that will be taken to provide this notice.

An officer may also seek an ex parte extreme risk protection order, without notice to the person, by including in the petition detailed allegations based on personal knowledge that the person poses a significant danger of causing personal injury to the person or others in the near future by having in the person's custody or control, purchasing, possessing, accessing, receiving, or attempting to purchase or receive a firearm. If necessary, the ex parte order may be obtained from an on-call, after-hours judge using the same procedures for after-hours search warrants (RCW 7.105.110).

The officer declarant must plan to attend the ERPO court hearing where the court may examine under oath the petitioner, the respondent, and any witnesses they may produce and ensure that a reasonable search has been conducted for criminal history record and civil protection order history to the respondent.

The petitioning officer will be given notice of the hearing by the court, and because the officer is the moving party, no subpoena will be issued. It is incumbent on the officer to be aware of the court hearing and appear to present testimony and evidence accordingly. During the hearing, the

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court will consider whether a behavioral health evaluation of the respondent is appropriate and, if so, may order an evaluation.

338.5 PETITIONING FOR CIVIL PROTECTION ORDERS

In addition to understanding the circumstances in which a specific type of order should be used, officers should also understand what each type of Civil Protection Order petition must allege.

Domestic Violence Protection Order: A petition for a Domestic Violence Protection Order must allege the existence of domestic violence committed against the petitioner or petitioners by an intimate partner or a family or household member as defined by statute. The petitioner may petition for relief on behalf of themselves and on behalf of family or household members who are minors or vulnerable adults. A petition for a Domestic Violence Protection Order must specify whether the petitioner and the respondent are intimate partners or family or household members. A petitioner who has been sexually assaulted or stalked by an intimate partner or a family or household member should, but is not required to, seek a Domestic Violence Protection Order, rather than a Sexual Assault Protection Order or a Stalking Protection Order.

Sexual Assault Protection Order: A petition for a Sexual Assault Protection Order must allege the existence of nonconsensual sexual conduct or nonconsensual sexual penetration that was committed against the petitioner by the respondent. A petitioner who has been sexually assaulted by an intimate partner or a family or household member should, but is not required to, seek a Domestic Violence Protection Order, rather than a Sexual Assault Protection Order. A single incident of nonconsensual sexual conduct or nonconsensual sexual penetration is sufficient grounds for a petition for a Sexual Assault Protection Order. The petitioner may petition for an order on behalf of:

- (a) Themselves;
- (b) A minor child, where the petitioner is the parent, legal guardian, or custodian;
- (c) A vulnerable adult, where the petitioner is an interested person; or
- (d) Any other adult for whom the petitioner demonstrates to the court's satisfaction that the petitioner is interested in the adult's well-being, the court's intervention is necessary, and the adult cannot file the petition because of age, disability, health, or inaccessibility.

Stalking Protection Order: A petition for a Stalking Protection Order must allege the existence of stalking committed against the petitioner or petitioners by the respondent. A petitioner who has been stalked by an intimate partner or a family or household member should, but is not required to, seek a Domestic Violence Protection Order, rather than a Stalking Protection Order. The petitioner may petition for an order on behalf of:

- (a) Themselves;
- (b) A minor child, where the petitioner is the parent, legal guardian, or custodian;
- (c) A vulnerable adult, where the petitioner is an interested person; or any other adult for whom the petitioner demonstrates to the court's satisfaction that the petitioner is

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interested in the adult's well-being, the court's intervention is necessary, and the adult cannot file the petition because of age, disability, health, or inaccessibility.

Vulnerable Adult Protection Order: A petition for a Vulnerable Adult Protection Order must allege that the petitioner, or person on whose behalf the petition is brought, is a vulnerable adult and that the petitioner, or person on whose behalf the petition is brought has been abandoned, abused, financially exploited, or neglected, or is threatened with abandonment, abuse, financial exploitation, or neglect, by the respondent.

Antiharassment Protection Order: A petition for an Antiharassment Protection Order must allege the existence of unlawful harassment committed against the petitioner or petitioners by the respondent. If a petitioner is seeking relief based on domestic violence, nonconsensual sexual penetration, or stalking, the petitioner may, but is not required to, seek a Domestic Violence, Sexual Assault, or Stalking Protection Order, rather than an Antiharassment Order. The petitioner may petition for an order on behalf of:

- (a) Themselves;
- (b) A minor child, where the petitioner is the parent, legal guardian, or custodian;
- (c) A vulnerable adult, where the petitioner is an interested person; or
- (d) Any other adult for whom the petitioner demonstrates to the court's satisfaction that the petitioner is interested in the adult's well-being, the court's intervention is necessary, and the adult cannot file the petition because of age, disability, health, or inaccessibility.

Extreme Risk Protection Order: A petition for an ERPO must allege that the respondent poses a significant danger of causing personal injury to self or others by having in the respondent's custody or control, purchasing, possessing, accessing, receiving, or attempting to purchase or receive, a firearm. The petition must also identify information the petitioner is able to provide about the firearms, such as the number, types, and locations of any firearms the petitioner believes to be in the respondent's current ownership, possession, custody, access, or control. A petition for an ERPO may be filed by an intimate partner or a family or household member of the respondent, or law enforcement agency.

Petition for Protection Orders by Minors: With the exception of Vulnerable Adult Protection Orders, a person under 18 years of age, who is 15 years of age or older, may seek relief as a petitioner and is not required to seek relief through a petition filed on their behalf. They may also petition on behalf of a family or household member who is a minor if chosen by the minor and capable of pursuing the minor's stated interest in the action. A person under 15 years of age who is seeking relief is required to seek relief by a person authorized as a petitioner under the applicable Protection Order.

Petition by Interested Person: If a petition for a Protection Order is filed by an interested person, the affidavit or declaration must also include a statement of why the petitioner qualifies as an interested person.

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Request for Relief Under Protection Order: The Protection Order petition must contain a section where the petitioner, regardless of petition type, may request specific relief provided under the law that the petitioner seeks for themselves or for family or household members who are minors. The totality of selected relief, and any other relief the court deems appropriate for the petitioner, or family or household members who are minors, must be considered at the time of entry of Temporary Protection Orders and at the time of entry of Full Protection Orders.

The Protection Order petition must contain a section where the petitioner, regardless of petition type, may request specific relief provided under the law that the petitioner seeks for themselves or for family or household members who are minors.

The totality of selected relief, and any other relief the court deems appropriate for the petitioner, or family or household members who are minors, must be considered at the time of entry of Temporary Protection Orders and at the time of entry of Full Protection Orders.

338.6 SERVICE OF ORDERS

Service of orders should be made in accordance with the agency protocols. This policy includes steps the officers should take to lessen the risks to the officers serving the orders, as well as the petitioner and respondent, all with the goal of obtaining full compliance with the order of the court as soon as possible.

The service of Protection Orders, OTSPWs, and ERPOS by law enforcement is one of the most important steps in preventing additional harm for survivors and the community. Ensuring the removal of firearms as soon as possible in conjunction with the respondent's comprehensive compliance with the order of the court are foundational aspects of harm reduction and lethality prevention, particularly during known periods of heightened risk.

Personal service of orders shall include copies of all forms with the exception of the confidential party information form completed by the protected party and the proof of service form (RCW 7.105.155).

Service of orders should take precedence over the service of other orders, except for orders of a similar emergency nature (RCW 7.105.155).

In cases of law enforcement officers or military members, officers should coordinate with the respondent's agency or commanding officer to assist in serving the order and securing any firearms or dangerous weapons as required by the court. Federal and state law prohibit the possession of firearms when a valid Protection Order is in effect. There is no exception for law enforcement officers, military members, or any other profession where carrying a firearm is required by employment.

338.6.1 METHODS FOR SERVICE OF ORDERS

The intent of the law is to minimize delays and the need for additional hearings, which can hinder access to justice and undermine judicial economy, as well as increased risk to petitioners and the community.

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Under RCW 7.105.150, several methods of service are authorized for Protection Order proceedings (including petitions, Temporary Protection Orders, reissuances of Temporary Protection Orders, Full Protection Orders, motions to renew Protection Orders, and motions to modify or terminate Protection Orders). These service methods include:

- (a) Personal service, present in court;
- (b) Electronic service;
- (c) Service by mail; and
- (d) Service by publication.

Generally, officers will be conducting either personal service and/or electronic service, unless another service method is indicated by the court. The court may authorize multiple methods of service and may consider use of any address determined by the court to be appropriate to authorize service that is reasonably probable to provide actual notice. By law, the court is to favor speedy and cost-effective methods of service to promote prompt and accessible resolution of the merits of the petition.

338.6.2 PERSONAL SERVICE BY OFFICERS AND REQUIREMENTS

Personal service (non-electronic) by officers, is required for the following types of orders:

- (a) Cases requiring the surrender of firearms, such as ERPOs and Protection Orders with OTSPWs;
- (b) Cases that involve transferring the custody of a child or children from the respondent to the petitioner;
- (c) Cases involving vacating the respondent from the parties' shared residence;
- (d) Cases involving a respondent who is incarcerated; and
- (e) Cases where a petition for a vulnerable adult Protection Order is filed by someone other than the vulnerable adult.

Personal service means that the respondent is directly provided or handed their copy of the order. The serving officer must be able to declare that the person served was the respondent, when they were served, where they were served, and what court documents were served. Service is not completed until the Proof of Service Form, signed by the serving officer, is filed with the court.

Service of a Protection Order must take precedence over the service of other documents by officers unless they are of a similar emergency nature. When personally serving an order, including an ex parte order, the first attempt to serve an extreme risk protection order should be made within 24 hours after receipt from the court unless an emergency situation renders the service infeasible. If an emergency situation prevents a first attempt at service within 24 hours, service shall be attempted as soon as possible. If the first attempt is unsuccessful, at least two additional attempts should be made to serve the order, particularly for respondents who present heightened risk of lethality or other risk of physical harm to the petitioner or petitioner's family or household members.

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All attempts at service must be documented on a Proof of Service Form and submitted to the court in a timely manner. Each attempt at service must be noted and reflected in CAD, with the date, time, address, and reason service was not completed. The Proof of Service document includes specific prompts about respondent's demeanor when served, statements about firearms (e.g., denials despite purchase history or statements from petitioner about firearms possession), or any behaviors that suggest the restrained party may be evading service. These notes are useful to capture for the judicial officer's consideration at the next hearing.

If the order is issued against a minor under the age of 18, officers shall also make reasonable efforts to serve a copy of the order on the parent or guardian of the minor at the address where the minor resides, or the Department of Children, Youth, and Families in the case where the minor is the subject of a dependency or court approved out-of-home placement. A minor shall not be served at the minor's school unless no other address for service is known. All attempts at service must be documented on a proof of service form and submitted to the court in a timely matter (RCW 7.105.150; RCW 7.105.155; RCW 7.105.330(5)).

If personal service is not completed within 10 days, the officer should notify the petitioner, attempt to gain new information sufficient to permit service, and continue to attempt service unless otherwise notified by the court. If the petitioner is unable to provide a service address or there is evidence that the person is evading service, the officer shall use law enforcement databases to assist in locating the person. If service is not successful, all service attempts shall be documented on the proper form and submitted to the Records Manager for filing with the court (RCW 7.105.155). This must be returned to the court by the next judicial day following the last unsuccessful attempt. Listing out the date and time of every attempt is important so the court can consider alternative service options, as allowed by law.

If the protected person is present when service is attempted, the officer should take reasonable steps to separate the protected person before completing service or inquiring about any firearms (RCW 7.105.155).

Service of Order Copy by Officers

For a protection order to be criminally enforceable, the officer shall attempt to determine whether the respondent knew of the existence of the protection order.

If the officer determines that the respondent did not, or probably did not, know about the Protection Order, and the officer is provided a current copy of the order (such as a copy in the possession of the petitioner) the officer must serve the order on the respondent if the respondent is present.

If the respondent is not present, the officer must make reasonable efforts to serve the respondent with a copy of the order. If the officer does serve the petitioner's copy of the order, the officer must provide a receipt indicating that the petitioner's copy was used for service.

If the respondent is in a protected person's presence at the time of contact for service, the officer must take reasonable steps to separate the parties prior to completing the service or inquiring about or collecting firearms.

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When the order requires the respondent to vacate the parties' shared residence, the officer must take reasonable steps to ensure that the respondent has left the premises and is on notice that the respondent's return is a violation of the terms of the order, and is subject to criminal and civil penalties, including arrest.

338.6.3 PROCEDURE FOR ELECTRONIC SERVICE BY LAW ENFORCEMENT

For electronic service:

- (a) The petitioner must provide the respondent's email address, number for text messaging, and username or other identification used on social media applications or other technologies on the LECIF;
- (b) The petitioner must attest the electronic contact information is legitimate, current, or last known contact information for the respondent;
- (c) Electronic service is completed by agency staff transmitting copies of the petition and any supporting materials filed with the petition, notice of hearing, and any orders, or relevant materials for motions, to the respondent at the respondent's electronic account associated with email, text messaging, social media applications, or other technologies;
- (d) Verification of notice is required and may be accomplished through read-receipt mechanisms, a response by the respondent, a sworn statement from the person who affected service verifying transmission and any follow-up communications such as email or telephone contact used to further verify, or an appearance by the respondent at a hearing;
- (e) Service is completed on the date of transmission for electronic service; and
- (f) Sworn Proof must be filed with the court by the person who affected service.

338.6.4 SERVICE BY A THIRD PARTY

Most Protection Orders must be served by law enforcement, including ERPOs and Protection Orders with an OTSPW. However, in some other circumstances, law enforcement should be aware the petitioner may decide to have the respondent served by a third party who is not a party to the action, is a competent witness 18 years of age or older, and can provide sworn proof of service to the court as required.

Service by electronic means must be made by a law enforcement agency, however in some other circumstances, the petitioner can decide to have the respondent served by a third party who is not a party to the action, is a competent witness 18 years of age or older, and can provide sworn proof of service to the court as required. Court authorization for electronic service is not required except in cases outlined in this policy.

338.6.5 SAFETY CONSIDERATIONS

Upon receipt of extreme risk protection order, the shift supervisor or the authorized designee should evaluate the circumstances of the order and consider what precautions are appropriate for service of the protection order. It is critical to review the order and develop a plan for service before the actual service is attempted in the field.

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As part of the processing and entry of orders, personnel should carefully review all the court documents for completeness, including whatever relevant information was noted on the Law Enforcement and Confidential Information (LECIF) form by the petitioner. Order service and enforcement should be prioritized based on risk. Some may involve more risk for the protected person (petitioner), family members, community, and law enforcement, especially if there are concerns about access to firearms or dangerous weapons.

There is also a heightened danger of harm during the period when the petitioner is attempting to leave a relationship and/or when turning to the court for protection, including increased lethality risk by the respondent upon their first notification that the petitioner has sought help from the court.

Review of the LECIF should be conducted well before the service of the order, and the petitioner should be called (using the contact information listed on the form) to clarify any questions, concerns identified by the agency, and/or to gauge the expected demeanor and potential reaction of the respondent upon service of the order.

The LECIF is confidential, not a public record, and must not be served upon or shown to the respondent. It includes:

- (a) Detailed information on the respondent;
- (b) Locations where the respondent can be served;
- (c) Known disabilities, hazards, and weapons of the respondent;
- (d) The relationship between the parties and whether they are still co-habiting;
- (e) Details on the protected person and contact information (including address, email, and phone);
- (f) Details on any minors referenced in the order;
- (g) A listing of other protected household members or adult children; and
- (h) Details about parents/guardians if the respondent is a juvenile.

When appropriate based on the circumstances and department procedures, service of an order should be executed pursuant to the Operations Planning and Deconfliction Policy. Factors for consideration during a risk assessment include, but are not limited to:

- (a) Prior incidents of assault or threats to harm or kill;
- (b) Any type of physical violence, stalking or sexual harm toward the victim;
- (c) Conviction or arrest involving violent acts, including prohibition on firearm possession;
- (d) Presence or access to firearms or other dangerous weapons;
- (e) History of alcohol or substance abuse;
- (f) Violence against animals; or
- (g) Behavioral crisis indicative of dangerousness to self and/or others including suicidality.

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Information to conduct the risk assessment can be found on the LECIF filled out by the petitioner, reading the petition outlining the basis of the order, calling the petitioner, reviewing related police reports or other involvements with the respondent, and conducting a criminal history check.

During service, officers are encouraged to explain the purpose of the order to the respondent, acknowledging the likelihood of increased emotions and risk during this period, whether related to DV allegations or concerns about suicide. Officers should be prepared to provide the respondent with references to DV, behavioral health, suicide prevention, and other community resources, and services.

The respondent should be advised they have the right to due process in a hearing or hearings held before the court. The goal is to obtain cooperation from the respondent in temporarily relinquishing firearms or dangerous weapons, as well as comprehensive understanding and compliance with the order.

During the service, officers are expected to use time, distance, and cover in an effort to promote the safety of all involved. At least two officers should be present when an order is being served.

338.6.6 ASSESSING FIREARM HISTORY

When completing a service plan or risk assessment prior to the service of a Protection Order with an OTSPW or and ERPO officers should review the firearm history for the respondent. If firearms are not recovered during the initial service and the respondent retains possession or access to weapons, there is an increased risk of harm to the petitioner, law enforcement, and potentially the public while the firearms remain unsecured. Determining a respondent's firearms history can also assist officers and the court in determining whether the respondent has surrendered all firearms, dangerous weapons, and any CPL as required by the order. The enforcement of the order and/or the issuance of a search warrant to secure firearms may hinge on the respondent's available firearm history.

Information related to firearms history (purchase, ownership, possession, access, delivery, or receipt) may be located with the following research;

- (a) Conduct a careful review of the Protection Order petition filed by the petitioner (which may include details on firearms and locations);
- (b) Review Attachment E of the Protection Order petition, which asks the petitioner specific questions about firearms and has example pictures to assist with identification;
- (c) Review the LECIF details related to the respondent;
- (d) Talk with the petitioner and any witnesses, ask about firearms, their location, when last seen, and any access the respondent may have to them;
- (e) Check for firearm purchase/transfer history and CPL through WADOL, there is also a CPL inquiry by state available through WACIC/NCIC;
- (f) Check Washington State DOL firearms licensing records through the law enforcement portal on the DOL Firearms Online website;
- (g) Check Washington State Patrol firearms records;

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- (h) Search for the respondent's available pawn history;
- (i) Review local incident reports, evidence/property entries, and/or notes in CAD related to the respondent, including firearm-related incidents or documentation of firearms;
- (j) Review other law enforcement agency reports related to the respondent, such as those which may be available through the Law Enforcement Information Exchange (LINX);
- (k) Review of any other Protection Orders, current or past;
- (l) Review available current or prior Lethality Assessments. Previous assessments should always be scanned and included in the report of previous contact; or
- (m) Check for state-issued hunting licenses and/or harvest history involving the use of a firearm. Review open-source social media posts by the respondent detailing purchase, ownership, possession, or access to weapons.

338.6.7 SURRENDER OF PROHIBITED ITEMS

The provisions of RCW 9.41.800, RCW 9.41.801, direct officers in the surrender of firearms, dangerous weapons, and any CPL either through the service of a Protection order with an OTSPW or during the service of an ERPO. RCW 10.99.030 directs officers to secure firearms present at the scene of a DV. The officer serving any extreme risk protection order, including an ex parte order, shall (RCW 7.105.340):

- (a) Request that any firearms and any concealed pistol license be immediately surrendered, and issue a receipt for the surrendered items.
 - 1. The officer should ensure the original receipt is forwarded to the Records Manager.
- (b) Take into custody any firearms discovered in plain view or pursuant to consent or other lawful search.
- (c) As soon as practicable, but by the end of the officer's shift, submit the proof of service to the Records Manager.
- (d) Attempt to notify the petitioner/protected person if the phone or email information has been provided and note the attempt in their report.

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

338.6.8 FILING THE PROOF OF SERVICE FORM

The proof of service must be submitted to the court on the Proof of Service Form. The form must include the date and time of service and document what was served, along with information to the court regarding the situation encountered by officers at the time of service. It is critical that all the applicable boxes are checked on the form or the court may require other attempts at service to correct it.

Service of Protection Orders will require a call for service. Officers will complete an incident report and detail of the service and document the conduct of the respondent at the time of service. This

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information can be useful to other officers when serving subsequent orders or investigating order violations.

For example, when a Temporary Protection Order is being served by an officer, and the respondent is not cooperative, makes threats against the petitioner (or law enforcement), and/or indicates they will not comply with the provisions of the order, this information needs to be clearly documented and relayed back to the court with the Proof of Service Form. During the hearing for the full order, the court will likely consider these actions by the respondent when considering making the temporary order a full order (one or more years) or a permanent order (never expires). The observations and any related body camera footage from the officer during the service of an order could end up being critical to the petitioner's underlying request to the court for protection. This conduct may also rise to the level of arrest and criminal prosecution of the respondent.

338.7 SEARCH WARRANTS

If a person who has been served with an extreme risk protection order refuses to surrender any firearm, and the officer has probable cause that the respondent has failed to comply with the ERPO, the suspect should be arrested for the gross misdemeanor ERPO violation under RCW 7.105.460(2) and the officer should seek a search warrant to secure all firearms. If a search warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with the Warrant Service Policy.

For ERPOs there is a specific statutory provision for seeking a search warrant to secure firearms when there is no compliance. Upon the sworn statement or testimony of the petitioner (or any law enforcement officer) alleging that the respondent has failed to comply with the surrender of firearms as required by the ERPO, the court must determine whether probable cause exists to believe that the respondent has failed to surrender all firearms in the respondent's possession, custody, or control. If probable cause for a violation of the order exists, the court must issue a warrant describing the firearms and authorizing a search of the locations where the firearms are reasonably believed to be and the seizure of any firearms discovered pursuant to such search.

338.8 RECORDS MANAGER RESPONSIBILITIES

The Records Manager is responsible for ensuring that:

- (a) Orders received from the court are entered into the national instant criminal background check system or any other federal or state computer-based system used by the Department that identifies prohibited purchasers of firearms, and into any other computer-based criminal intelligence information systems used by the Department that lists outstanding warrants (RCW 7.105.350). This process should be entered on the same day the order is issued, when possible, but no later than the next judicial day. If the order is entered by the clerk of the court, a copy of the protection order must be forwarded immediately to the law enforcement agency specified on the order.
- (b) When the court issues an order that prohibits the respondent from possessing or purchasing a firearm, the law enforcement agency must also enter the order into WACIC/NCIC.
- (c) The order must remain in each database for the period stated in the order.

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- (d) If the Department receives a protection order for entry or service, but the order falls outside the Department's jurisdiction, the Department may enter the order and immediately forward it to the appropriate agency for entry and service and must provide documentation to the court verifying which agency has entered and will serve the order.
- (e) The original receipt of surrendered firearms is filed with the court within 72 hours of service of an extreme risk protection order. A copy of the receipt shall also be properly maintained by the Department (RCW 7.105.340).
- (f) Any proofs of service for notices or orders are filed with the court.
- (g) Expired or terminated orders entered into computer-based systems by the Department are removed (RCW 7.105.350).
- (h) Orders that could not be personally served should be returned to the issuing court on the next judicial day following the last service attempt (RCW 7.105.155).
 - 1. The return should be made on the appropriate form and include the reason that service was unsuccessful.

Timely entry into law enforcement databases is key to swift intervention that will prevent acquisition of additional firearms and ensure temporary relinquishment of firearms already in the restrained person's possession. Protection Orders are intended to provide a fast, efficient means to obtain legal protection to prevent and respond to abuse, violence, harassment, stalking, neglect, or other threatening behavior by perpetrators. There is a heightened risk of harm when a person is attempting to leave an abusive relationship and/or is reaching out to the court for protection.

The information entered in WACIC/NCIC must include notice to law enforcement on whether the order was personally served, served by electronic means, served by publication, or served by mail. For this to occur, the agency must update the original WACIC/NCIC order entry to indicate when the order was actually served on the respondent. The confirmation of service provides proof that the respondent is aware of the provisions of the order under criminal penalties. Entry into WACIC/NCIC constitutes notice to all law enforcement agencies of the existence of the order, including that the order was served. The order is also fully enforceable in any county in the state.

338.9 ORDERS TO SURRENDER AND PROHIBIT WEAPONS

Under RCW 9.41.800, when the court is issuing a protection order or criminal no contact order, the judge must (mandatory) or may (discretionary) also issue an accompanying order which requires the respondent to immediately surrender all firearms, other dangerous weapons, and CPL in their possession, custody, or control of the respondent to the designated local officer serve the respondent (RCW 9.41.801) at the time of service. While the order is in effect, the restrained person is prohibited from accessing, having in their custody or control, obtaining, possessing, purchasing, receiving, or attempting to purchase or receive any firearms or other dangerous weapons, or obtaining or possessing a concealed pistol license. An officer serving a Protection Order, or Restraining Order that includes an OTSPW must inform the respondent that the order is effective upon service and the respondent must immediately surrender all firearms and dangerous

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weapons in the respondent's custody, control, or possession and any CPL, and conduct any search permitted by law for such firearms, dangerous weapons, and concealed pistol license.

The officer must take possession of all firearms, dangerous weapons, and any concealed pistol license belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search. Officers should conduct any search permitted by law and should also request consent for a search.

An OTSPW does not by itself, grant officers the authority to enter homes or protected space to collect surrendered firearms or effect an arrest. Under RCW 9.41.801, if a respondent refuses to surrender firearms, dangerous weapons and/or CPL, they should be advised that possessing, accessing, or acquiring a firearm or CPL is prohibited and they are subject to contempt of court sanctions, which can include the court issuing a warrant for their arrest.

Mandatory versus Discretionary OTSPWs:

- (a) Under RCW 9.41.800 (1), Mandatory (OTSPW must be issued) if shown by a preponderance of evidence that Respondent:
 - 1. Used a weapon in a felony, or
 - 2. Is ineligible under RCW 9.41.040.
- (b) Under RCW 9.41.800 (2), Mandatory (OTSPW must be issued if the Protection Order or No Contact Order or Restraining Order (issued under certain statutes), was issued (after a hearing for which Respondent had notice) that restrains Respondent from harassing, stalking, or threatening Petitioner or Petitioner's child or engaging in other conduct that would place them in reasonable fear of bodily injury; and
 - 1. Includes a finding that Respondent represents a credible threat to the physical safety of Petitioner or Petitioner's child; or
 - 2. Explicitly prohibits the use, attempted use, or threatened use of physical force.
- (c) Under RCW 9.41.800 (3), Discretionary (OTSPW may be issued) if shown by a preponderance of the evidence that irreparable injury could result if OTSPW not issued.
- (d) Under RCW 9.41.800 (4), Discretionary (OTSPW may be issued) if shown by a preponderance of the evidence a serious and imminent threat to public health or safety or to the safety of any individual if OTSPW not issued.

Given the statutory requirements to immediately surrender firearms as soon as possible due to the demonstrated risk presented by ongoing access to the firearms, the service of an OTSPW must be attempted within 24 hours of receiving the order from the court. Given the heightened risks presented by the underlying facts and the nature of these orders, the respondent/restrained person may be uncooperative and present a significant ongoing danger to the petitioner and any minor children as well as to the officers who serve the order. Authorized members should accept firearms and a concealed pistol license from any person who is the subject of an extreme risk protection order or an order to surrender weapons, and not require an appointment at a later date or time. For firearm relinquishment that occurs as a result of notice initially provided at a court

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hearing rather than when the court's order is served, officers should coordinate with the court the immediate surrendering of firearms and dangerous weapons.

The intent is to recover the firearms as soon as possible in a safe and controlled manner to discourage confrontation and not give the respondent a chance to inflict harm by using the firearms or remove or hide the firearms. Encouraging voluntary compliance with the order at every step of the surrender process is not only a more efficient use of time for law enforcement personnel but also can help to prevent additional risk of harm, de-escalate the event, and impact for the respondent. Officer should take every possible opportunity to remove barriers, encourage immediate compliance, and help to prevent frustrating a respondent when they are attempting to voluntarily comply. Sending a respondent to a different location, date and time to surrender causes an unnecessary delay in securing the firearms intended to reduce immediate risk, and may cause the respondent to give up trying to comply.

For any case where the court has indication that the respondent has in the respondent's possession, custody, or control firearms, dangerous weapons, or CPL, a compliance review hearing must be held. If the court is considering waiving or delaying the compliance review hearing, the petitioner, law enforcement, or the state or city attorney may request that the compliance hearing be held, if there is reasonable suspicion to believe that the respondent has not surrendered all firearms, dangerous weapons, and any concealed pistol license, or is out of compliance with the court's order.

If a court finds at the compliance review hearing (or any other hearing where compliance with the OTSPW is addressed) that there is probable cause to believe the respondent was aware of and failed to fully comply with the order, failed to appear at the compliance review hearing, or violated the order after the court entered findings of compliance, pursuant to its authority under chapter 7.21 RCW, the court may issue an arrest warrant.

The court may then initiate a contempt proceeding to impose remedial sanctions on its own motion, or upon the motion of the prosecutor, city attorney, or the petitioner's counsel, and issue an order requiring the respondent to appear, with additional sanctions for failure to appear, provide proof of compliance with the order, and show cause why the respondent should not be held in contempt of court.

Upon a sworn statement or testimony of the petitioner or of any law enforcement officer alleging that the respondent has failed to comply with the surrender of firearms or dangerous weapons as required by an order issued under RCW 9.41.800 or RCW 10.99.100, the court must determine whether probable cause exists to believe that the respondent has failed to surrender all firearms and dangerous weapons in their possession, custody, or control.

If probable cause existed that a crime occurred, the court must issue a warrant describing the firearms or dangerous weapons and authorizing a search of the locations where the firearms and dangerous weapons are reasonably believed to be, and the seizure of all firearms and dangerous weapons discovered pursuant to such search.

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338.9.1 COLLECTION OF FIREARMS, WEAPONS, AND CPL BY OFFICER

- (a) An officer serving a Protection Order, NCO, or Restraining Order in person that includes an OTSPW or an ERPO requiring the surrender of all firearms, dangerous weapons (OTSPW only), and a concealed pistol license must:
- (b) Inform the respondent that the order is effective upon service and the respondent must immediately surrender all firearms and dangerous weapons (OTSPW only) in the respondent's custody, control, or possession and any CPL;
- (c) Conduct any search permitted by law for such firearms, dangerous weapons and CPL;
- (d) Take possession of all firearms, dangerous weapons, and any CPL belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search;
- (e) The officer taking possession of firearms, dangerous weapons and any CPL must issue a receipt at the time of surrender identifying all firearms, dangerous weapons, and any CPL that have been surrendered and provide a copy of the receipt to the respondent;
- (f) For OTSPW service, the Officer must file the original receipt with the court within 24-hours after the service of the OTSPW and retain a copy of the receipt for the case file. The court must take judicial notice of the receipt filed by the law enforcement agency.;
- (g) For ERPO service, the officer must file the original receipt with the court within 72-hours after service of the ERPO and retain a copy of the receipt for the case file;
- (h) If the respondent is in custody, arrangements to recover the firearms pursuant to an ERPO must be made prior to release;
- (i) If personal service by an officer is not possible and the respondent did not appear in-person or remotely at a hearing, the respondent must surrender the firearms in a safe manner to the control of the local law enforcement agency within 24-hours of being served with the order by alternate service;
- (j) Upon service and retrieval of firearms from the respondent, officers shall complete an incident report and package and submit any firearms or dangerous weapons into evidence in accordance with the Property and Evidence Policy.

Any firearm collected by the officer should be checked through WACIC/NCIC to determine if it was reported stolen. Officers should also check for any DOL firearm transfer record. Officers should also take care to document the condition of the firearms, noting any damage or non-existence of damage in the officers report and also by photographs of the weapon prior to submitting it into evidence.

Firearms owned by the respondent cannot be released to a third party. Under RCW 9.41.505(5), if a person other than the respondent claims title to any firearms or dangerous weapons surrendered pursuant to an OTSPW, and the person is determined by law enforcement to be the lawful owner of the firearm or dangerous weapon, the firearm or dangerous weapon must be returned to the lawful owner, provided that:

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- (a) The firearm or dangerous weapon is removed from the respondent's access, custody, control, or possession and the lawful owner agrees by a written document signed under penalty of perjury to store the firearm or dangerous weapon in a manner such that the respondent does not have access to or control of the firearm or dangerous weapon;
- (b) The firearm or dangerous weapon is not otherwise unlawfully possessed by the owner; and
- (c) The requirements of RCW 9.41.345 are met.

Under RCW 7.105.340(5), if a person other than the respondent claims title to any firearms surrendered pursuant to an ERPO, and that person is determined by the law enforcement agency to be the lawful owner of the firearm, the firearm must be returned to that person, provided that:

- (a) The firearm is removed from the respondent's custody, control, or possession, and the lawful owner provides by written document to the court regarding how the lawful owner will safely store the firearm in a manner such that the respondent does not have access to, or control of, the firearm for the duration of the order;
- (b) The court advises the lawful owner of the penalty for failure to do so; and
- (c) The firearm is not otherwise unlawfully possessed by the owner.

If a hearing is held regarding the collection of firearms, the court must also provide sufficient notice to the Department prior to the hearing. Upon receiving notice the Department must:

- (a) Provide the court with a complete list of firearms and other dangerous weapons surrendered by the respondent or otherwise belonging to the respondent that are in the possession of the Department; and
- (b) Provide the court with verification that any CPL issued to the respondent has been surrendered and an agency with authority to revoke a license has been notified.

If the agency has reasonable suspicion that the respondent is not in full compliance with the terms of the order, the agency must submit the basis for their belief to the court and may do so through the filing of a declaration.

338.9.2 COURT ORDERED FORFEITURE OF FIREARMS

RCW 9.41.098 provides for law enforcement agencies to seek the forfeiture of firearms which are not eligible to be released back to the owner pursuant to the requirements of RCW 9.41.345. Superior, district, or municipal court may order the forfeiture of a firearm which is determined to be:

- (a) In the possession of a person prohibited from possessing the firearm under RCW 9.41.40, (which includes a prior conviction for DV, or a conviction for violating the provisions of a Protection Order, an OTSPW, or an ERPO);
- (b) In the possession of a person during any period of time that the person is subject to an active Protection Order, No Contact Order, or Restraining Order (with protective and restraint provisions) issued by a court after a hearing for which the person received actual notice, and at which the person had an opportunity to participate, whether the

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court then issues a full order or reissues a temporary order. This would include an agreed order by the parties without a hearing;

- (c) In the possession or under the control of a person who committed or was arrested for committing a felony or committing a non-felony crime in which a firearm was used or displayed;
- (d) In the possession of a person who is in any place in which a concealed pistol license is required, and who is under the influence of any drug or under the influence of intoxicating liquor, as defined in Chapter 46.61 RCW;
- (e) In the possession of a person free on bail or personal recognizance pending trial, appeal, or sentencing for a felony or for a non-felony crime in which a firearm was used or displayed; or
- (f) Used or displayed by a person in violation of a proper written order of a court of general jurisdiction.

Upon entry of an order of forfeiture, the court has the discretion to order the destruction of any forfeited firearm. A court may also temporarily retain forfeited firearms needed for evidence.

Antique firearms and firearms recognized as curios, relics, and firearms of particular historical significance by the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives are exempt from destruction and must be disposed of by auction or trade to licensed dealers or to museums or historical societies.

Firearms that are judicially forfeited and no longer needed for evidence, or forfeited due to a failure to make a claim under RCW 63.32.010 or 63.40.010, may be disposed of in a manner determined by local legislative authority.

338.9.3 CPLS WHEN AN OTSPW IS ISSUED

An OTSPW requires the respondent to immediately surrender any CPL in addition to all firearms. The physical surrender of the CPL can be ordered under a temporary ex-parte order, but any revocation of the CPL cannot occur until a hearing is held, and full order is entered by court. The intent is to prevent the respondent from using the CPL to possess, purchase, receive, or transfer a firearm, as firearm background checks conducted by licensed firearms dealers are more limited than those conducted by law enforcement, it is critical to secure the actual CPL card from the respondent at the time of service.

If the case continues beyond the 14-day ex-parte order, the agency is then to revoke the respondent's CPL authorization. The designated law enforcement agency must immediately ensure the OTSPW is entered into WACIC/NCIC, and the revocation of any CPL is immediately forwarded to the Department of Licensing. This process can be accomplished by using the Department of Licensing Firearms Online System for immediate notice to DOL.

At the time of the revocation of the CPL, the licensee should be advised of the requirement to re-apply for a CPL after the underlying Protection Order, ERPO, or OTSPW is no longer in effect.

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A CPL cannot be returned that has been surrendered to, or impounded by, the agency for any reason to the licensee until it determines the licensee is eligible to possess a firearm under state and federal laws and meets the other eligibility requirements under RCW 9.41.070. The CPL must be released to the licensee without unnecessary delay, and in no case longer than five business days, after it is determined that the requirements of RCW 9.41.070 have been met.

The reissuance of the revoked CPL may be pursued by the licensee upon expiration of the Protection Order, or upon the agency's receipt of Order to Release Weapons court form.

338.9.4 ENFORCEMENT FOR UNLAWFUL POSSESSION OF FIREARM

Under RCW 9.41.040, it is a felony offense to possess a firearm if the person has a conviction for a felony crime or certain DV related offenses, including a prior conviction for a violation of a Protection Order.

It is also a class C felony crime for a person to own, access, have in their custody, control, or possession, or receive any firearm during any period of time that the person is subject to a Protection Order, No-contact Order, or Restraining Order by a court if the following conditions are met:

- (a) The order was issued after a hearing for which the person received actual notice, and at which the person had an opportunity to participate (whether the court then issues a full order or reissues a temporary order). If the court enters an agreed order by the parties without a hearing, this order meets the requirements of notice;
- (b) Provisions of the order restrain the person from harassing, stalking, or threatening the person protected under the order or child of the person or protected person, or others identified in the order, or engaging in other conduct that would place the protected person or child or others identified in the order; and
- (c) The order includes a finding that the person represents a credible threat to the physical safety of the protected person or child or others identified in the order, or by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against the protected person or child or other persons that would reasonably be expected to cause bodily injury. Or it includes an order under RCW 9.41.800 requiring the person to surrender all firearms and prohibiting the person from accessing, having in their custody or control, possessing, purchasing, receiving, or attempting to purchase or receive, firearms.

338.10 EXTREME RISK PROTECTION ORDERS

Per RCW 7.105.900, "In enacting the Extreme Risk Protection Order, the people intended to reduce gun deaths and injuries, while respecting constitutional rights, by providing a procedure for family, household members, and law enforcement to obtain a court order temporarily preventing individuals who are at high risk of arming themselves or others from accessing firearms when there is demonstrated evidence that the individuals pose a significant danger as a result of threatening or violent behavior".

ERPOs are designed for situations in which individuals pose a significant danger of harming themselves or others by possessing a firearm, having immediate access to a firearm, or having

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expressed intent to obtain a firearm, and include standards and safeguards to protect the rights of respondents and due process. Unlike other Civil Protection Orders where the protected person petitions for the order, a law enforcement officer may petition the court for an ERPO if there is reasonable belief that a person is a present danger to themselves or another person by controlling, owning, purchasing, possessing, accessing, receiving, or otherwise having custody of a firearm.

The petition must provide evidence that the respondent poses a significant danger of causing personal injury to self or others by having in the respondent's custody or control, purchasing, possessing, accessing, receiving, or attempting to purchase or receive a firearm. In addition to outlining the grounds for the ERPO, the petitioning officer must also identify whatever information is available regarding firearms, such as the number, types, and locations of any firearms the petitioner believes to be in the respondent's current ownership, possession, custody, access, or control.

To meet this requirement, the agency must research and investigate firearms purchases or information regarding possession or access to firearms by the respondent. This may include declarations or statements from witnesses with knowledge regarding the respondent and firearms. Officers must provide relevant evidence, documentation, and/or declarations as grounds for the order, which may also include sworn statements from witnesses and/or victims.

An ERPO will be in effect for one year. The respondent/restrained person may ask the court to terminate the order once in the 12-month period but must demonstrate that they no longer pose a significant danger to self or others by having access to firearms. The petitioner may ask the court to renew the order 90 days before expiration.

When an officer encounters a family or household member who expresses interest in petitioning for an ERPO, information should be provided to the person about the ERPO process and how an ERPO may be obtained at Superior Court (or through Juvenile Court when the petition involves a minor). A temporary ERPO (ex-parte) may also be obtained at District Court, but it will later be transferred to Superior Court for the full hearing.

At the time the officer is servicing an ERPO, the officer shall request that the respondent immediately surrender all firearms in the respondent's custody, control, or possession, and any concealed pistol license issued, and conduct any search permitted by law for such firearms.

Any person who has in their custody or control, accesses, purchases, possesses, or receives, or attempts to purchase or receive, a firearm with knowledge that they are prohibited from doing so by an ERPO is guilty of a gross misdemeanor.

The officer must take possession of all firearms belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search. However, an ERPO does not by itself grant officers the authority to enter homes or protected spaces to collect firearms or effect an arrest. Officers should either request consent or seek an ERPO search warrant.

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As part of the Service Plan and Risk Assessment conducted, Officers are expected to use time, distance, and shielding to encourage voluntary compliance with the order by the respondent for the surrender of all firearms, dangerous weapons, and any CPL.

338.10.1 CONSIDERATIONS FOR ISSUANCE OF AN ERPO

The court may consider any relevant evidence including, but not limited to any of the following:

- (a) A recent act or threat of violence by the respondent against self or others, whether such violence or threat of violence involved a firearm;
- (b) A pattern of acts or threats of violence by the respondent within the past 12-months including, but not limited to, acts or threats of violence by the respondent against self or others;
- (c) Any behaviors that present an imminent threat of harm to self or others;
- (d) A violation by the respondent of a Protection Order or a no-contact order issued;
- (e) A previous or existing ERPO issued against the respondent;
- (f) A conviction of the respondent for a crime that constitutes domestic violence as defined in RCW 10.99.020;
- (g) A conviction of the respondent under RCW 9A.36.080;
- (h) The respondent's ownership of, access to, or intent to possess, firearms;
- (i) The unlawful or reckless use, display, or brandishing of a firearm by the respondent;
- (j) The history of use, attempted use, or threatened use of physical force by the respondent against another person, or the respondent's history of stalking another person;
- (k) Any prior arrest of the respondent for a felony offense or violent crime;
- (l) Corroborated evidence of the abuse of controlled substances or alcohol by the respondent; and
- (m) Evidence of recent acquisition of firearms by the respondent.

When considering an ERPO, the officer should consult with the Department's ERPO Coordinator to approve and coordinate the petition on behalf of the agency (if it is the agency that is the petitioner).

338.10.2 AFTER-HOURS SERVICE

Recognizing that because of an immediate risk of harm an ERPO may need to be issued outside of normal business hours, courts allow officers to petition after hours for a temporary ERPO using on-call, after-hours judges and prosecutors, as is done for approval of after-hours search warrants. A prosecutor or legal advisor can assist in triaging the situation in real time and providing input to best craft the ERPO response that may be needed, as well as be a valuable resource to help prevent delays when law enforcement is later at the location serving the ERPO.

Under RCW 10.99.040(5a) an officer may petition on behalf of the victim for an alleged act involving DV. The request must be made based upon the sworn statement of an officer and may

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be made in-person, by telephone, or by electronic means. If the court finds probable cause that the victim is in imminent danger based on an allegation of the recent commission of an act involving DV, the court must issue an ex-parte (temporary) emergency NCO with an OTSPW or ERPO.

338.10.3 SERVICE OF ERPOS AND OTSPWS

In the case of an ERPO, the order itself requires the surrender of firearms and any CPL. Officers should be aware that violations of an ERPO, including the refusal to surrender firearms as ordered, is a criminal offense.

The following procedures should be followed by officers when serving an OTSPW and ERPO:

- (a) Follow the directives as provided in the court order;
- (b) Although the order may identify specific firearm brands and models to be surrendered, the officer should also ask or call the petitioner separately for all firearms to which the respondent has access to or is in possession of, in addition to any firearms specifically listed in the order;
- (c) Officers should review any available information that would identify additional firearms owned or possessed by the respondent, including the police reports leading to or related to the issuance of the order;
- (d) All firearms must be surrendered by the respondent upon service, even those not specifically listed in the order. Because the court may not be aware of all firearms which the respondent possesses or has access to, the court order may say "including but not limited to" the identified firearms;
- (e) Upon service, the officer should advise the respondent that the court has issued an order, the order is effective upon service, and that the order requires the immediate surrender of all firearms in their custody, control, or possession, as well as any CPL issued in any state;
- (f) Officers must conduct any search as permitted by law for such firearms, dangerous weapons, or CPL, and take possession of all firearms, dangerous weapons, and CPL that are surrendered, observed in plain sight, or discovered pursuant to a lawful search;
- (g) If the order is a temporary ex-parte order, officers should explain to the respondent that this is a temporary court order, law enforcement will retain the firearms for safe storage, and the respondent may contest the order at the hearing which is scheduled on the order copy they received (which will be within 14 days). Due process will be afforded to all parties by the court;
- (h) If the respondent denies possession of firearms or reports that their firearms were transferred to another party or sold before the court's order, officers should conduct basic investigative steps to help verify or disprove respondent's claims, including contacting the party to whom the respondent claims to have transferred the firearms. Respondents are not permitted to transfer or sell firearms after a court order has been issued. (Note: RCW 9.41.113 outlines the requirements for lawful firearms sales, transfers, and required background checks);

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- (i) The respondent should complete a Proof of Surrender Form to account for all firearms that have been sold or transferred prior to the court order.
- (j) Officers should obtain a statement if possible, and a signed "Declaration: No Weapons to Surrender" if the respondent asserts that they have never owned or possessed a firearm or CPL in this or any other state. Note on the Proof of Service if the respondent asserts they possess no weapons or any CPL;
- (k) During the service of an ERPO, if there is probable cause to believe that the respondent still has custody, control, or possession of other firearms, officers should consider applying for a search warrant;
- (l) During the service of an OTSPW, if there is probable cause to believe that the respondent still has custody, control, or possession of other firearms, law enforcement should immediately file a petition with the court to request a compliance hearing or consider completing a Declaration of Law Enforcement about Weapons Surrender;
- (m) For victim, community, and officer safety, every lawful effort should be made to obtain any and all firearms at the time of the order service, rather than asking the respondent to surrender firearms to the agency at a later date or location;
- (n) To reduce the risk of lethality and harm, if the respondent is not physically located where their firearm(s) and any CPL are located, whenever practicable law enforcement should transport or follow the respondent to retrieve all firearms and any CPL;
- (o) The serving officer will provide a copy of a receipt for all surrendered firearms and CPL to the respondent for their records, a copy of which will also be filed with the court according to agency procedures. The receipt must be detailed, including make, model, caliber, and serial number (at a minimum);
- (p) Officers should inventory, photograph, and book the firearms into the property room according to agency procedures;
- (q) Complete and sign the Proof of Service Form and be sure to mark all the appropriate boxes for the surrender of firearms. Every box must be marked for each document that was required to be served, or the court may find that the service was incomplete and will require further service of the order;
- (r) Attempt to notify the petitioner that the order was served (phone or email contact information should be on the LECIF);
- (s) Immediately complete an incident report documenting surrender of firearms (or suspected non-compliance with the OTSPW); and
- (t) Using the process established by the agency, the officer will submit the completed incident report, Proof of Service Form, any statements obtained, the Receipt for Surrendered Firearms, Other Dangerous Weapons and Concealed Pistol License Form, any Proof of Surrender or Declaration, No Weapons to Surrender Form (if the respondent has provided copies) so that they can be filed with the court as required.

338.11 RELEASE OF FIREARMS

Firearms that were taken into custody or surrendered pursuant to an extreme risk protection order should be returned to the restrained person upon the expiration of the order, in accordance with

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the Property and Evidence Policy (RCW 7.105.345). Pursuant to RCW 9.41.345, before a privately owned firearm is released, a law enforcement agency must:

- (a) Confirm that the individual to whom the firearm will be returned is the individual from whom the firearm was obtained or an authorized representative of that person (if released to an authorized representative, both the owner and representative will be subject to a background check);
- (b) Confirm that the individual to whom the firearm will be returned is eligible to possess a firearm pursuant to RCW 9.41.040;
- (c) Ensure that the firearm is not otherwise required to be held in custody or otherwise prohibited from being released (such as being involved or evidence held in a related or unrelated criminal investigation); and
- (d) Ensure that a minimum of 5 business days have elapsed from the time the firearm was obtained by law enforcement or the order to release the firearm was issued.

Law enforcement is not allowed to release firearms directly back to a person who is not a resident of this state, pursuant to Federal Law under 18 U.S.C. - 922(a)(5). When returning a firearm to a person who is not a Washington State resident, law enforcement may send it to a law enforcement agency in the state where the person is a resident, or send the firearm to a firearms dealer where the person is a resident. Firearms cannot be released to a third party.

After notification to the victim, family, household member, or intimate partner as outlined in this policy, the agency must release the firearm without "unnecessary delay" and in accordance with the agency's policy on the release of property from evidence. Under RCW 7.105.345, upon the expiration of an ERPO, any firearm surrendered by a respondent in an ERPO that remains unclaimed by the lawful owner must be disposed of in accordance with current evidence and property policies regarding disposal of firearms in police custody. Once the background steps are satisfied, the agency must within one business day provide notification to any identified victim of the crime that resulted in a firearm surrender, and/or the requested family, household or intimate partner, or provide notification to any person identified in a No-Contact Order, Restraining Order, or Protection Order, that the firearm is subject to return.

Under RCW 9.41.080, it is a class C felony to deliver a firearm to any person whom they have reasonable cause to believe that the person is ineligible to possess a firearm or has signed a valid voluntary waiver of firearm rights that has not been revoked under RCW 9.41.350.

338.12 RENEWAL OF EXTREME RISK PROTECTION ORDER

The Patrol Section supervisor is responsible for review of an extreme risk protection order obtained by the Department, to determine if renewal should be requested within the time prescribed by law (RCW 7.105.410).

338.13 STANDARD FOR ARREST

The Legislative intent: "Because of the heightened risk of lethality to petitioners when respondents to protection orders become aware of court involvement and continue to have access to firearms, and the frequency of noncompliance with court orders prohibiting possession of firearms, law

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enforcement and judicial processes must emphasize swift and certain compliance with court orders prohibiting access, possession, and ownership of all firearms". When an officer has confirmed that valid ERPOs, OTSPWs, or Protection Orders exist and has probable cause to believe the person has knowledge of the order and violated that order, the officer shall make an arrest and take the person into custody (RCW 10.31.100). Specifics for the orders is as follows:

Criminal Order Provisions (except Antiharassment Orders or ERPOs):

- (a) Once the respondent knows of the order, it is a gross misdemeanor or felony crime to violate any of the following provisions of a Protection Order:
 - 1. The restraint provisions of the order which prohibit acts or threats of violence against or stalking of a protected party;
 - 2. The restraint provisions prohibiting contact with a protected party;
 - 3. A provision excluding the person from a residence, workplace, school, or daycare;
 - 4. A provision prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, protected party's person, or a protected party's vehicle;
 - 5. A provision prohibiting interfering with the protected party's efforts to remove a pet owned, possessed, leased, kept, or held by the petitioner, the respondent, or a minor child residing with either the petitioner or the respondent;
 - 6. A provision of a Vulnerable Adult Protection Order;
 - 7. An order granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.77, 10.99, 26.09, 26.26A, or 26.26B RCW;
 - 8. A Foreign Protection Order as defined in RCW 26.52.020; or
 - 9. A Canadian Domestic Violence Protection Order as defined in RCW 26.55.010.

Felony Violations of Protection Orders:

- (a) Under the following circumstances any violation of a Protection Order becomes a class C felony for:
 - 1. Any assault that is a violation of a Protection order as listed above (and the assault is not a first- or second-degree felony assault);
 - 2. Any conduct in violation of an order that is reckless and creates a substantial risk of death or serious physical injury to another person; or
 - 3. Any violation of a Protection Order if the offender has at least two previous convictions for violating the provisions of any of the orders listed above. It should be noted that previous convictions may involve the same victim or other victims where the respondent was convicted of violating a Protection Order.

Mandatory Arrest by Law Enforcement (except Antiharassment Order or ERPO):

- (a) Under RCW 7.105.450(2), "a law enforcement officer shall arrest without a warrant and take into custody a person whom the law enforcement officer has probable cause

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to believe has violated" the above listed criminal restraint, prohibition or interference provisions within the following orders;

1. Domestic Violence Protection Order;
2. Sexual Assault Protection Order;
3. Stalking protection Order;
4. An order granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.77, 10.99, 26.09, 26.26A, or 26.26B RCW;
5. Foreign Protection Order as defined in RCW 26.52.020; or
6. Canadian Domestic Violence Protection Order as defined in RCW 26.55.010.

Criminal Violation if Antiharassment Protection Order:

- (a) Willful disobedience by a respondent age 18 years or over of any of the following restraint, prohibition, and interference provisions of an Antiharassment Protection Order issued is a gross misdemeanor:
 1. The restraint provisions prohibiting acts or threats of violence against, or unlawful harassment or stalking of a protected party, or restraint provisions prohibiting contact with a protected party;
 2. A provision excluding the person from a residence, workplace, school, or daycare;
 3. A provision prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle; or
 4. A provision prohibiting interfering with the protected party's efforts to remove a pet owned, possessed, leased, kept, or held by the petitioner, respondent, or minor child residing with either the petitioner or the respondent.
- (b) Willful disobedience refers to the intentional and deliberate violation of a court order, showing a clear intent to defy the court's authority.
- (c) Officers should be aware that for violations of Antiharassment Protection Orders, there is no mandatory arrest provision. For juvenile respondents, there is not criminal enforcement provision by law enforcement.

During the course of the investigation for a violation of a Protection Order Officers should:

- (a) Review the criminally enforceable provisions of the order;
- (b) Determine the respondent's knowledge of the order, which is reflected in the Proof of Service being completed or respondent's attendance at the hearing when the protection order was issued;
- (c) Collect associated evidence (such as witness statements, video footage, cellular phones, social media posts or contacts);
- (d) Measure to verify distances (if the respondent was excluded from a residence or other location by a certain distance, which is typically 1,000 feet);

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- (e) Interview the suspect regarding the alleged order violation;
- (f) Download and save any related body camera footage of the victim, suspect, and scene; and
- (g) See that the suspect is booked or held in custody according to Department protocol.

In addition to criminal penalties, the respondent may also be subject to contempt of court sanctions by any court in the county or municipality where the petitioner or respondent reside at the time of the alleged violation.

For a protection order to be criminally enforceable, the officer shall attempt to determine whether the respondent knew of the existence of the protection order. This is usually accomplished through the Proof of Service filed with the court or by the respondent's attendance at the hearing when the protection order was issued.

If the officer determines that the respondent did not, or probably did not, know about the Protection Order and the officer has a current copy of the order (such as the petitioner's copy), the officer must serve the respondent, if present.

If the respondent is not present, the officer must make reasonable efforts to serve a copy of the order. (if the officer serves the respondent with the petitioner's copy, the officer must provide a receipt indicating that the petitioner's copy was served on the respondent).

After the officer has served the order on the respondent, the officer must enforce prospective compliance with the order. Any respondent under the age of 18 years who willfully disobeys the restraint, prohibition, and interference provisions of an Antiharassment Protection Order issued under this chapter may be found in contempt of court.

338.14 ORDERS TO SHOW CAUSE

When the Department receives notice from the court of an order to show cause, the Patrol Section supervisor should consult with legal counsel, as appropriate, to address any requirements involving the Department, including the following (RCW 7.105.340):

- (a) Fulfilling any additional service requirements for the order to show cause
- (b) Providing the court a complete list of firearms surrendered by the person pursuant to the extreme risk protection order that are in the possession of the Department
- (c) Providing the court with verification that any concealed pistol license was surrendered by the person pursuant to the extreme risk protection order and that the agency with authority to revoke the license has been notified
- (d) Filing an affidavit with the court where there is reasonable suspicion that the person who is subject to the extreme risk protection order is not in full compliance with the terms, including the basis for the belief

338.15 EXTREME RISK PROTECTION ORDER COORDINATOR

The Chief of Police should designate an extreme risk protection order coordinator. The responsibilities of the coordinator include:

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- (a) Developing and maintaining procedures for the filing of a petition for an order or a renewal of an order by department members (RCW 7.105.100; RCW 7.105.105; RCW 7.105.110).
 - 1. This includes development of procedures to provide notice of an extreme risk protection order to persons who may be at risk of violence (RCW 7.105.110).
 - 2. Evaluation of an order to determine appropriate service and necessary precautions (see the Warrant Service Policy and the Operations Planning and Deconfliction Policy).
 - 3. Forwarding orders to the Operations Director or the authorized designee.
 - 4. Forwarding orders to the Records Manager for recording in appropriate databases and required notice to the court, as applicable.
 - 5. Preparing or obtaining a search warrant prior to attempting service of an order, when appropriate.
 - 6. Developing and maintaining procedures for the receipt and service of orders consistent with the requirements of RCW 7.105.150 (Methods of Service) and RCW 7.105.155 (Service by a Law Enforcement Officer). Procedures should include:
- (b) Coordinating with the Training Sergeant to provide officers who may be involved in petitioning for or serving orders with training on such orders. Training should include determining when a petition is appropriate, the process for seeking an order, and the service of such orders.
 - 1. Reviewing each petition, and any associated court documents for an order prepared by members, for compliance with this policy, department procedures, and state law.
- (c) Developing and maintaining procedures for members to accept voluntarily surrendered prohibited items at times other than when an order is being served by the Department.
- (d) Procedures should include preparing and providing a receipt identifying all prohibited items to the person surrendering the items.

Generative Artificial Intelligence Use

339.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for department use of generative artificial intelligence (GenAI). This policy does not apply to artificial intelligence that is integrated into facial recognition applications, voice recognition applications, biometric access controls, or software that redacts documents or video or similar applications.

Additional guidelines for the use of department information technology resources are found in the Information Technology Use Policy.

339.1.1 DEFINITIONS

Definitions related to this policy include:

Generative artificial intelligence (GenAI) - A type of artificial intelligence that is algorithmically trained on one or more large data sets and designed to generate new and unique data (e.g., text, pictures, video) in response to a prompt (generally questions, instructions, images, or video) input by the user.

339.2 POLICY

The use of GenAI systems carries unique benefits within a law enforcement agency, providing ways to increase operational efficiency, enhance department procedures, and improve the overall effectiveness of the Duvall Police Department.

However, the prompts input into GenAI systems can present risks to both individuals and law enforcement agencies by making accessible to the public information such as department tactics, investigative and training techniques, confidential information (e.g., confidential informants, protected information), active investigations, and security procedures. In addition, without safeguards in place, GenAI can produce unintended discriminatory or biased output as well as content that is inaccurate, misleading, or copyrighted.

It is the policy of the Department to develop, implement, and use GenAI ethically and responsibly in a way that minimizes potential risk and harm in accordance with the guidelines set forth below.

Any function carried out by a member of the Department using GenAI is subject to the same laws, rules, and policies as if carried out without the use of GenAI. The use of GenAI does not permit any law, rule, or policy to be bypassed or ignored.

339.3 RESPONSIBILITIES

339.3.1 CHIEF OF POLICE

The Chief of Police or an authorized designee shall approve all GenAI systems, their acceptable uses, and their authorized user groups prior to the use, implementation, or development for any department functions.

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339.3.2 AI COORDINATOR

The Chief of Police or the authorized designee shall appoint an AI coordinator. The AI coordinator shall report to the Administrative Services Division Commander or the authorized designee.

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

- (a) Evaluating potential GenAI systems and recommending those GenAI systems that appear to be appropriate and trustworthy to the Chief of Police or the authorized designee. The trustworthiness of GenAI systems should be evaluated by balancing the following characteristics:
 - 1. Validity and reliability - The system's apparent ability to meet the intended purpose and fulfill the needs of the Department consistently over time.
 - 2. Safety - Any apparent risk to human life, health, property, or the environment that could result from the department's use of the system.
 - 3. Security and resiliency - The system's capability to prevent unauthorized access and misuse and its ability to return to normal function should misuse occur.
 - 4. Accountability and transparency - The ability to track and measure the system's use and activity through histories, audit logs, and other processes to provide insight about the system and identify potential sources of error, bias, or vulnerability.
 - 5. Explainability and interpretability - The ability of the user to understand the purpose and impact of the system, how and why the system reached the resulting output, and what the output means for the user.
 - 6. Privacy - The ability of the system to protect confidentiality and meet applicable privacy standards for the types of data intended to be input into the system (e.g., state privacy laws, Criminal Justice Information Services (CJIS), Health Insurance Portability and Accountability Act (HIPAA)).
 - 7. Fairness - The ability of the system to operate in a way that avoids or minimizes bias and discrimination.
- (b) Ensuring appropriate contractual safeguards are in place to manage third-party use of department data and to restrict the use of input in AI training data sets. If the input of protected information is necessary for the proper use of the GenAI system, an information-exchange agreement in compliance with applicable rules and standards (e.g., CJIS requirements) should be used to outline the roles, responsibilities, and data ownership between the Department and third-party vendor.
- (c) Coordinating with others within the Department and City, such as the information technology or legal departments, as appropriate to ensure GenAI systems are procured, implemented, and used appropriately.
- (d) Maintaining a list or inventory of department-approved GenAI systems and, when appropriate for department transparency, making the list or inventory available to the public.
- (e) Developing and maintaining appropriate procedures related to the use of GenAI systems, including procedures for editing and fact-checking output.

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- (f) Ensuring any public-facing GenAI systems notify the user that GenAI is being used.
- (g) Developing and updating training for the authorized users of each department-approved GenAI system.
- (h) Ensuring access to department GenAI systems is limited to authorized users and establishing requirements for user credentials such as two-factor authentication and appropriate password parameters.
- (i) Conducting audits at reasonable time intervals for each of the GenAI systems utilized by the Department to evaluate the performance and effectiveness of each approved system and to determine if it continues to meet the department's needs and expectations of trustworthiness. The coordinator should arrange for audits to be conducted by an external source, as needed.
- (j) Ensuring each GenAI system is updated and undergoes additional training as reasonably appears necessary in an effort to avoid the use of outdated information or technologies.
- (k) Keeping abreast of advancements in GenAI and any GenAI-related legal developments.
- (l) Reviewing this policy and department practices and proposing updates as needed to the Chief of Police.
- (m) Developing procedures in coordination with the *Brady* information coordinator and the Records Manager for the compilation and potential release of any discovery or records related to the use of GenAI systems consistent with *Brady* and the Washington Public Records Act.

339.4 USE OF GENERATIVE AI

The use of department GenAI systems by department members shall be limited to official work-related purposes, and members shall only access and use GenAI systems for which they have been authorized and received proper training.

Members shall use AI-generated content as an informational tool and not as a substitution for human judgment or decision-making. Members should not represent AI-generated content as their own original work.

AI-generated content should be considered draft material only and shall be thoroughly reviewed prior to use. Before relying on AI-generated content, members should:

- (a) Obtain independent sources for information provided by GenAI and take reasonable steps to verify that the facts and sources provided by GenAI are correct and reliable.
- (b) Review prompts and output for indications of bias and discrimination and take steps to mitigate its inclusion when reasonably practicable (see the Bias-Based Policing Policy).
- (c) Include a statement in the final document or work product that GenAI was used to aid in its production.

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339.4.1 PRIVACY CONSIDERATIONS

Information not otherwise available to the public, including data reasonably likely to compromise an investigation, reveal confidential law enforcement techniques, training, or procedures, or risk the safety of any individual if it were to become publicly accessible, should not be input into a GenAI system unless contractual safeguards are in place to prevent such information from becoming publicly accessible. Members should instead use generic unidentifiable inputs, such as "suspect" or "victim," and hypothetical scenarios whenever possible.

Protected information should only be input into GenAI systems that have been approved for such use and comply with applicable privacy laws and standards (see the Protected Information Policy).

339.5 PROHIBITED USE

Members shall not use GenAI systems to rationalize a law enforcement decision, or as the sole basis of research, interpretation, or analysis of the law or facts related to a law enforcement contact or investigation.

Members shall not create user accounts in their official capacity or input work-related data (including information learned solely in the scope of their employment) into publicly available GenAI systems unless the system has been approved by the Chief of Police or the authorized designee for the intended use.

339.6 TRAINING

The AI coordinator should ensure that all members authorized to use GenAI have received appropriate initial training that is suitable for their role and responsibilities prior to their use of GenAI and receive periodic refresher training. Training should include but is not limited to the following:

- (a) A review of this policy
- (b) The need for human oversight of GenAI outputs
- (c) The interpretation, review, and verification of GenAI output
- (d) Checking GenAI output for bias or protected information
- (e) Ethical use of GenAI technology
- (f) Data security and privacy concerns

Chapter 4 - Patrol Operations

Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol unit of the Department to ensure intra-department cooperation and information sharing.

400.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of Duvall, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergencies 24 hours per day seven days per week.

Patrol will generally provide the following services within the limits of available resources:

- (a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order, and the discovery of hazardous situations or conditions.
- (b) Crime prevention activities such as residential inspections, business inspections, community presentations, etc.
- (c) Calls for service, both routine and emergency in nature.
- (d) Investigation of both criminal and non-criminal acts.
- (e) The apprehension of criminal offenders.
- (f) Community Oriented Policing and Problem Solving activities such as citizen assists and individual citizen contacts of a positive nature.
- (g) The sharing of information between the Patrol and other division within the Department, as well as other outside governmental agencies.
- (h) The application of resources to specific problems or situations within the community, which may be improved or resolved by Community Oriented Policing and problem solving strategies.
- (i) Traffic direction and control.

400.1.2 TERRORISM

It is the goal of the Duvall Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Officers should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report or Field Interview (FI). The supervisor should ensure that all terrorism related reports and FIs are forwarded to the Patrol Section Supervisor in a timely fashion.

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Patrol Function

400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-department cooperation and information flow between the various divisions of the Duvall Police Department.

400.2.1 CRIME REPORTS

A crime report may be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the appropriate bureau for retention or follow-up investigation.

400.2.2 PATROL BRIEFING

Patrol supervisors, detective sergeants, and special unit sergeants are encouraged to share information as much as possible. All supervisors and/or officers will be provided an opportunity to share information at the daily patrol Briefings as time permits.

400.2.3 INFORMATION CLIPBOARDS

Several information clipboards will be maintained in the briefing room and will be available for review by officers from all divisions within the Department. These will include, but not be limited to, the patrol check clipboard, the wanted persons clipboard, and the written directive clipboard.

400.2.4 BULLETIN BOARDS

A bulletin board will be kept in the briefing room and the Patrol Section for display of suspect information, intelligence reports and photographs. New General Orders will be made available for patrol supervisors and will be discussed at briefings and shift meetings. A copy of the General Order will be placed on the briefing room clipboard.

400.3 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws, when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Duvall Police Department's commitment to policing that is fair and objective. Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships) (RCW 43.101.410).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing or improper profiling - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin (including limited English proficiency), religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement.

401.2 POLICY

The Duvall Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

401.3.1 OTHER PROHIBITIONS

The Duvall Police Department also condemns the illegal use of an individual or group's attire, appearance, or mode of transportation, including the fact that an individual rides a motorcycle or wears motorcycle-related paraphernalia, as a factor in deciding to stop and question, take enforcement action, arrest, or search a person or vehicle with or without a legal basis under the United States Constitution or Washington State Constitution (RCW 43.101.419).

Additionally, members shall not collect information from a person based on religious belief, practice, or affiliation unless permitted under state law. Members shall not (RCW 42.60.020; RCW 42.60.030):

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- (a) Provide or disclose to federal government authorities personally identifiable information about a person's religious belief, practice, or affiliation unless the member is being questioned as a witness to a crime.
- (b) Assist federal government authorities in compiling personal information about a person's religious belief, practice, or affiliation.
- (c) Investigate or enforce any requirement that a person register with the federal government or a federal agency based on religion.

401.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

401.4.2 REPORTING TRAFFIC STOPS

Each time an officer makes a traffic stop, the officer shall report any demographic information required by the Department (RCW 43.101.410).

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and their supervisor in a timely manner.
 - 1. Supervisors should document these discussions in the prescribed manner.
- (b) Supervisors should periodically review Mobile Audio/Video (MAV) recordings, body-worn camera (BWC) media, Mobile Data Center (MDC) data, and any other available resource used to document contact between officers and the public to ensure compliance with this policy.
 - 1. Supervisors should document these periodic reviews.
 - 2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.

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- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

401.6 STATE REPORTING

Subject to any fiscal constraints, the Patrol Division Commander should review available data related to traffic stops, including demographic data, existing procedures, practices, and training, as well as complaints. The data should be analyzed for any patterns or other possible indicators of racial- or bias-based profiling and included in an annual report for the Washington Association of Sheriffs and Police Chiefs (WASPC) (RCW 43.101.410(3)).

401.7 ADMINISTRATION

The Patrol Division Commander shall review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police. The report should also include a documented review of department activities with potential for bias. This may include traffic and field contacts, asset forfeiture efforts, citizen complaints, and any corrective measures taken. The annual report should not contain any identifying information about any specific complaint, member of the public, or officer. It shall be reviewed and approved by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review the department annual report and the annual report submitted to the WASPC, and discuss the results with those they are assigned to supervise.

401.7.1 INCIDENT REVIEW AND ANALYSIS

The annual report shall include a management review and analysis of bias-based profiling incidents and should address any policy, procedure, training, and/or personnel issues identified during the review process.

401.8 TRAINING

Training on fair and objective policing and review of this policy shall be conducted annually and include (RCW 43.101.410):

- (a) Explicit and implicit biases.
- (b) Avoiding improper profiling.

Briefing

402.1 PURPOSE AND SCOPE

This policy discusses the activity of roll call and includes the tasks that should be accomplished during this short period.

402.2 PREPARATION OF MATERIALS

The member conducting roll call is responsible for preparation of the materials necessary for a constructive roll call.

402.3 POLICY

Briefing is intended to facilitate the accurate flow of information in order to enhance coordination of activities, improve performance and safety, and outline the expected actions of members.

402.4 BRIEFING

All divisions and specialized units will conduct regular roll call to discuss, disseminate, and exchange information among department members, work groups, and other organizations. A supervisor generally will conduct roll call. However, the supervisor may delegate this responsibility to a subordinate member in their absence or for training purposes.

Briefing should include but is not limited to:

- (a) Providing members with information regarding daily activities, with particular attention given to changes in the status of:
 - 1. Wanted persons.
 - 2. Crime patterns.
 - 3. Suspect descriptions.
 - 4. Intelligence reports and photographs.
 - 5. Community issues affecting law enforcement.
 - 6. Major investigations.
- (b) Notifying members of changes in schedules and assignments.
- (c) Reviewing recent incidents for situational awareness and training purposes.
- (d) Providing training on a variety of subjects.
- (e) Conducting periodic personnel inspections.

Supervisors should also ensure that all members are informed about General Orders and any recent policy changes.

402.4.1 RETENTION OF BRIEFING TRAINING RECORDS

Briefing training materials and a curriculum or summary shall be forwarded to the Training Sergeant for inclusion in training records, as appropriate.

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Briefing

402.5 TRAINING

Briefing training should incorporate short segments on a variety of subjects or topics and may include:

- (a) Review and discussion of new or updated policies.
- (b) Presentation and discussion of the proper application of existing policy to routine daily activities.
- (c) Presentation and discussion of the proper application of existing policy to unusual activities.
- (d) Review of recent incidents for training purposes.

Crime and Disaster Scene Integrity

403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

403.2 POLICY

It is the policy of the Duvall Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

403.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

403.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Broadcast emergency information, including requests for additional assistance and resources.
- (b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
- (c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
- (d) Provide first aid to injured parties if it can be done safely.
- (e) Evacuate the location safely as required or appropriate.
- (f) Secure the inner perimeter.
- (g) Protect items of apparent evidentiary value.
- (h) Secure an outer perimeter.
- (i) Identify potential witnesses.
- (j) Start a chronological log noting critical times and personnel allowed access.

403.5 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured

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persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

403.5.1 CONSENT

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

403.6 PATROL DIVISION COMMANDER RESPONSIBILITIES

The Patrol Division Commander is responsible for ensuring procedures are established that are consistent with the Washington State Patrol Crime Laboratory Division Crime Scene Procedures Manual, including, but not limited to:

- (a) Ensuring reasonable access to qualified personnel, equipment and supplies for processing crime scenes.
- (b) Establishing procedures for collecting, processing and preserving physical evidence in the field.
- (c) Establishing procedures for photographing, video-recording and other imaging used to collect and preserve evidence.
- (d) Establishing procedures for processing, developing, lifting and labeling fingerprints.
- (e) Establishing procedures for the safe collection, storage, transportation and submission of biological and other evidence for DNA testing and evaluation.

403.7 EXECUTION OF HEALTH ORDERS

Sworn members of this department shall enforce all lawful orders of the local health officer, issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (RCW 70.05.070; WAC 246-100-040(2)).

Ride-Along Policy

404.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function first hand. This policy provides the requirements, approval process, and hours of operation for the Ride-Along Program.

404.1.1 ELIGIBILITY

The Duvall Police Department Ride-Along Program is offered to residents, students and those employed within the City. Every attempt will be made to accommodate interested persons however any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 15 years of age.
- Prior criminal history.
- Pending criminal action.
- Pending lawsuit against the Department.
- Denial by any supervisor.

404.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions. The ride-along times are from 10:00 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the Chief of Police, Division Commander, or Shift Sergeant.

404.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Patrol Sergeant. The participant will complete a ride-along waiver form. Information requested will include a valid ID or Washington driver's license, address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the Ride-Along Form.

The Patrol Sergeant will schedule a date, based on availability, at least one week after the date of application. If approved, a copy will be forwarded to the respective Shift Sergeant as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial.

404.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: Explorers, RSVP, Chaplains, Reserves, police applicants, and all others with approval of the Shift Sergeant.

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An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time.

404.2.2 SUITABLE ATTIRE

Any person approved to ride along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the police vehicle. The Shift Sergeant or field supervisor may refuse a ride along to anyone not properly dressed.

404.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the expressed consent of the Shift Sergeant. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

404.3 OFFICER'S RESPONSIBILITY

The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times. Officers should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The Patrol Sergeant is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the form shall be returned to the Patrol Sergeant with any comments which may be offered by the officer.

404.4 CONTROL OF RIDE-ALONG

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

- (a) The ride-along will follow the directions of the officer.
- (b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment.
- (c) The ride-along may terminate the ride-along at any time and the officer may return the observer to their home or to the station if the ride-along interferes with the performance of the officer's duties.
- (d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.

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Ride-Along Policy

- (e) Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen.
- (f) Under no circumstance shall a civilian ride along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person.

Hazardous Material Response

405.1 PURPOSE AND SCOPE

Exposure to hazardous materials present potential harm to department members and the public. This policy outlines the responsibilities of members who respond to these events and the factors that should be considered while on-scene, including the reporting of exposures and supervisor responsibilities.

405.1.1 DEFINITIONS

Definitions related to this policy include:

Hazardous material - A substance which, by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

405.2 HAZARDOUS MATERIAL RESPONSE

Members may encounter situations involving suspected hazardous materials, such as at the scene of a traffic collision, chemical spill, or fire. When members come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond to and mitigate most incidents involving hazardous materials and biohazards.

Responders should not perform tasks or use equipment without proper training. A responder entering the area may require decontamination before he/she is allowed to leave the scene, and should be evaluated by appropriate technicians and emergency medical services personnel for signs of exposure.

405.3 REPORTING EXPOSURE

Department members who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the member in an incident report that shall be forwarded via chain of command to the Shift Sergeant as soon as practicable. Should the affected member be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the report.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report as applicable.

405.3.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that a member has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to mitigate the exposure or continued exposure.

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Hazardous Material Response

To ensure the safety of members, PPE is available from supervisors. PPE items not maintained by this department may be available through the appropriate fire department or emergency response team.

405.4 POLICY

It is the policy of the Duvall Police Department to respond to hazardous material emergencies with due regard for the safety of the public and those members responding to such incidents.

405.5 CONSIDERATIONS

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Make the initial assessment of a potentially hazardous material from a safe distance.
- (b) Notify Dispatch, appropriate supervisors, the appropriate fire department and hazardous response units.
 - 1. Provide weather conditions, wind direction, a suggested safe approach route and any other information pertinent to responder safety.
- (c) Wear personal protective equipment (PPE), being cognizant that some hazardous material can be inhaled.
- (d) Remain upwind, uphill and at a safe distance, maintaining awareness of weather and environmental conditions, until the material is identified and a process for handling has been determined.
- (e) Attempt to identify the type of hazardous material from a safe distance using optical aids (binoculars or spotting scopes) if they are available. Identification can be determined by:
 - 1. Placards or use of an emergency response guidebook.
 - 2. Driver's manifest or statements or shipping documents from the person transporting the material.
 - 3. Information obtained from any involved person with knowledge regarding the hazardous material. Information should include:
 - (a) The type of material.
 - (b) How to secure and contain the material.
 - (c) Any other information to protect the safety of those present, the community and the environment.
- (f) Provide first-aid to injured parties if it can be done safely and without contamination.
- (g) Make reasonable efforts to secure the scene and prevent access from unauthorized individuals and to protect and identify any evidence.
- (h) Begin evacuation of the immediate and surrounding areas, dependent on the material. Voluntary evacuation should be considered; mandatory evacuation may be necessary and will depend on the type of material.
- (i) Establish a decontamination area when needed.

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Hazardous Material Response

- (j) Activate automated community notification systems, if applicable.
- (k) Dependent upon the substance and other specific conditions, consider initiating an emergency public notification or evacuation. The decision to initiate public notifications and/or evacuations shall be in accordance with the Duvall Local Emergency Planning Committee (LEPC) procedures.

Hostage and Barricade Incidents

406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

406.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

406.2 POLICY

It is the policy of the Duvall Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

406.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

406.3.1 EMERGENCY COMMUNICATIONS

A supervisor may order the telephone company to cut, reroute or divert telephone lines in order to prevent a suspect from communicating with anyone other than designated personnel in a barricade or hostage situation (RCW 70.85.100).

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Hostage and Barricade Incidents

406.4 FIRST RESPONDER CONSIDERATIONS

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

406.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (d) Provide responding emergency personnel with a safe arrival route to the location.
- (e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.
- (g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.
- (h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer.

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- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (k) Establish a command post.

406.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- (d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.
- (e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (f) Provide responding emergency personnel with a safe arrival route to the location.
- (g) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (h) Coordinate pursuit or surveillance vehicles and control of travel routes.
- (i) Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.
- (j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- (k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the PIO.

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- (m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

406.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a Crisis Response Unit response if appropriate and apprising the Crisis Response Unit Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

- (a) Ensure injured persons are evacuated and treated by medical personnel.
- (b) Ensure the completion of necessary first responder responsibilities or assignments.
- (c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.
- (d) Establish a command post location as resources and circumstances permit.
- (e) Designate assistants who can help with intelligence information and documentation of the incident.
- (f) If it is practicable to do so, arrange for video documentation of the operation.
- (g) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).
- (h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or Dispatch.
- (i) Identify a media staging area outside the outer perimeter and have the department Public Information Officer or a designated temporary media representative provide media access in accordance with the Media Relations Policy.
- (j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
- (k) Debrief personnel and review documentation as appropriate.

406.6 CRISIS RESPONSE UNIT RESPONSIBILITIES

It will be the Incident Commander's decision, with input from the Crisis Response Unit Commander, whether to deploy the Crisis Response Unit during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the Crisis Response Unit Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the Crisis Response Unit. The Incident

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Commander and the Crisis Response Unit Commander or the authorized designee shall maintain communications at all times.

406.7 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

Response to Bomb Calls

407.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Duvall Police Department in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

407.2 POLICY

It is the policy of the Duvall Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

407.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement, and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the Shift Sergeant is immediately advised and informed of the details. This will enable the Shift Sergeant to ensure that the appropriate personnel are dispatched and, as appropriate, the threatened location is given an advance warning.

407.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

407.4.1 DUVALL POLICE DEPARTMENT FACILITY

If the bomb threat is against the Duvall Police Department facility, the Shift Sergeant will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

407.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Duvall Police Department that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Shift Sergeant deems appropriate.

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407.4.3 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

407.1 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the City of Duvall, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

- (a) The location of the facility.
- (b) The nature of the threat.
- (c) Whether the type and detonation time of the device is known.
- (d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.
- (e) Whether the individual is requesting police assistance at the facility.
- (f) Whether there are any internal facility procedures regarding bomb threats in place, such as:
 - 1. No evacuation of personnel and no search for a device.
 - 2. Search for a device without evacuation of personnel.
 - 3. Evacuation of personnel without a search for a device.
 - 4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Shift Sergeant is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

407.1.1 ASSISTANCE

The Shift Sergeant should be notified when police assistance is requested. The Shift Sergeant will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the Shift Sergeant determine that the Department will assist or control such an incident, he/she will determine:

- (a) The appropriate level of assistance.

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- (b) The plan for assistance.
- (c) Whether to evacuate and/or search the facility.
- (d) Whether to involve facility staff in the search or evacuation of the building.
 - 1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
 - 2. The safety of all participants is the paramount concern.
- (e) The need for additional resources, including:
 - 1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

407.1 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
- (b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.
- (c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:
 - 1. Two-way radios
 - 2. Cell phones
 - 3. Other personal communication devices
- (d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
- (f) A safe access route should be provided for support personnel and equipment.
- (g) Search the area for secondary devices as appropriate and based upon available resources.
- (h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
- (i) Promptly relay available information to the Shift Sergeant including:
 - 1. The time of discovery.

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2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

407.7 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

407.7.1 CONSIDERATIONS

Officers responding to explosions, whether accidental or a criminal act, should consider the following actions:

- (a) Assess the scope of the incident, including the number of victims and extent of injuries.
- (b) Request additional personnel and resources, as appropriate.
- (c) Assist with first aid.
- (d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.
- (e) Assist with the safe evacuation of victims, if possible.
- (f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.
- (g) Preserve evidence.
- (h) Establish an outer perimeter and evacuate if necessary.
- (i) Identify witnesses.

Emergency Detentions

408.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place an individual under an emergency detention.

408.2 POLICY

It is the policy of the Duvall Police Department to protect the public and individuals through legal and appropriate use of the emergency detention process.

408.3 AUTHORITY

An officer may take a person into emergency detention when either (RCW 71.05.150; RCW 71.05.153; RCW 71.05.201; RCW 71.34.710; RCW 71.34.351):

- (a) There is reasonable cause to believe that a person is suffering from a behavioral health disorder (e.g., mental disorder, substance abuse disorder) and presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled
- (b) The officer has received an order authorizing emergency detention from a court or a designated crisis responder

Persons taken into emergency detention should be transported to an appropriate facility as soon as practicable.

408.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for emergency detention, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the individual so desires, the officers should:

- (a) Transport the individual to an appropriate facility that is able to conduct the evaluation and admit the person.
- (b) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

If at any point the individual changes his/her mind regarding voluntary evaluation, officers should proceed with the emergency detention process, if appropriate.

408.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for emergency detention should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the cause and nature of the individual's action or stated intentions.
- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.

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- (d) Community or other resources available to assist in dealing with behavioral health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Emergency detentions should be preferred over arrest for individuals with behavioral health disorders who are suspected of committing minor crimes or creating other public safety issues.

408.5 TRANSPORTATION

Transport for any individual into emergency detention shall be conducted in accordance with the Transporting Persons in Custody Policy.

Officers may transport individuals in a patrol vehicle and shall secure them in accordance with the Handcuffing and Restraints Policy.

408.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking voluntary treatment, the officer should provide the staff member with the written application for an emergency detention and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

408.7 DOCUMENTATION

The officer should complete an application for emergency detention, provide it to the facility staff member assigned to the individual, and retain a copy of the application for inclusion in the case report.

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

408.8 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken into emergency detention should resolve the criminal matter by issuing a warning or a citation, as appropriate.

When an individual who may qualify for emergency detention has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the emergency detention.

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- (c) Facilitate the individual's transfer to the jail facility.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for emergency detention.

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard), and other relevant factors in making this decision.

408.9 FIREARMS AND OTHER WEAPONS

Whenever an individual is taken into emergency custody, the handling officers should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling officers should further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody.

408.10 TRAINING

This department will endeavor to provide department-approved training on interaction with persons with behavioral health disorders, emergency detentions and crisis intervention.

Citation Releases

409.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Duvall Police Department with guidance on when to release adults who are suspected offenders on a citation and notice to appear in court for a criminal offense, rather than having the person held in custody for a court appearance or released on bail.

409.2 POLICY

The Duvall Police Department will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a citation and notice to appear in court, when authorized to do so.

409.3 RELEASE

A suspected offender may be released on issuance of a citation and notice to appear in court by an officer whenever a person is arrested or could have been arrested pursuant to statute for a violation of law which is punishable as a misdemeanor or gross misdemeanor (Criminal Rules, CrRLJ 2.1(b)(1)).

409.4 PROHIBITIONS

The release of a suspected offender on a citation and notice to appear is not permitted when:

- (a) A person has been arrested pursuant to RCW 10.31.100(2) (restraining orders).
- (b) An officer has probable cause to believe that the person arrested has violated RCW 46.61.502 (DUI) or RCW 46.61.504 (physical control of a vehicle while DUI) or equivalent local ordinance and the officer has knowledge that the person has a prior offense as defined in RCW 46.61.5055 (alcohol and drug violators) within the last 10 years, or that the person is charged with or is awaiting arraignment for an offense that would qualify as a prior offense under RCW 46.61.5055 if it were a conviction (RCW 10.31.100; Criminal Rules, CrRLJ 3.2(o)(3)).

See the Domestic Violence Policy for release restrictions related to those investigations.

409.5 CONSIDERATIONS

In determining whether to cite and release a person, officers shall consider whether (Criminal Rules, CrRLJ 2.1(b)(2)):

- (a) The suspected offender has identified him/herself satisfactorily.
- (b) Detention appears reasonably necessary to prevent imminent bodily harm to the suspected offender or another, property damage or breach of the peace.
- (c) The suspected offender has ties to the community reasonably sufficient to assure his/her appearance or whether there is substantial likelihood that he/she will refuse to respond to the citation and notice.
- (d) The suspected offender previously has failed to appear in response to a citation and notice issued pursuant to the court rule or to other lawful process.

Foreign Diplomatic and Consular Representatives

410.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Duvall Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

410.2 POLICY

The Duvall Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

410.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

- (a) Notify a supervisor.
- (b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
- (c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- (d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.
- (e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

410.4 ENFORCEMENT ACTION

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

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- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety, or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
 - 1. Investigations, including the request for field sobriety tests, chemical tests, and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
 - 1. Diplomatic-level staff of missions to international organizations and recognized family members
 - 2. Diplomatic agents and recognized family members
 - 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
 - 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
 - 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
 - 2. Support staff of missions to international organizations
 - 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
 - 4. Honorary consular officers

410.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

410.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members

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Diplomatic Agent	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note a)	Yes	Yes	Yes	No for official acts. Yes otherwise (note a).	No immunity or inviolability (note a)
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note a)	Yes (note d)	Yes	No for official acts. Testimony may not be compelled in any case.	No for official acts. Yes otherwise (note a).	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts. Yes otherwise.	No for official acts. Yes otherwise.	No immunity or inviolability
Consulate Employees	Yes (note a)	Yes	Yes	No for official acts. Yes otherwise.	No for official acts. Yes otherwise (note a).	No immunity or inviolability (note a)
Int'l Org Staff (note b)	Yes (note c)	Yes (note c)	Yes	Yes (note c)	No for official acts. Yes otherwise (note c).	No immunity or inviolability
Diplomatic-Level Staff of Missions to Int'l Org	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts. Yes otherwise.	No immunity or inviolability

Notes for diplomatic immunity table:

- (a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.

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- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

Rapid Response and Deployment

411.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers in situations that call for rapid response and deployment.

411.2 POLICY

The Duvall Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

411.3 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be made based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel, This does not preclude an individual officer from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the officers have the ability to effectively communicate with other personnel or resources.
- (f) Whether planned tactics can be effectively deployed.

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- (g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

411.4 TRAINING

The Training Sergeant should include rapid response to critical incidents in the training plan. This training should address:

- (a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Communications interoperability with other law enforcement and emergency service agencies.
- (c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.
- (d) First aid, including gunshot trauma.
- (e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

411.5 PLANNING

The Patrol Division Commander should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.
- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.
- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.

411.6 CONSIDERATIONS

When dealing with a crisis situation members should:

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- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

411.7 SCHOOL NOTIFICATION

The Patrol Division Commander should establish protocols for public and private school notification in the event an incident reasonably appears to require a lockdown or evacuation. Protocols should include notification to all known schools in the vicinity of the incident that may be similarly threatened (RCW 28A.320.125).

Immigration Violations

412.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Duvall Police Department relating to immigration laws and interacting with federal immigration officials (RCW 43.10.315).

412.2 DEFINITIONS

Civil immigration warrant - means any warrant for a violation of federal civil immigration laws issued by a federal immigration authority. A "civil immigration warrant" includes, but is not limited to, administrative warrants entered in the national crime information center database, warrants issued on ICE Form I-200 (Warrant for Arrest of Alien), Form I-205 (ICE Administrative Warrant), or prior or subsequent versions of those forms, which are not court orders.

Court order and judicial warrant - means a directive issued by a judge or magistrate under the authority of Article III of the United States Constitution or Article IV of the Washington Constitution. A "court order" includes, but is not limited to, judicially authorized warrants and judicially enforced subpoenas. Such orders and warrants do not include civil immigration warrants, or other administrative orders, warrants or subpoenas that are not signed or enforced by a judge or magistrate as defined in this section.

De-identified - means information that does not identify an individual and with respect to which there is no reasonable basis to believe that the information can be used to identify an individual.

Federal immigration authority - means any on-duty officer, employee, or person otherwise paid by or acting as an agent of the United States (U.S.) Department of Homeland Security (DHS) including, but not limited to, its sub-agencies, Immigration and Customs Enforcement (ICE), Customs and Border Protection (CBP), U.S. Citizenship and Immigration Services (USCIS), and any present or future division thereof charged with immigration enforcement. "Federal immigration authority" includes, but is not limited to, the Enforcement & Removal Operations (ERO) and Homeland Security Investigations (HSI) of ICE, or any person or class of persons authorized to perform the functions of an immigration officer as defined in the Immigration and Nationality Act.

Hold request or immigration detainer request - means a request from a federal immigration authority, without a court order, that a state or local law enforcement agency maintain custody of an individual beyond the time the individual would otherwise be eligible for release in order to facilitate transfer to a federal immigration authority. A "hold request" or "immigration detainer request" includes, but is not limited to, DHS Form I-247A (Immigration Detainer-Notice of Action) or prior or subsequent versions of form I-247. Detainers issued on ICE Form i-247 are not court orders.

Immigration detention agreement of IGSA - means any contract, agreement, intergovernmental service agreement, or memorandum of understanding that permits a state or local law enforcement agency or officer to house or detain individuals for federal civil immigration violations.

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Immigration or citizenship status - means such status as has been established to such individual under the Immigration and Nationality Act.

Language services - includes but is not limited to translation, interpretation, training, or classes. "Translation" means written communication from one language to another while preserving the intent and essential meaning of the original text. "Interpretation" means transfer of an oral communication from one language to another.

Law enforcement agency of LEA - means any agency of the state of Washington (state) or any agency of a city, county, special district, or other political subdivision of the state (local) that is a "general authority Washington law enforcement agency." as defined by RCW 10.93.020, or that is authorized to operate jails or maintain custody of individuals in jails; or to operate juvenile detention facilities or to maintain custody of individuals in juvenile detention facilities; or to monitor compliance with probation or parole conditions.

Local government - means any governmental entity other than the state, federal agencies, or an operating system established under chapter 43.52 RCW. It includes, but is not limited to, cities, counties, school districts, and special purpose districts. It does not include sovereign tribal governments.

Necessary to perform duties - means that, after following appropriate procedures to verify a course of action, no reasonably effective alternative appears to exist that would enable the performance of one's legal duties and obligations.

Notification request - means a federal immigration authority's request for affirmative notification from a state or local law enforcement agency of an individual's release from the LEA's custody. "Notification request" includes, but is not limited to, oral or written requests, including DHS Form I-247A, Form I-247N, or prior or subsequent versions of those forms.

Personal information - means names, date of birth, addresses, GPS [global positioning system] coordinates or location, telephone numbers, email addresses, social medial handles or screen names, social security numbers, driver's license numbers, parents' or affiliates' names, biometric data, or other personally identifiable information. "Personal information" does not include immigration or citizenship status.

Physical custody of the department of corrections - means only those individuals detained in a state correctional facility but does not include minors detained pursuant to chapter 13.40 RCW, or individuals in community custody as defined in RCW 9.94A.030 including those serving a term of detention at a local LEA due to a community custody violation.

School resource officer or SRO - means a commissioned law enforcement officer in the state of Washington who has sworn authority to uphold the law and who is assigned by the employing police department or sheriff's office to work in schools to ensure school safety.

State agency - has the same meaning as provided in RCW 42.56.010.

T Visa - is a temporary immigration benefit under 8 U.S.C. § 1101 (a)(15)(T), as further defined in RCW 7.98.010(1), that enables victims of severe form of human trafficking and certain qualifying

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family members to remain in the United States for four years or longer if they have assisted law enforcement in an investigation or prosecution of human trafficking.

U Visa - is a temporary immigration benefit under 8 U.S.C. § 1101 (a)(15)(U), as further defined in RCW 7.98.010(1)m that enables victims of certain crimes who have suffered mental or physical abuse and are helpful to law enforcement or government officials in the investigation or prosecution of criminal activity, and certain qualifying family members, to remain in the United States for four years or longer.

412.3 POLICY

It is the policy of the Duvall Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

412.4 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or Washington constitutions.

412.5 ENFORCEMENT OF FEDERAL IMMIGRATION LAW AND POLICIES PROHIBITED

The federal government, not the Duvall Police Department, has the primary jurisdiction over the enforcement of federal immigration law. The Department recognizes that removal from the United States, including investigation and arrests made as part of that process, is a civil matter overseen by federal immigration authorities. The Department recognizes that unauthorized presence in the United States, standing alone, is not a violation of state or local law. The immigration or citizenship status of an individual or an individual's presence in, entry or reentry to, or employment in the United States alone is not subject to enforcement the Department or its personnel. The Department shall presume any federal immigration authority acting on official duty to be engaged in immigration enforcement.

- (a) The Department members shall not engage or assist in civil immigration enforcement.
- (b) Department resources, including any individual's personal information ascertained by the Department or its members, shall not be used or shared to assist in civil immigration enforcement.
- (c) All Department members shall complete Department's mandatory training regarding immigration enforcement policies and procedures and compliance with all other requirements of RCW 10.93.160.
- (d) All requests by for assistance by any person engaged, or intending to engage, in immigration enforcement, including federal immigration authority, whether oral or

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written, shall be directed to the Chief of Police or authorized designee to determine an appropriate course of action.

Department members shall not initiate or participate in any law enforcement action based solely on an individual's immigration or citizenship status, or place of birth, or in any other way attempt to enforce or assist in the enforcement of federal civil immigration laws or policies. They shall not inquire about any person's immigration citizenship status, or place of birth, unless the information is directly connected to the member's investigation into a violation of state or local law.

The Department's policies prohibiting participation or aid in immigration enforcement shall apply for enforcement activity against all persons, including Department members. Members shall not arrest, detain, take into custody, or otherwise hold any person solely to determine their citizenship or immigration status unless the information is directly connected the members' investigation into a violation of state or local law.

Department members shall not conduct investigations, interviews, questioning, take statements, or otherwise engage in similar contact with any individual in the presence, including within hearing distance, of any person engaged, or intending to engage, in immigration enforcement, including a known federal immigration authority, unless the person's presence is directly connected to the Department's investigation into a violation of state or local criminal law and necessary to perform the member's duty. Members shall not assist or participate in any joint operations, task forces, or any other activities that support or constitute immigration enforcement actions with any person engaged, or intending to engage, in immigration enforcement, including federal immigration authorities, without prior approval, in writing, from the Chief of Police or authorized designee.

Civil immigration warrants, hold requests, and immigration detainer requests do not establish probable cause and shall not be the basis for any member to arrest, detain, or otherwise hold any person in custody. If Department members receive a court order or judicial warrant authorizing any person engaged, or intending to engage, in immigration enforcement, including federal immigration authorities, to assume custody of an in-custody individual, the member shall immediately contact the Chief of Police or authorized designee to determine the appropriate course of action.

- (a) Before authorizing any arrest, detention, or hold, the Chief of Police or authorized designee shall confirm that the federal criminal arrest warrant is issued and signed by a U.S. District Court Judge or Magistrate Judge authorizing the holding or detention of the individual by:
 - 1. Obtaining a copy of the warrant;
 - 2. Identifying the criminal charge and citation to the federal law violation for which the warrant was issued;
 - 3. Identifying which U.S. District Court issued the warrant;
 - 4. Verifying that the warrant includes the correct date and location for detention; and

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5. Confirming that a U.S. District Court Judge or Magistrate's signature is on the warrant.
- (b) The Chief of Police or authorized designee shall not disclose the location of the member or individual to any person engaged, or intending to engage, in immigration enforcement, including federal immigration authorities, before or during the warrant confirmation process.

412.6 INFORMATION SHARING

Department members shall not share, provide, or disclose personal information about any person to anyone engaged, or intending to engage, in immigration enforcement, including federal immigration authorities, without a court order or judicial warrant requiring the information's disclosure, except that the department shall provide all records as required under the Public Records Act, chapter 42.56 RCW. Public records requests shall be processed pursuant to the Department's procedures by the Records Manager or designee. Any Department members receiving a public records request shall forward the request to the Records Manager and notify the Chief of Police or authorized designee.

Department members shall not provide or disclose information in response to any notification request or other immigration enforcement related request for information regarding a person's release date from custody without a court order or judicial warrant, except the Department shall provide all records as required by the Public Records Act, chapter 42.56, in response to any qualifying request.

If Department members receive a court order or judicial warrant that mandates the sharing of information regarding a person's immigration or citizenship status, Department members shall provide the information as required by the court order or judicial warrant. Any Department member who shares or discloses a person's immigration or citizenship status to any person engaged, or intending to engage, in immigration enforcement, including a federal immigration authority, shall immediately notify the Chief of Police or authorized designee of the information provided, reason for sharing said information, and identity of the person and agency to whom the information was shared.

- (a) The Chief of Police or authorized designee shall log all instances of Department members sharing any person's immigration or citizenship status with a person engaged, or intending to engage, in immigration enforcement, including federal immigration authorities, with the basis for sharing information. The log shall be a public record and shall be made publicly available except that information may be redacted or withheld as permitted by the Public Records Act.

412.7 ACCESS TO PERSONS DETAINED OR IN CUSTODY

Law enforcement officers shall not permit anyone engaged, or intending to engage, in immigration enforcement, including federal immigration authorities, to access any person held detained, or in Department custody without obtaining the person's prior consent in writing, unless a court order or judicial warrant requiring such access is presented.

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- (a) To obtain written consent from a person held, detained, or in custody, prior to being interviewed by anyone engaged, or intending to engage, in immigration enforcement including a federal immigration authority, the law enforcement officer shall provide the person with an oral explanation and a written consent form that explains:
 - 1. The purpose of the interview;
 - 2. That the interview is voluntary;
 - 3. That the person may decline to be interviewed and will not be punished or suffer retaliation for doing so; and
 - 4. That the person may choose to be interviewed only with the person's attorney present.
- (b) Members shall provide the oral explanation and consent form in a language understood by the person or by using an approved language service if the person is unable to read the form, or if the form is not available in a language the person understands. The Department shall maintain copies of the consent form in English, Spanish, and any other language that the Department deems appropriate.
- (c) If a person chooses to be interviewed with their attorney present, members shall promptly contact the attorney. Members shall not proceed with permitting any interview to take place prior to the person's first court appearance and counsel has been retained, appointed, or the person has chosen to proceed pro se.

412.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Patrol Section supervisor assigned to oversee the handling of any related case. The Patrol Section supervisor should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner (RCW 7.98.020).
 - 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

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412.8.1 TIME FRAME FOR COMPLETION AND CERTIFICATION

Department members shall forward U and T Visa certification requests under the Washington Safety and Access for Immigrant Victims Act, RCW 7.98.020, without delay to the Chief of Police or authorized designee.

- (a) The fact of any request for U or T Visa certification and any personnel information submitted with such request shall not be disclosed or shared outside of the Department, City Legal Counsel, or the Prosecuting Attorney without a court order of judicial warrant, or approval by the Chief of Police or authorized designee unless expressly authorized, in writing, by the subject of the request or the subject's guardian, or required by law.
- (b) The Chief of Police or authorized designee shall review any U or T Visa certification request submitted to the Department in full and verify all information submitted in support of the certification request using existing Department records, personal knowledge, or other available evidence. The Chief of Police or authorized designee may confer with City Legal Counsel and or the Prosecuting Attorney to determine whether certification by the Department is proper.
- (c) Members shall not leverage U or T Visa certifications as a means to compel victim or witness to cooperate with their investigations.

The Patrol Section supervisor shall ensure that the certification for the U visa or T visa is processed within 90 days of the request, unless the victim is in federal immigration removal proceedings, in which case the certification shall be executed within 14 days after the request is received. The certification may be withdrawn only if the victim unreasonably refuses to provide information and assistance related to the investigation or prosecution of the associated criminal activity when reasonably requested by the Department (RCW 7.98.020). U or T Visa certifications shall be expedited upon request for any person who will, or whose child(ren) will, reach age 21 before the 90-day processing deadline date and thus will otherwise lose their benefits. In any such instance, the Chief of Police or authorized designee shall execute the certification, if approved, no later than 14 days before the person or child turns 21 years old.

All members shall complete required training on U and T Visa certification and review the full instructions for completing U and T Visa certification forms on the Washington State Department of Commerce, Safety and Access for Immigrant Victims Program website.

412.8.2 U VISA AND T VISA DOCUMENTATION AND REPORTING

The Patrol Section supervisor shall keep written documentation regarding the number of certification forms that are (RCW 7.98.020):

- (a) Requested by a victim.
- (b) Signed.
- (c) Denied.
- (d) Withdrawn.

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The Patrol Section supervisor or the authorized designee should ensure that the information collected regarding certification forms is reported annually to the Office of Crime Victims Advocacy (RCW 7.98.020).

412.9 DATA COLLECTION PROHIBITED

Department members shall not inquire about or request any documents or information from a person for the purpose of determining the person's immigration or citizenship status, or place of birth, unless the information is directly connected to the member's investigation into a violation of state or local law. Members shall not take enforcement action or otherwise use immigration or citizenship status, or place of birth information, against crime victims or witnesses.

Department members processing fingerprint cards or Automated Biometric Identification Systems (IBIS) submissions shall enter "Unknown" for these fields addressing immigration or citizenship state, of place of birth information, against crime victims or witnesses. Department members shall use the appropriate "Language Line" or other approved resources for any language services necessary to perform duties for the Duvall Police Department. Department members shall not utilize or accept language services from any person engaged in, or attending to engage, in immigration enforcement, including federal immigration authorities. Members shall presume that federal immigration authorities are engaged in immigration enforcement.

412.10 CONSULAR NOTIFICATION REQUIREMENTS

Within 72 hours of detention, the Department shall inform, verbally and in writing, all persons taken into custody or otherwise detained, regardless of their known or perceived nationality, citizenship, or immigration status, that:

- (a) The person has the right to refuse to disclose information about their nationality, citizenship, or immigration status; and
- (b) Disclosure of such information may result in civil or criminal immigration enforcement against them, including removal from the United States.

If any member becomes aware that a person in custody is a foreign national, the person shall notify their supervisor to determine the appropriate course of action.

- (a) If the person's country is a signatory to the Vienna Convention of Consular Relations or other bilateral agreement regarding consular notifications, the Chief of Police or authorized designee shall provide the person the appropriate consular notification advisement recommended by the U.S. State Department - that the person has the right to request that their foreign consul, or that the LEA is required to notify the person's consular officers, if they are a member of a mandatory notification country.
- (b) The Chief of Police or authorized designee shall notify the person's foreign consul of their detention without delay if the person is a national of one of the 56 mandatory notification countries or if the person requests their foreign consul be notified.
- (c) Members shall permit the foreign consul access to the person and forward any communication from the foreign national to the person's consular officers without delay.

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Officers shall make sure that notifications are also compliant with Policy 410 - Foreign Diplomatic and Consular Representatives and Policy 900 - Temporary Custody of Adults. Notification form is attached to this policy. [See attachment: Consular Notification Fax Sheet.pdf](#)

412.11 EQUAL TREATMENT FOR PERSONS HELD, DETAINED, OR IN CUSTODY

Persons in Department custody shall receive the same rights, services, opportunities, etc. regardless of nationality or immigration status. Rights, etc. shall not be limited based on a request by federal immigration authorities or immigration documentation.

The Department shall not share visitors' personal information with federal immigration authorities or similar without a court order, judicial warrant, or approval by the Chief of Police or their designee. The agency shall minimize information collision and not collect immigration or citizenship status from persons visiting individuals in custody.

The Department shall not limit a person's access to social visitation on the basis of a person's inability to effectively communicate through video visitation.

412.12 CONTRACTS INVOLVING IMMIGRATION ENFORCEMENT

Department members shall not enter into any contract, agreement, or other arrangement, whether written or oral that would grant federal immigration enforcement authority or powers to the law enforcement officers, including but not limited to agreements created under 8 U.S.C Sec 1357(g), also known as 287(g) agreements under the immigration and Naturalization Act.

All Department agreements to participate in joint operations, task forces or other multi-jurisdictional activities shall include legally binding assurances that all other parties to those agreements shall not use or share Department resources, including any individuals' personal information ascertained by the Department or its members, with any third parties or to support or engage in immigration enforcement.

Department members shall not be a party to any agreement, joint operation, task force, or other multi-jurisdictional activity with any person engaged, or intending to engage, in immigration enforcement, including federal immigration authorities without legally binding assurances, in writing and pre-approved by the Chief of Police, that no Department resources, including any individuals' personal information ascertained by the Department or its members, shall be used to support or assist with civil immigrations enforcement in any way.

Department members shall not assist or participate in any joint operations, task forces, or other activities that support or constitute immigration enforcement actions with any person engaged, or intending to engage, in immigration enforcement, including federal immigration authorities, without approval, in writing, from the Chief of Police or authorized designee.

The Department shall not be a party to any immigrations detention agreement, IGSA, or other arrangement with any person engaged, or intending to engage, in immigrations enforcement, including federal immigration authorities, providing for detention of any person by members or using Department resources for immigration enforcement purposes.

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Department members shall not be a party to any agreement or contract for language services, including translation, interpretation, training or classes, from any person engaged, or intending to engage, in immigration enforcement, including federal immigration authorities, nor shall any language services be accepted by Department members from any person engaged, or intending to engage, in immigration enforcement, including a federal immigration authority, for free or otherwise. Department members shall presume federal immigration authorities are engaged in immigration enforcement.

All Department Agreements permitting access to the Department's databases or information shall include legally binding assurances that all other parties to those agreements shall not use or share Department's information or database access with any third parties supporting or engaged in immigration enforcement activities. These agreements shall also include information pertaining to preventing other agencies from using or sharing Duvall Police Department resources, including information, with third parties or to support or engage in immigration enforcement.

412.13 TRAINING

The Training Sergeant should ensure that officers receive training on this policy.

Training should include:

- (a) Identifying civil versus criminal immigration violations.
- (b) An overview of RCW 10.93.160.
- (c) Arrest and detention protocols.
- (d) Consular notification requirement.
- (e) The prohibitions on inquiring into or collecting information about a person's immigration status.
- (f) Factors that may be considered in determining whether a criminal immigration offense has been committed.
- (g) Statutory limitations on immigration enforcement, that includes the restrictions on any contracts which would implicate the Duvall Police in immigration enforcement, including contract with federal immigration enforcement.
- (h) U visa and T visa certification training.
- (i) Identification and recognition of documents used for civil immigration enforcement.
- (j) Appropriate information sharing pursuant to 8 USC § 1373 and records management.

All officers will complete KWW - specific training annually. In addition to any statewide curriculum that is developed based on this and other specific Department policies.

School Resource Officer Training:

- (a) SROs require training on all components of KWW applying to their duties and obligations. In addition to the KWW - specific training that is mandatory for all members, SRO's must receive training on bias-free policing and cultural competency, including best practices for interacting with students from particular backgrounds,

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including English learners and immigrants (RCW 28A.310.515). The Office of Superintendent of Public Instruction (OSPI) explains that SROs should not be used to impose criminal sanctions in matters that are more appropriately handled within the educational system. OSPI has developed 12 model policies for SROs and has identified the following twelve topic areas for mandatory SRO training:

1. Constitutional and civil rights of children in schools, including state law governing search and interrogation of youth in schools;
2. Child and adolescent development;
3. Trauma-informed approaches to working with youth;
4. Recognizing and responding to youth mental health issues;
5. Educational rights of students with disabilities, the relationship of disability to behavior, and best practices for interacting with students with disabilities;
6. Collateral consequences of arrest, referral for prosecution, and court involvement;
7. Resources available in the community that serve as alternatives to arrest and prosecution and pathways for youth to access services without court or criminal justice involvement;
8. Local and national disparities in the use of force and arrests of children;
9. De-escalation techniques when working with youth or groups of youth;
10. State law regarding restraint and isolation in schools, including RCW 28A.600.485;
11. Bias free policing and cultural competency, including best practices for interacting with students from particular backgrounds, including English learners, LGBTQ, and immigrants; and
12. The Federal Family Educational Rights and Privacy Act, FERPA.

Emergency Utility Service

413.1 PURPOSE AND SCOPE

The City Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Police Department. Requests for such service received by this department should be handled in the following manner.

413.1.1 BROKEN WATER LINES

The City's responsibility ends at the water meter; any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. Public Works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the City side of the meter, emergency personnel should be called as soon as practical by Dispatch.

413.1.2 ELECTRICAL LINES

City Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. The Electric Company or Public Works should be promptly notified, as appropriate.

413.1.3 RESERVOIRS, PUMPS, WELLS, ETC.

Public Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

413.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by Dispatch.

413.2 TRAFFIC SIGNAL MAINTENANCE

The City of Duvall contracts with a private maintenance company to furnish maintenance for all traffic signals within the City, other than those maintained by the State of Washington.

413.2.1 OFFICER'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the officer will advise the Dispatch of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

Aircraft Accidents

414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

414.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

414.2 POLICY

It is the policy of the Duvall Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

414.3 ARRIVAL AT SCENE

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

- (a) Protect persons and property.
- (b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
- (c) Preserve ground scars and marks made by the aircraft.
- (d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
- (e) Maintain a record of persons who enter the accident site.
- (f) Consider implementation of an Incident Command System (ICS).

414.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

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Aircraft Accidents

414.5 NOTIFICATIONS

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

- (a) Fire department
- (b) Appropriate airport tower
- (c) Emergency medical services (EMS)

414.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA.
- (b) Fire department, EMS or other assisting law enforcement agencies.
- (c) Medical Examiner.
- (d) Air Carrier/Operators investigative teams with NTSB approval.
- (e) Appropriate branch of the military, when applicable.
- (f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

414.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- (a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
- (b) Pressure vessels, compressed gas bottles, accumulators and tires.
- (c) Fluids, batteries, flares and igniters.

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- (d) Evacuation chutes, ballistic parachute systems and composite materials.

414.8 DOCUMENTATION

All aircraft accidents occurring within the City of Duvall shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of DPD members deployed to assist; other City resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

414.8.1 WRECKAGE

When reasonably safe, members should:

- (a) Obtain the aircraft registration number (N number) and note the type of aircraft.
- (b) Attempt to ascertain the number of casualties.
- (c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
 - 1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
- (d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
- (e) Acquire copies of any recordings from security cameras that may have captured the incident.

414.8.2 WITNESSES

Members tasked with contacting witnesses should obtain:

- (a) The location of the witness at the time of his/her observation relative to the accident site.
- (b) A detailed description of what was observed or heard.
- (c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
- (d) The names of all persons reporting the accident, even if not yet interviewed.
- (e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

414.9 MEDIA RELATIONS

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

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Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

Field Training Officer Program

415.1 PURPOSE AND SCOPE

The Field Training Officer Program is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the Duvall Police Department.

It is the policy of this department to assign all new police officers to a structured Field Training Officer Program that is designed to prepare the new officer to perform in a patrol assignment possessing all skills needed to operate in a safe, productive and professional manner.

415.2 FIELD TRAINING OFFICER SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

415.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

- (a) Desire to be an FTO.
- (b) Has at least one year of continuous service with this agency and has successfully completed the probationary period.
- (c) Demonstrated ability as a positive role model.
- (d) Participate and pass an internal oral interview selection process.
- (e) Evaluation by supervisors and current FTOs.
- (f) Holds a valid Peace Officer Certificate with CJTC.

415.2.2 TRAINING

An officer selected as a Field Training Officer shall successfully complete a CJTC Certified (40-hour) Field Training Officer's Course prior to being assigned as an FTO.

All FTOs must complete a 24-hour Field Training Officer update course every three years while assigned to the position of FTO.

415.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The Field Training Officer Program supervisor will be selected from the rank of sergeant or above by the Patrol Division Commander or his/her designee and shall possess a CJTC Supervisory Certificate.

The responsibilities of the FTO Program Supervisor include the following:

- (a) Assignment of trainees to FTOs.
- (b) Conduct FTO meetings.

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- (c) Maintain and ensure FTO/Trainee performance evaluations are completed.
- (d) Maintain, update and issue the Field Training Manual to each trainee.
- (e) Monitor individual FTO performance.
- (f) Monitor overall FTO Program.
- (g) Maintain liaison with FTO Coordinators of other agencies.
- (h) Maintain liaison with academy staff on recruit performance during the academy.
- (i) Develop ongoing training for FTOs.

415.4 TRAINEE DEFINED

Any entry level or lateral police officer newly appointed to the Duvall Police Department who has successfully completed a CJTC approved Basic Academy.

415.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Field Training Program, consisting of a minimum of 10 weeks.

The training period for lateral officers may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of eight weeks.

To the extent practicable, entry level and lateral officers should be assigned to a variety of Field Training Officers, shifts and geographical areas during their Field Training Program.

415.5.1 FIELD TRAINING MANUAL

Each new officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the Duvall Police Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules and regulations enacted by the Duvall Police Department.

415.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

415.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

- (a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO program supervisor on a daily basis.
- (b) Review the Daily Trainee Performance Evaluations with the trainee each day.

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- (c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.
- (d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

415.6.2 IMMEDIATE SUPERVISOR

The immediate supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Administrator.

415.6.3 FIELD TRAINING ADMINISTRATOR

The Field Training Administrator will review and approve the Daily Trainee Performance Evaluations submitted by the FTO through his/her immediate supervisor.

415.6.4 TRAINEE

At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation on each of their FTO's and on the Field Training Program.

415.7 DOCUMENTATION

All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

- (a) Daily Trainee Performance Evaluations.
- (b) End of phase evaluations.
- (c) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training.

Obtaining Air Support

416.1 PURPOSE AND SCOPE

The use of a police helicopter can be invaluable in certain situations. This policy specifies potential situations where the use of a helicopter may be requested and the responsibilities for making a request.

416.2 REQUEST FOR HELICOPTER ASSISTANCE

If a supervisor or officer in charge of an incident determines that the use of a helicopter would be beneficial, a request to obtain helicopter assistance may be made.

416.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for a helicopter, the Shift Sergeant, or his/her designee, will call the closest agency having helicopter support available. The Shift Sergeant on duty will apprise that agency of the specific details of the incident prompting the request.

416.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Police helicopters may be requested under any of the following conditions:

- (a) When the helicopter is activated under existing mutual aid agreements.
- (b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard.
- (c) When the use of the helicopters will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community.
- (d) When a helicopter is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard.
- (e) Vehicle pursuits.

While it is recognized that the availability of helicopter support will generally provide valuable assistance to ground personnel, the presence of a helicopter will rarely replace the need for officers on the ground.

Contacts and Temporary Detentions

417.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

417.1.1 DEFINITIONS

Consensual encounter - When an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field interview (FI) - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the officer's suspicions.

Field photographs - Posed photographs taken of a person during a contact, detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - A type of search used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

Reasonable suspicion - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Temporary detention - When an officer intentionally, through words, actions or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person's freedom of movement.

417.2 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Duvall Police Department to strengthen community involvement, community awareness, and problem identification.

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417.2.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

- (a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act.
- (b) Actions suggesting that he/she is engaged in a criminal activity.
- (c) Presence in an area at an inappropriate hour of the day or night.
- (d) Presence in a particular area is suspicious.
- (e) Carrying of suspicious objects or items.
- (f) Excessive clothes for the climate or clothes bulging in a manner that suggests he/she is carrying a dangerous weapon.
- (g) Location in proximate time and place to an alleged crime.
- (h) Physical description or clothing worn that matches a suspect in a recent crime.
- (i) Prior criminal record or involvement in criminal activity as known by the officer.

417.2.2 JUVENILE FIELD CONTACTS

An officer shall permit a juvenile 17 years of age or younger to consult with legal counsel in person, by telephone, or by video conference, before the juvenile waives any constitutional rights anytime an officer detains a juvenile based on probable cause of involvement in criminal activity or requests the juvenile provide consent to an evidentiary search of the juvenile's property, dwellings, or vehicles under their control (RCW 13.40.740). See the Temporary Custody of Juveniles Policy, Interviewing or Interrogating Juvenile Suspects section for additional guidance and exceptions.

417.3 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to the following:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
- (b) Where more than one suspect must be handled by a single officer.
- (c) The hour of the day and the location or neighborhood where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- (e) The actions and demeanor of the suspect.
- (f) Visual indications which suggest that the suspect is carrying a firearm or other dangerous weapon.

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Whenever practicable, pat-down searches should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

417.4 FIELD PHOTOGRAPHS

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.

417.4.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent. When taking a consensual photograph, the officer should have the individual read and sign the appropriate form accompanying the photograph.

417.4.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based on reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

417.4.3 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Shift Sergeant with either an associated FI card or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Shift Sergeant should review and forward the photograph to one of the following locations:

- (a) If the photo and associated FI or memorandum is relevant to criminal organization/enterprise enforcement, the Shift Sergeant will forward the photo and documents to the designated criminal intelligence system supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy.
- (b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Records Section.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part

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of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

417.4.4 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

417.5 DISPOSITION OF PHOTOGRAPHS

When a photograph is taken in association with a particular case, the officer may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file.

417.5.1 PURGING THE FIELD PHOTO FILE

The Records Manager will be responsible for periodically purging and destroying all photographs maintained by the Records Section which are more than the current year plus one year old and in compliance with the current Records Management Guidelines and General Records Retention Schedules. The Local Government General Records Retention Schedule (LGGRRS) is the controlling schedule for records retention and management ([Records Management Guidelines and General Records Retention Schedules](#)) (RCW Chapter 40.14). Access to the FI photo file shall be strictly limited to law enforcement purposes.

A photograph need not be purged but may be retained as an updated photograph in a prior booking file if the person depicted in the photograph has been booked at the Duvall Police Department and the booking file remains in the Records Section.

417.6 POLICY

The Duvall Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete an FI, pat-down search, or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

417.7 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

- (a) Identifying all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.

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2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to their departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department members.
 1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

Criminal Organizations

418.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Duvall Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

418.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

418.2 POLICY

The Duvall Police Department recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

418.3 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20 and RCW 43.43.762.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

- (a) Members using any such system are appropriately selected and trained.
- (b) Use of every criminal intelligence system is appropriately reviewed and audited.
- (c) Any system security issues are reasonably addressed.

418.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, FI, photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Section. Any supporting documentation for an entry shall be retained by the Records Section in accordance

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with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Section are appropriately marked as intelligence information. The Records Manager may not purge such documents without the approval of the designated supervisor.

418.3.2 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information into a criminal intelligence system operated by the state patrol and authorized by RCW 43.43.762. Entries into such a database shall be based upon reasonable suspicion of criminal activity or actual criminal activity, and must be supported by documentation, where documentation is available (RCW 43.43.762(2)).

418.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved CIS only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of CIS entries.

418.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

- (a) Must only be included upon documented authorization of the responsible department supervisor.
- (b) Should not be originals that would ordinarily be retained by the Records Section or Property and Evidence Section, but should be copies of, or references to, retained documents, such as copies of reports, field interview (FI) forms, Dispatch records or booking forms.
- (c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.
- (d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

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418.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged in compliance with the department records retention schedule or entered in an authorized criminal intelligence system, as applicable.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

418.5 INFORMATION RECOGNITION

Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

- (a) Gang indicia associated with a person or residence.
- (b) Information related to a drug-trafficking operation.
- (c) Vandalism indicating an animus for a particular group.
- (d) Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the Training Sergeant to train members to identify information that may be particularly relevant for inclusion.

418.6 RELEASE OF INFORMATION

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

418.7 CRIMINAL STREET GANGS

The Patrol Section supervisor should ensure that there are an appropriate number of department members who can:

- (a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with identification of criminal street gangs, criminal street gang members and patterns of criminal gang activity.
- (b) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

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418.8 TRAINING

The Training Sergeant should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

- (a) The protection of civil liberties
- (b) Participation in a multi-agency criminal intelligence system.
- (c) Submission of information into a multi-agency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.
- (d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.
- (e) The review and purging of temporary information files.
- (f) All users of the Washington criminal street gang database shall receive training on its use prior to accessing the database (RCW 43.43.762).

Shift Sergeants

419.1 PURPOSE AND SCOPE

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with departmental policies, procedures, practices, functions and objectives. To accomplish this goal, a Sergeant heads each watch.

419.2 DESIGNATION AS ACTING SHIFT SERGEANT

When a Sergeant is unavailable for duty as Shift Sergeant, in most instances the senior qualified senior officer shall be designated as acting Shift Sergeant. This policy does not preclude designating a less senior senior officer as an acting Shift Sergeant when operational needs require or training permits.

Mobile Data Center Use

420.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use, and application of the Mobile Data Center (MDC) system in order to ensure proper access to confidential records from local, state, and national law enforcement databases, and to ensure effective electronic communications between department members and Dispatch. See the CJIS Access, Maintenance, and Security Policy for additional guidance.

420.2 POLICY

Duvall Police Department members using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

420.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

420.4 RESTRICTED ACCESS AND USE

MDC use is subject to the Information Technology Use, Protected Information, and CJIS Access, Maintenance, and Security policies.

Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisors or Shift Sergeants.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks, or communications that are directly related to the business, administration, or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from their supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing, or any other inappropriate messages on the MDC system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDC system unless directed to do so by a supervisor. Members are required to log off the MDC or secure the MDC when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

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420.4.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

420.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Shift Sergeant or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the police radio and electronically via the MDC unless security or confidentiality prevents such broadcasting.

MDC and voice transmissions are used to document the member's daily activity. To ensure accuracy:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.
- (c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDC.

420.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDC system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDC when the vehicle is not in motion.

420.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure a field supervisor and the Shift Sergeant are notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

420.6 EQUIPMENT CONSIDERATIONS

420.6.1 MALFUNCTIONING MDC

Whenever possible, members will not use vehicles with malfunctioning MDCs. Whenever members must drive a vehicle in which the MDC is not working, they shall notify Dispatch. It shall

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be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

420.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.

Portable Audio/Video Recorders

422.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties (RCW 10.109.010). Portable audio/video recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment.

This policy does not apply to mobile audio/video recordings with a mobile telephone, interviews or interrogations conducted at any Duvall Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

422.2 POLICY

The Duvall Police Department may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

422.3 COORDINATOR

The Chief of Police or the authorized designee should appoint a coordinator responsible for (RCW 10.109.010):

- (a) Establishing procedures for the security, storage and maintenance of data and recordings.
- (b) Establishing procedures for transferring, downloading, tagging or marking events.
- (c) Establishing procedures for members communicating to non-English speakers, those with limited English proficiency or those who are deaf or hard of hearing that a portable recorder is being used.
- (d) Establishing procedures for accessing data and recordings.
- (e) Establishing procedures for logging or auditing access.

422.4 MEMBER PRIVACY EXPECTATION

All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity of the department, regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

422.5 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member will be responsible for making sure that they are equipped with a portable recorder issued by the Department, and that the recorder is in good working order. If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members should wear

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the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable.

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

Department members assigned to the King County Independent Force Investigation Team (IFIT) and while working as an IFIT investigator, will not be required to use department issued recorders even though they may be in uniform or readily identified as members of the department.

When using a portable recorder, the assigned member shall record their name, DPD identification number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation and promptly notify a supervisor in writing(RCW 10.109.010).

422.6 ACTIVATION OF THE PORTABLE RECORDER

This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The portable recorder should be activated in any of the following situations:

- (a) All enforcement and investigative contacts including stops and field interview (FI) situations
- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
- (c) Self-initiated activity in which a member would normally notify the Communications Center.
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same

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criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

No member of this department may record a face-to-face conversation without first announcing to everyone present that the conversation is going to be recorded and ensuring the announcement is recorded except pursuant to a warrant, or when the communication is of an emergency nature or relates to communications by a hostage holder or barricaded suspect (RCW 9.73.030).

At no time is a member expected to jeopardize their safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

422.6.1 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the member reasonably believes that their direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

422.6.2 SURREPTITIOUS USE OF THE AUDIO/VIDEO RECORDER

Washington law prohibits any individual from surreptitiously recording any conversation, except as provided in RCW 9.73.040, RCW 9.73.090 and RCW 9.73.210.

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

422.6.3 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

422.7 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with a department-issued or personally owned recorder. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Shift Sergeant. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

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Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

422.8 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

- (a) The recording contains evidence relevant to potential criminal, civil or administrative matters.
- (b) A complainant, victim or witness has requested non-disclosure.
- (c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
- (d) Disclosure may be an unreasonable violation of someone's privacy.
- (e) Medical or mental health information is contained.
- (f) Disclosure may compromise an undercover officer or confidential informant.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

422.9 REVIEW OF RECORDED MEDIA FILES

When preparing written reports or preparing for court testimony, members should review their recordings as a resource. Members shall not make copies of or retain personal copies of recordings nor use the fact that a recording was made as a reason to write a less detailed report.

Members may view their own body worn camera video at any time in accordance with this policy. Each time a video is reviewed, the member will indicate the purpose of the review in the appropriate and designed note section. Date and time of each review shall be documented with an automatic digital stamp such that both member and the Department will have a record of the date and time recordings are accessed.

All members in any administrative investigation shall be allowed to view their footage of the incident upon notice of an investigation. Vehicle and BWC recordings will not be routinely or randomly reviewed to monitor member performance or solely for evaluation purposes, except for members who are in probationary status.

A recording shall never be used or shown for the sole purpose of ridiculing or embarrassing an officer, department employee or member of the community. In addition, no member or Department employee may review a recording made by other officers for personal curiosity reasons. Members may review recordings made by other members if they have a related investigatory interest such as following up on a lead.

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Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct. It shall be deemed a violation of this policy for a supervisor to review recordings for the sole purpose of searching for violations of department policy or law not related to a specific complaint or incident.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation; and by Supervisors investigating a Use of Force or Pursuit report.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) By media personnel with permission of the Chief of Police or the authorized designee.
- (d) By members of the Prosecuting Attorney's Office as part of case preparation or other official duties.
- (e) By Department members tasked with management or distribution of recorded files or ensuring that the equipment is functioning properly.
- (f) By a member's legal representative and/or bargaining unit representative who is involved in representing the employee in an official investigation following the completion of the related investigatory interviews.
- (g) Recordings may be viewed for training purposes. Prior to any recordings being used for training purposes, all officers will be notified. If an involved officer objects to showing a recording, the recording will not be used for training purposes unless such officer is no longer serving in the role of Officer or is placed on administrative leave pending an investigation.
- (h) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

422.10 RECORDING SECURITY

Recordings made by members shall be stored and secured on a city owned server maintained by the city's IT Department or with a contractor capable of providing secured cloud or off-site storage. Recordings will only be accessible by those members with access rights or other granted limited or specific access rights.

422.11 TRAINING

The Training Sergeant should ensure that those members issued a portable recorder receive initial training upon issue and periodic training thereafter (RCW 10.109.010).

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422.12 RETENTION OF RECORDINGS

The agency must retain camera recordings for at least sixty days and thereafter may destroy the records in accordance with the applicable records retention schedule or other restrictions listed in this policy.

422.12.1 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

422.13 GRACE PERIOD

Other than for intentional failures to activate and intentional deactivations in violation of this policy, a grace period of two weeks or 10 shifts, whichever occurs later, from when an officer is issued a camera shall be given to members for accidentally failing to activate their cameras. During the grace period, evidence of unintentional failures to activate and unintentional deactivations shall not be used for the purposes of performance management and/or discipline. It is acceptable under the provision for officers to receive informal coaching to instruct them on how to properly use the cameras.

Foot Pursuits

423.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

423.2 POLICY

It is the policy of this department that officers, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

423.3 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Officers may be justified in initiating a foot pursuit of any individual that the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity alone shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place department members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

- (a) Containment of the area.
- (b) Saturation of the area with law enforcement personnel, including assistance from other agencies.
- (c) A canine search.
- (d) Thermal imaging or other sensing technology.
- (e) Air support.

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- (f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

423.4 GENERAL GUIDELINES

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

- (a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory.
- (b) The officer is acting alone.
- (c) Two or more officers become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The officer is unsure of his/her location and direction of travel.
- (e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.
- (f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.
- (g) The officer loses radio contact with the dispatcher or with assisting or backup officers.
- (h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.
- (i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.
- (j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.
- (k) The officer loses possession of his/her firearm or other essential equipment.
- (l) The officer or a third party is injured during the foot pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer known.
- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department members or the public if the suspect is not immediately apprehended.

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- (o) The officer's ability to safely continue the foot pursuit is impaired by inclement weather, darkness or other environmental conditions.

423.5 RESPONSIBILITIES IN FOOT PURSUITS

423.5.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit and containment. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

- (a) Location and direction of travel
- (b) Call sign identifier
- (c) Reason for the foot pursuit, such as the crime classification
- (d) Number of suspects and description, to include name if known
- (e) Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the dispatcher of his/her location and the status of the foot pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.

423.5.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

423.5.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible;

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the supervisor does not, however, need to be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

423.5.4 DISPATCH RESPONSIBILITIES

Upon notification or becoming aware that a foot pursuit is in progress, the dispatcher is responsible for:

- (a) Clearing the radio channel of non-emergency traffic.
- (b) Coordinating pursuit communications of the involved officers.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Ensuring that a field supervisor is notified of the foot pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Notifying the Shift Sergeant as soon as practicable.
- (g) Assigning an incident number and logging all pursuit activities.

423.6 REPORTING REQUIREMENTS

The initiating officer shall complete appropriate crime/arrest reports documenting, at a minimum:

- (a) Date and time of the foot pursuit.
- (b) Initial reason and circumstances surrounding the foot pursuit.
- (c) Course and approximate distance of the foot pursuit.
- (d) Alleged offenses.
- (e) Involved vehicles and officers.
- (f) Whether a suspect was apprehended as well as the means and methods used.
 - 1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.
- (g) Arrestee information, if applicable.
- (h) Any injuries and/or medical treatment.
- (i) Any property or equipment damage.
- (j) Name of the supervisor at the scene or who handled the incident.
- (k) A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

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Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

Public Recording of Law Enforcement Activity

424.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

424.2 POLICY

The Duvall Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

424.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
 - 1. Tampering with a witness or suspect.
 - 2. Inciting others to violate the law.
 - 3. Being so close to the activity as to present a clear safety hazard to the officers.
 - 4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the officers, him/herself or others.

424.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an

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individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

424.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

424.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
 - 1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
 - 1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
 - 2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department-owned device.

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Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

Bicycle Patrol Unit

425.1 PURPOSE AND SCOPE

The Duvall Police Department has established the Bicycle Patrol Unit (BPU) for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas and their quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

425.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control, or special events. The use of the patrol bicycle will emphasize their mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Bicycle Patrol Unit supervisor or the Shift Sergeant.

425.3 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall be evaluated by the following criteria:

- (a) Recognized competence and ability as evidenced by performance.
- (b) Special skills or training as it pertains to the assignment.
- (c) Good physical condition.
- (d) Willingness to perform duties using the bicycle as a mode of transportation.

425.3.1 BICYCLE PATROL UNIT SUPERVISOR

The Bicycle Patrol Unit supervisor will be selected from the rank of sergeant by the Patrol Division Commander or his/her designee.

The Bicycle Patrol Unit supervisor shall have responsibility for the following:

- (a) Organizing bicycle patrol training.
- (b) Inspecting and maintaining inventory of patrol bicycles and program equipment.
- (c) Scheduling maintenance and repairs.
- (d) Evaluating performance of bicycle officers.
- (e) Coordinating activities with the Patrol Division.
- (f) Other activities as required to maintain the efficient operation of the Bicycle Patrol Unit.

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425.4 TRAINING

Participants in the program must complete an initial department-approved bicycle-training course after acceptance into the program. Thereafter bicycle patrol officers should receive twice yearly in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

- Bicycle patrol strategies.
- Bicycle safety and accident prevention.
- Operational tactics using bicycles.

Bicycle patrol officers will be required to qualify with their duty firearm while wearing bicycle safety equipment including the helmet and riding gloves.

425.5 UNIFORMS AND EQUIPMENT

Officers shall wear the department-approved uniform and safety equipment while operating the department bicycle. Safety equipment includes department-approved helmet, riding gloves, protective eyewear and approved footwear.

The bicycle patrol unit uniform consists of the standard short-sleeve uniform shirt or other department-approved shirt with department badge and patches and department-approved bicycle patrol pants or shorts.

Optional equipment includes jacket in colder weather, turtleneck shirts or sweaters when worn under the uniform shirt, and a radio head set and microphone.

Bicycle patrol officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Officers will be responsible for obtaining the necessary forms, citation books and other department equipment needed while on bicycle patrol.

425.6 CARE AND USE OF PATROL BICYCLES

Officers will be assigned a specially marked and equipped patrol bicycle, attached gear bag, two batteries, and a charger.

Bicycles are considered vehicles and are subject to laws, regulations, and privileges applicable to the operation of vehicles upon the highway (RCW 46.04.670).

Bicycles utilized for uniformed bicycle patrol shall be primarily black or white with a police decal affixed to each side of the crossbar or the bike's saddlebag. Every such bicycle shall be equipped with front lights and rear reflectors or lights, and brakes satisfying the requirements of RCW 46.61.780.

Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bags sufficient to carry all necessary equipment to handle routine patrol calls including report writing, vehicle storage, and citations.

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Each bicycle gear bag shall include a first aid kit, tire pump, repair tool, tire tube, security lock, equipment information, and use manuals. These items are to remain with/on the bicycle at all times.

Each bicycle shall be equipped with at least one blue lamp and a siren capable of giving an audible signal (RCW 46.37.190; WAC 204-21-130).

Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to insure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

If a needed repair is beyond the ability of the bicycle officer, a repair work order will be completed and forwarded to the program supervisor for repair by an approved technician.

Each bicycle will have scheduled maintenance twice yearly to be performed by a department-approved repair shop/technician.

At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

Electric patrol bicycle batteries shall be rotated on the assigned charger at the end of each tour of duty. During prolonged periods of non-use, each officer assigned an electric bicycle shall periodically rotate the batteries on the respective charges to increase battery life.

Officers shall not modify the patrol bicycle, remove, modify, or add components except with the expressed approval of the bicycle supervisor, or in the event of an emergency.

Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

Bicycles shall be properly secured when not in the officer's immediate presence.

425.7 OFFICER RESPONSIBILITY

Officers must operate the bicycle in compliance with applicable codes under normal operation. Officers may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and/or tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment.

It shall be the policy of this department that all other bicycle operation shall be in compliance with the rules of the road except when responding to an emergency call or when in the pursuit of an actual or suspected violator. An emergency response or pursuit shall be conducted only with emergency lights and siren and under the conditions required by RCW 46.61.035 and with due regard and caution for the safety of all persons using the highway as required by RCW 46.61.035(4).

Medical Cannabis

426.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for handling and distinguishing between claims of medical cannabis use under Washington's Medical Use of Cannabis Act and criminal controlled substance violations (RCW 69.51A.005 et seq.).

426.1.1 DEFINITIONS

Definitions related to this policy include (RCW 69.51A.010):

Authorization - Documentation that is signed and dated by a qualifying patient's health care professional, authorizing use of medical cannabis.

Designated provider - A person who:

- Is 21 years of age or older and is the parent or guardian of a qualifying patient who is 17 years of age or younger and holds a recognition card.
- Has been designated in writing by a qualifying patient to serve as the designated provider for that patient.
- Has an authorization from the qualifying patient's health care professional.
- Has been entered into the medical cannabis authorization database as being the designated provider to a qualifying patient and has been provided a recognition card.

An individual may act as a designated provider to no more than one patient at a time, is prohibited from consuming cannabis obtained for the use of the qualifying patient, and may only provide cannabis to the patient designated to the provider.

Medical use of cannabis - The manufacture, production, possession, transportation, delivery, ingestion, application, or administration of cannabis for the exclusive benefit of a qualifying patient in the treatment of the patient's terminal or debilitating medical condition.

Qualifying patient - Any person who meets all of the following criteria:

- Has been diagnosed by the person's health care professional as having a terminal or a debilitating medical condition
- Is a resident of the state of Washington at the time of such diagnosis
- Has been advised by the person's health care professional about the risks and benefits of the medical use of cannabis
- Has been advised by the health care professional that the person may benefit from the medical use of cannabis
- Has an authorization from the person's health care professional or has been entered into the medical cannabis authorization database and has been provided a recognition card
- Is not under supervision for a crime that does not allow for the use of medical cannabis

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Recognition card - A card issued to qualifying patients and designated providers by a cannabis retailer with a medical cannabis endorsement that has entered them into the medical cannabis authorization database.

426.2 POLICY

It is the policy of the Duvall Police Department to prioritize resources to avoid making arrests related to cannabis that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

Washington medical cannabis laws are intended to provide protection from prosecution for those who use, possess, deliver, or produce cannabis to mitigate the symptoms of certain debilitating or terminal medical conditions. However, Washington medical cannabis laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of cannabis.

Officers should exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both the individuals protected under Washington law and the resources of the Department.

426.3 INVESTIGATION

Investigations involving the possession, delivery, or production of cannabis generally fall into one of several categories:

- (a) No medicinal claim is made.
- (b) A medicinal claim is made by a qualifying patient or designated provider who is in possession of amounts within the limits designated by RCW 69.51A.040.
- (c) A medicinal claim is made by a qualifying patient or designated provider who is in possession of amounts exceeding the limits designated by RCW 69.51A.040 or who presented no authorization when initially contacted.

426.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM

In any investigation involving the possession, delivery, or production of cannabis where there is no claim that the cannabis is for medicinal purposes, the officer should proceed with reasonable enforcement action. A medicinal defense may be raised at any time, so officers should document any statements and observations that may be relevant to whether the cannabis is possessed or produced for medicinal purposes.

426.3.2 MEDICAL CLAIMS BY QUALIFYING PATIENTS OR DESIGNATED PROVIDERS

A qualifying patient or designated provider who was entered into the medical cannabis authorization database and who possesses a valid recognition card or who holds a valid authorization but has not been entered into the authorization database nor issued a recognition card should not be arrested or cited if the patient or provider possesses no more than six plants in the patient's or provider's residence with up to 8 ounces of useable cannabis from these plants and any of the following (RCW 69.51A.040):

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- (a) 48 ounces of cannabis-infused product in solid form
- (b) 3 ounces of useable cannabis
- (c) 216 ounces of cannabis-infused product in liquid form
- (d) 21 grams of cannabis concentrates

A qualifying patient may be allowed to possess up to 15 plants with up to 16 ounces of useable cannabis in the patient's residence for the personal medical use of the patient with appropriate health care professional authorization (RCW 69.51A.210).

Qualifying patients and designated providers who have not been entered into the authorization database may purchase cannabis only at a retail outlet at the same quantities as non-patients (RCW 69.50.360; RCW 69.51A.210). Qualifying patients and designated providers may purchase immature plants or clones and cannabis seeds from a licensed cannabis producer (RCW 69.51A.310).

If a person is both a qualifying patient and a designated provider for another, the person may possess no more than double the amounts described above (RCW 69.51A.040(1)).

Officers may take enforcement action against a designated provider even when the above thresholds are not exceeded if there is evidence that the provider has converted the patient's cannabis for the provider's personal use or benefit or has provided for more than one patient within a 15-day period (RCW 69.51A.040).

Officers may take enforcement action against a qualifying patient even when the above thresholds are not exceeded if there is evidence that the patient sold, donated, or supplied the cannabis to another person (RCW 69.51A.040).

426.3.3 EXCESS AMOUNTS OR NO AUTHORIZATION

A qualifying patient or designated provider may raise an affirmative defense to charges that the amount of cannabis in the patient's or provider's possession exceeds the amount legally allowed by RCW 69.51A.040 based upon medical need (RCW 69.51A.045).

Officers should conduct a thorough investigation in such cases, but in general, should not arrest a subject for possession, delivery, or production of cannabis if an excess amount appears reasonable based upon the above policy consideration. Similarly, if an officer can verify that authorization exists, even though a recognition card was not presented or obtained by a qualified patient or designated provider, an arrest generally should not be made (RCW 69.51A.040).

All facts should be thoroughly documented and if evidence is not seized, it shall be photographed and detailed in the report.

426.3.4 ADDITIONAL CONSIDERATIONS

Prior to making a physical arrest or confiscating cannabis plants, usable cannabis, or product, officers should consider the following:

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- (a) Whenever the initial investigation reveals an amount greater than specified by law, officers should, in anticipation of an affirmative defense, consider and document:
 - 1. The medical condition itself.
 - 2. The quality of the cannabis (chemical content).
 - 3. The method of ingestion (e.g., smoking, eating, nebulizer).
 - 4. The timing of the possession in relation to a harvest (patient may be storing cannabis).
 - 5. Whether the cannabis is being cultivated indoors or outdoors, and the climate.
- (b) Before proceeding with enforcement related to collective gardens, cooperatives, or commercial producers, officers should consider conferring with appropriate legal counsel and the Washington State Liquor and Cannabis Board for license-related issues (WAC 314-55-410).
- (c) Medical use and possession of cannabis authorized under the Washington medical cannabis statute does not support the forfeiture of property as set forth in the Asset Forfeiture Policy (RCW 69.51A.050).
- (d) Laws and regulations do provide for the cultivation of industrial hemp. The Washington State Department of Agriculture should be contacted should questions arise regarding possible industrial hemp activity (RCW 15.140.030).
- (e) A medical endorsement can be added to a cannabis retail license to allow a retailer to sell cannabis for medical use to qualifying patients and designated providers. Transaction limits apply (WAC 314-55-080; WAC 314-55-095).
- (f) The Washington State Department of Health maintains a Medical Cannabis Authorization Database and regulates cannabis retail outlets with medical cannabis endorsements. This database may be accessed by authorized law enforcement officials for specific criminal investigations (WAC 246-71-080).

426.4 EXCEPTIONS

This policy does not apply to the following offenses; officers may take enforcement action if the person (RCW 69.51A.060):

- (a) Engages in the medical use of cannabis in a way that endangers the health or well-being of any person through the use of a motorized vehicle on a street, road, or highway, including violations of RCW 46.61.502 or RCW 46.61.504, or equivalent local ordinances.
- (b) Uses or displays medical cannabis in a manner or place open to the view of the public.

426.5 FEDERAL LAW ENFORCEMENT

Officers may exchange information regarding a cannabis investigation with federal law enforcement authorities when information is requested by federal law enforcement authorities or whenever the officer reasonably believes federal law enforcement authorities would request the information if the authorities were aware of the information.

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426.6 PROPERTY AND EVIDENCE SECTION SUPERVISOR RESPONSIBILITIES

The Property and Evidence Section Supervisor shall ensure that cannabis, drug paraphernalia, or other related property seized from a person engaged or assisting in the use of medical cannabis is not destroyed.

Upon a determination by the prosecuting attorney that the person from whom cannabis, drug paraphernalia, or related property was seized is entitled to possession under the law, the Property and Evidence Section Supervisor should return to that person any usable cannabis, plants, drug paraphernalia, or other seized property. That determination is the result of a decision not to prosecute, by the dismissal of charges or an acquittal.

The Property and Evidence Section Supervisor may destroy cannabis that was alleged to be for medical purposes upon receipt of a court order.

The Property and Evidence Section Supervisor may release cannabis to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Patrol Section Supervisor.

Civil Disputes

427.1 PURPOSE AND SCOPE

This policy provides members of the Duvall Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Washington law.

427.2 VEHICLES AND PERSONAL PROPERTY

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

427.2 POLICY

The Duvall Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

427.1 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

- (a) The person’s knowledge of the court order or whether proof of service exists.
- (b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

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427.1.1 STANDBY REQUESTS

Officers responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items (RCW 7.105.320). Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or the person may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

427.5 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

- (a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
- (b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
- (c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.
- (d) Members are reminded that they shall not enter a residence or other non-public location without legal authority.
- (e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

427.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

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427.6.1 REQUEST TO REMOVE TRESPASSER DECLARATION

Officers possessing a lawful declaration signed under penalty of perjury and in the form required by law, may take enforcement action to remove a person from a residence when (RCW 9A.52.105):

- The person has been allowed a reasonable opportunity to secure and present evidence that the person is lawfully on the premises
- The officer reasonably believe he/she has probable cause to believe the person is committing criminal trespass under RCW 9A.52.070

An officer should give the trespasser a reasonable opportunity to vacate the premises before taking enforcement action.

Homeless Persons

428.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The Duvall Police Department recognizes that members of the homeless community are often in need of special protection and services. The Duvall Police Department will address these needs in balance with the overall missions of this department. Therefore, officers will consider the following policy sections when serving the homeless community (see the Emergency Detentions Policy).

428.1.1 POLICY

It is the policy of the Duvall Police Department to provide law enforcement services to all members of the community while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

428.2 HOMELESS COMMUNITY LIAISON

The Chief of Police will designate a member of this department to act as the Homeless Liaison Officer. The responsibilities of the Homeless Liaison Officer include the following:

- (a) Maintain and make available to all department employees a list of assistance programs and other resources that are available to the homeless.
- (b) Meet with Social Services and representatives of other organizations that render assistance to the homeless.
- (c) Maintain a list of those areas within and near this jurisdiction that are used as frequent homeless encampments.
- (d) Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include the following:
 - 1. Proper posting of notices of trespass and clean-up operations.
 - 2. Proper retention of property after clean-up, to include procedures for owners to reclaim their property in accordance with the Property and Evidence Policy and other established procedures.
- (e) Be present during any clean-up operation conducted by this department involving the removal of personal property of the homeless to ensure the rights of the homeless are not violated.
- (f) Develop training to assist officers in understanding current legal and social issues relating to the homeless.

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428.3 FIELD CONTACTS

Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

428.3.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

- (a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.
- (b) Document places the homeless person may frequent.
- (c) Provide homeless victims with victim/witness resources when appropriate.
- (d) Obtain statements from all available witnesses in the event a homeless victim is unavailable for a court appearance.
- (e) Consider whether the person may be a vulnerable adult and if so, proceed in accordance with the Adult Abuse Policy.
- (f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.
- (g) Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates he/she does not desire prosecution.
- (h) Document any facts indicating that the offense was intentionally committed because the victim was homeless or perceived to be homeless (RCW 9.94A.535).

428.4 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

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When a homeless person is arrested, or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the department Homeless Liaison Officer. When practicable, requests by the public for clean-up operations of a homeless encampment should be referred to the Homeless Liaison Officer.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the department Homeless Liaison Officer if such property appears to involve a trespass, blight to the community or is the subject of a complaint. It will be the responsibility of the Homeless Liaison Officer to address the matter in a timely fashion.

428.5 MENTAL ILLNESSES AND MENTAL IMPAIRMENTS

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention.

When a mental illness detention is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

428.6 ECOLOGICAL ISSUES

Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

Suspicious Activity Reporting

429.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

429.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Race, ethnicity, national origin or religious affiliation should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include, but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

Suspicious Activity Report (SAR) - An incident report created with Spillman Records System and used to document suspicious activity.

429.1 POLICY

The Duvall Police Department recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

429.4 RESPONSIBILITIES

The Patrol Division Commander and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for department participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Patrol Division Commander include, but are not limited to:

- (a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.

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- (b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.
- (c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.
- (d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.
- (e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.
- (f) Coordinating investigative follow-up, if appropriate.
- (g) Coordinating with any appropriate agency or fusion center.
- (h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

429.4 REPORTING AND INVESTIGATION

Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any non-sworn member who receives such information should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and include information about involved parties and the circumstances of the incident. If, during any investigation, an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

First Amendment Assemblies

430.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

430.2 POLICY

The Duvall Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

430.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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430.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

430.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to Dispatch, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

430.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

430.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

430.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide:

- (a) Command assignments, chain of command structure, roles and responsibilities.
- (b) Staffing and resource allocation.
- (c) Management of criminal investigations.
- (d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).
- (e) Deployment of specialized resources.
- (f) Event communications and interoperability in a multijurisdictional event.
- (g) Liaison with demonstration leaders and external agencies.
- (h) Liaison with City government and legal staff.
- (i) Media relations.
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
- (k) Traffic management plans.
- (l) First aid and emergency medical service provider availability.
- (m) Prisoner transport and detention.
- (n) Review of policies regarding public assemblies and use of force in crowd control.
- (o) Parameters for declaring an unlawful assembly.
- (p) Arrest protocol, including management of mass arrests.
- (q) Protocol for recording information flow and decisions.
- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.
- (s) Protocol for handling complaints during the event.

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- (t) Parameters for the use of body-worn cameras and other portable recording devices.

430.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

430.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

430.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and conducted energy devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

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Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

430.8 ARRESTS

The Duvall Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of officers and arrestees.
- (b) Dedicated arrest, booking and report writing teams.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Citation Releases Policy).

430.9 MEDIA RELATIONS

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

430.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

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430.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

- (a) Operational plan
- (b) Any incident logs
- (c) Any assignment logs
- (d) Vehicle, fuel, equipment and supply records
- (e) Incident, arrest, use of force, injury and property damage reports
- (f) Photographs, audio/video recordings, Dispatch records/tapes
- (g) Media accounts (print and broadcast media)

430.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

- (a) Date, time and description of the event
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests)
- (c) Problems identified
- (d) Significant events
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

430.12 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Department should, when practicable, train with its external and mutual aid partners.

Crisis Intervention Incidents

431.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

431.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

431.2 POLICY

The Duvall Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

431.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation, lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

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431.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police should designate an appropriate Division Commander to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

431.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- (d) Attempt to determine if weapons are present or available.
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.

431.6 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

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Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

431.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.
- (b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

431.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

- (a) Attempt to secure appropriate and sufficient resources.
- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).

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- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Division Commander.
- (f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

431.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

431.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Emergency Detentions Policy.

431.9.2 SUICIDE THREATS OR ATTEMPTS

Officers should consider a referral to mental health services when a person has threatened or attempted suicide and the person does not qualify for emergency detention or voluntarily consent to immediate evaluation at a behavioral health facility (RCW 71.05.457).

- (a) Referrals should be made to the person by providing the name and phone number of the behavioral health agency and any available handouts.
- (b) The officer may notify the behavioral health agency of the referral by phone or other method, in addition to preparing a written incident report.

Incident reports documenting a referral to a behavioral health agency should be sufficiently detailed regarding the nature of the incident and the person's behavior, to facilitate the behavioral health agency's prioritization and nature of their response. The officer should promptly provide a copy of the report to the referred behavioral health agency (RCW 71.05.457).

431.10 NON-SWORN INTERACTION WITH PEOPLE IN CRISIS

Non-sworn members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.

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- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

431.11 EVALUATION

The Division Commander designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

431.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

Training shall include mandated training in crisis intervention, certified by the Criminal Justice Training Commission, as required by Washington law (RCW 43.101.427; WAC 139-09-020 et seq.).

Medical Aid and Response

432.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons who appear to be in need of medical aid and establishes a law enforcement response to such situations.

432.2 POLICY

It is the policy of the Duvall Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

432.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR and use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact Dispatch and request response by emergency medical services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide Dispatch with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
 - 1. Signs and symptoms as observed by the member.
 - 2. Changes in apparent condition.
 - 3. Number of patients, sex, and age, if known.
 - 4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
 - 5. Whether the person is showing signs of extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

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Medical Aid and Response

Injured persons shall be monitored while in law enforcement custody (Washington State Office of the Attorney General Model Use of Force Policy).

432.4 TRANSPORTING ILL AND INJURED PERSONS

Except in exceptional cases where alternatives are not reasonably available, members should not transport persons who are not in custody and who are unconscious, who have serious injuries, or who may be seriously ill. EMS personnel should be called to handle patient transportation.

For guidelines regarding transporting ill or injured persons who are in custody, see the Transporting Persons in Custody Policy.

Members should not provide emergency escort for medical transport or civilian vehicles.

432.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with an emergency detention in accordance with the Emergency Detentions Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, the officer should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

432.6 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

432.7 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

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Medical Aid and Response

The Patrol Division Commander should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Department should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One department member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

432.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A semi-automatic external defibrillator or AED should only be used by members who have completed a course approved by the Washington State Department of Health (DOH) that includes instruction in CPR and the use of an AED (RCW 70.54.310).

432.8.1 AED USER RESPONSIBILITY

Members who are issued AEDs should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly shall be taken out of service and given to the Training Sergeant who is responsible for ensuring appropriate maintenance.

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Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED shall contact Dispatch as soon as possible and request response by EMS (RCW 70.54.310).

432.8.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use. Any data from usage shall be made available, upon request, to EMS or other health care providers (RCW 70.54.310).

432.8.3 AED TRAINING AND MAINTENANCE

The Training Sergeant should ensure appropriate training is provided to members authorized to use an AED.

The Training Sergeant is responsible for ensuring AED devices are appropriately maintained and tested consistent with the manufacturer's operational guidelines, and will retain records of all maintenance in accordance with the established records retention schedule (RCW 70.54.310).

432.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Members may administer opioid overdose medication in accordance with protocol specified by the health care practitioner who prescribed the overdose medication for use by the member (RCW 69.41.095).

432.9.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store, and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Training Sergeant.

Any member who administers an opioid overdose medication should contact Dispatch as soon as possible and request response by EMS.

432.9.2 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication should detail its use in an appropriate report.

The Training Sergeant will ensure that the Records Manager is provided enough information to meet applicable state reporting requirements.

432.9.3 OPIOID OVERDOSE MEDICATION TRAINING

The Training Sergeant should ensure training is provided to members authorized to administer opioid overdose medication.

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432.10 ADMINISTRATION OF EPINEPHRINE

The Chief of Police shall designate a trained member to be responsible for the storage, maintenance and oversight of the epinephrine auto-injector devices pursuant to a prescription from an authorized health care provider as provided by RCW 70.54.440.

432.10.1 EPINEPHRINE USER RESPONSIBILITIES

Members who are qualified to administer epinephrine should handle, store and administer the medication consistent with their training. Trained members may administer epinephrine on the premises of the Duvall Police Department or provide an epinephrine auto-injector to a person for immediate self-administration when there is a good faith belief the person is experiencing anaphylaxis (RCW 70.54.440).

Any member who administers epinephrine should contact Dispatch as soon as possible and request response by EMS.

432.10.2 EPINEPHRINE USE REPORTING

Any member administering epinephrine should detail its use in an appropriate report. All uses shall be immediately reported to the DOH on the appropriate DOH form (RCW 70.54.440).

432.10.3 EPINEPHRINE TRAINING

The Training Sergeant shall ensure that members authorized to use epinephrine auto-injector devices successfully pass a training course by a nationally recognized organization experienced in training emergency health treatment or an approved DOH training course and receive the appropriate certificate of completion prior to use (RCW 70.54.440).

432.11 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, the arrestee should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance to an appropriate medical facility.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

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432.11.1 HOSPITAL SECURITY AND CONTROL

Officers who transport persons in custody to medical facilities for treatment should provide security and control during examination and treatment consistent with department protocols. Any such transport should be conducted in accordance with the Transporting Persons in Custody Policy.

The Patrol Division Commander should develop protocols related to the following:

- (a) Providing security and control during an examination or treatment, including:
 - 1. Monitoring the person in custody (e.g., guarding against escape, suicide, and assault of others)
 - 2. Removal of restraints, if necessary and appropriate (see the Handcuffing and Restraints Policy)
- (b) Responsibility for continuing security and control if the person in custody is admitted to the hospital
 - 1. This should include transferring custody of the person to an appropriate agency.

432.11.2 STATE REQUIREMENTS

When an individual in custody for a violent or sex offense is taken to a hospital, the transporting officer shall remain with or secure the individual while the individual is receiving care, unless (RCW 10.110.020; RCW 10.110.030):

- (a) The medical care provider determines the individual does not need to be accompanied or secured.
- (b) The officer notifies the medical care provider that the officer is leaving after reasonably determining:
 - 1. The individual does not present an imminent and significant risk of causing physical harm to themselves or another person.
 - 2. There is no longer sufficient evidentiary basis to maintain the individual in custody.
 - 3. In the interest of public safety, the officer's presence is urgently required at another location and supervisor approval is obtained.
 - (a) The officer shall make a reasonable effort to ensure a replacement officer is provided or other means of securing the individual is provided as soon as possible.

432.12 FIRST-AID TRAINING

The Training Sergeant should ensure officers receive periodic first-aid training appropriate for their position.

Marine Patrol Unit

433.1 PURPOSE AND SCOPE

The Duvall Police Department has established a Marine Patrol Unit to provide services on the waters of Duvall, specifically the Snoqualmie River Basin. The purpose of this policy is to provide guidelines for personnel involved with the Marine Patrol Unit.

433.2 MISSION

The mission of the Marine Patrol Unit is the protection of life and property on and adjacent to Duvall waters. This is accomplished by educating the public in safe boating practices, providing regular patrols on the river and shoreline, enforcing state and local laws, answering calls for assistance, providing medical aid as required, and investigating water-related accidents.

433.3 ORGANIZATION

The Marine Patrol Unit is under the direction of the Operations Lieutenant. A Lead Marine Unit Officer will be assigned to oversee the Unit. The duties of the Lead Marine Unit Officer include the recommendation of personnel to be assigned to the Unit, the scheduling of Officers and periodic equipment maintenance, budgeting, preparing quarterly activity reports, and other administrative duties as required. The Lead Marine Unit Officer is also responsible for ensuring that all personnel in the Marine Patrol Unit receive training in the operation of Department vessels and equipment.

433.4 OPERATION

The Duvall Police Marine Patrol Unit will utilize Personal Watercrafts (PWC's) also referred to as Jet-Ski's, as its primary vessel. The Marine Unit will always maintain no less than two (2) PWC's, during operation. When in operation on the water, no less than two (2) Marine Patrol Unit PWC's will be on the water. The exception to this, is having one Marine Patrol Unit PWC on the water and at least one Patrol Officer on the shoreline, maintaining visual and/or audio contact with the Officer on the Water.

The Marine Patrol Unit will focus on providing services from July 1st to September 15th, each year, with primary hours of operation from 10:00am until 8:00pm. Marine Patrol may operate outside of the primary window, on a case-by-case basis, with approval of the Operations Lieutenant and/or Chief of Police. Marine Officers will be off the water before sundown, without exception.

On-duty Marine Officers will respond to emergency situations on the waters of Duvall. In doing so, responding Officers shall request the assistance of more experienced personnel in swift water rescue and related efforts, to include but not limited to; the King County Sheriff's Office and/or King County Fire District 45 personnel. The Operations Lieutenant and Chief of Police will be notified of all emergency responses by the Marine Unit, and/or emergency responses on Duvall waters.

433.5 GENERAL PATROL PROCEDURES

1. Routine patrol by watercraft will be conducted on the basis of anticipated hazard, for example, in the hours of high recreational use of the river, patrol will concentrate on personal watercraft that present hazards and the need for enforcement action. Patrols

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will closely monitor where boats, water skiers, and swimmers come together to create a particular safety hazard and the need for enforcement.

2. Rescue operations, such as injured users of the water, will be primarily for the purpose of preventing further injury or loss of life. Once the safety of all persons involved in the incident has been insured, officers will take reasonable steps to prevent the loss of, or damage to, boats or other property, providing it can be done without unduly endangering officers, police vessels, or police equipment.
3. General duties beyond the normal watercraft and enforcement procedures consist of preventive maintenance on the PWC. The officers are required to ready the PWC for normal patrol by checking fuel, oil, water, condition of the engine by sound, general cleanliness of the PWC and a thorough checking for hull damage.
4. A primary mission on the water shall be to contact citizens and users of the river in a positive proactive manner. Officers should feel that part of the marine function is to work with and communicate with citizens on the water. Constant evaluation of boats, swimmers and personal watercraft should enable the Officer to develop new programs that can better serve the water-using public in the future.
5. Riders on the PWC:
 - (a) All department personnel assigned to marine patrol shall wear an approved personal flotation device.
 - (b) Civilian Riders: Rarely will civilian riders be permitted to ride on the Marine Patrol Unit PWC's. Under rare circumstances, should it be permitted, all civilian riders on the PWC shall wear an approved personal floatation device and shall sign a waiver as provided by the Department. Riders under the age of 18 will not be allowed without the approval of the Chief of Police.

433.6 RESPONSIBILITY

The safety of the vessel(s) and any persons aboard, is the primary responsibility of the vessel operator. He/she will see that the vessel is always managed in a reasonable and prudent manner. When responding to a hazardous situation, he/she must weigh the risks to equipment and personnel against the circumstances of the call, the capability of the personnel and his/her ability to handle the vessel. Weather and river conditions should be a primary concern. Calls for service will be handled within the training and ability of Marine Patrol Unit Officer(s), and anything outside of these parameters shall require immediate assistance from the King County Sheriff's Office and/or King County Fire District 45 personnel.

Calls for service will be prioritized in the order of:

1. Preservation of life,
2. Preservation of property and
3. Violations.

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433.7 PERSONAL FLOTATION DEVICES

Due to the dangers of working on or near the waters of Duvall, all vessel operators will ensure that every person onboard the vessel is wearing a USCG-approved personal flotation device (PFD). All police officers will wear a USCG-approved, commercial-rated PFD when on vessels, and will have the same PFD available when on the shoreline.

433.8 BALLISTIC VESTS

Ballistic vests shall be worn in accordance with Duvall Police Department Policy.

Marine Patrol Unit personnel may consider not wearing a ballistic vest when they are engaged in activities that present a greater-than-average risk of falling into the water. Such activities include:

1. Rescue-Recovery Operations wherein personnel are intentionally entering the water.

Nothing in this policy prohibits an employee from always wearing the ballistic vest and the above listed guidelines will provide necessary direction. The employee's safety is always the main concern.

433.9 UNIFORMS

The Marine Unit Patrol uniform shall be mutually determined by the Marine Patrol Unit Lead Officer, Operations Lieutenant, Department Quartermaster, based on functionality, practicality, and through fiscally feasible means as determined by the Chief of Police.

433.10 TRAINING

Basic to a successful Marine Patrol Unit operation is a carefully selected, intensely trained staff capable of the highest standards of police efficiency and conduct. It is a unique position as a unit having the capability to respond to several different and unusual situations, it is imperative that the unit develops and maintains a high level of expertise in a number of areas.

433.11 TRAINING PURPOSE

The Marine Patrol Unit must maintain a high proficiency level in many areas not normally associated with the skills of the average police officer. Many of these activities are applied on an infrequent basis; thus, practice is required to maintain skill levels.

433.12 TRAINING RESPONSIBILITIES

433.12.1 TRAINING OFFICER

The Lead Marine Patrol Unit Officer has been given the responsibility of providing, in service and specialized training to members of the police department.

- (a) Have direct responsibility to ensure the adequate training of all officers interested in the Marine unit.
- (b) Have the responsibility to see that newly assigned members are given orientation training to ensure that the new members fit rapidly into the unit.
- (c) Will work with the Operations Lieutenant to see that all officers working on the marine unit are informed on all changes within the marine law enforcement field

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- (d) The Lead Marine Patrol Unit Officer will also work with the physical fitness coordinator to see that all officers that participate in the marine unit are fit to participate

433.12.2 MARINE PATROL UNIT SUPERVISOR

The Operations Lieutenant has the responsibility for the overall training proficiency of the unit. He/she will work with the Lead Marine Patrol Unit Officer to coordinate and assign training, as needed/required.

433.13 REPORTS

It is imperative that the marine unit maintains good statistical data to detail the marine operation as it correlates to the overall police department mission.

1. Vessel, Watercraft, or Obstruction Impound Report
2. Maintenance Checklist and Vessel Inspection Report
 - (a) This checklist/inspection report shall be maintained by the marine officer and turned in weekly indicating routine maintenance and checks on the police PWC and equipment.
3. Daily Log Sheet
 - (a) This form will be filled out daily by marine staff. This form will detail all person contacts, community-policing initiatives, enforcement actions, on board inspections, etc.

433.14 EMERGENCY OPERATION PROCEDURES

This section establishes the authority and responsibility of each Marine Patrol Unit member to initiate an emergency mobilization of additional police staff or fire/medical response when dealing with a serious water related incident. For the purpose of this section, a "serious water related incident" can best be described as an incident of such magnitude or severity that the potential for human or property loss is extreme and to which the resources of other police units or outside agencies cannot respond in a timely manner (e.g., major boat fire, boat collisions, plane crashes, severe storms).

433.14.1 POLICY

All Marine Patrol Unit personnel shall have the authority/responsibility to evaluate serious water related incidents to determine that level of police response necessary to resolve the situation safely. Whenever possible, unit members will request a supervisor to assist in handling such serious water related incidents. If, however, such officer is unable to contact a supervisor, the officer is given the authority to request mobilization of such personnel as deemed necessary to handle the incident.

433.14.2 MARINE PATROL UNIT OFFICERS

Whenever any member arrives at the scene of a serious water related incident, this member shall evaluate the manpower requirements necessary to resolve it. If fire/aid personnel are needed the officer shall contact the Duvall Fire District 45 immediately and begin to coordinate a response.

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1. Vessel Fire: The officer shall respond to the scene and evaluate the fire. A call at this time shall be made to Duvall Fire District 45. If the vessel is in open water the officer shall try any reasonable and safe method to get any occupants away from the burning craft. The officer may make reasonable and safe attempts to quell the fire, however, the officer should not put themselves or others at risk in the attempt to save property.
2. Aid Situation: The officer shall respond to the scene and evaluate the injury and number of injured. A call shall immediately be placed to Duvall Fire District 45. During an aid situation the Marine Officer should open communication with the Fire Department on a mutual channel and describe the nature of the event to responding fire personnel. A primary location for meets between the Duvall Police Marine Unit and the Duvall Fire District 45 shall be the Taylor's Landing boat launch. The primary docking station for the Marine Patrol Unit PWC's. A secondary meet location shall be the McCormick Beach. If during an event a third location becomes more likely staging area it shall be mutually accepted by responding personnel.

433.15 BOATING ACCIDENT REPORTING POLICY

Officers will complete a major report in all boating accidents involving injury or when damage to any vessel or object is more than \$750. Accidents include, in addition to collisions between boats or a boat and another object, accidents occurring on a boat involving death or injury. A sunken boat would also be titled as a boating accident if a result of operation, overloading, etc. Accident reports should include all the information listed below.

1. Information on operator, registered owner, witnesses, and all passengers.
2. Name of insurance company, if applicable
3. A complete vessel description, including:
 - (a) Color, year, make, model, and length
 - (b) Type of engine, propulsion, and horsepower
 - (c) Hull and registration numbers
 - (d) Hull material and type of fuel
4. A statement of the cause of the accident (i.e., speed, negligent driving, overloading, etc.)
5. A statement detailing whether alcohol or drugs were involved in the accident and officers' opinion on levels of intoxication
6. Weather Conditions
 - (a) Temperature
 - (b) Approximate Wind Conditions
 - (c) Water Conditions
 - (d) Visibility
7. Information pertaining to the number of PFDs on board and to the number utilized, if any.

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Reporting officers will determine who was at fault in the incident and issue a citation for the appropriate charge. If no citation is issued, an explanation is required in the body of the report. As of July 1989, state law, RCW 43.51.403, requires us to send copies of all boating accidents involving death or injuries requiring hospitalization to the Washington State Parks and Recreation Commission. The copies must be sent within ten days, and the commission must be notified by phone 360-586-0315 within 48 hours of the incident.

433.16 PROCESSING OF FOUND PROPERTY

1. When a boat is placed into impound, or any property is placed into evidence, the owner, if known, is to be clearly identified on the impound report or evidence sheet.
2. A report or follow up sheet will be attached to the impound report that clearly indicates whether the owner has been notified, any holds, the conditions for the release, the date the owner is expected to claim the property.
3. If the owner has not been notified, the investigating officer will list what specific efforts have been made to contact the owner, including the names, addresses, phone numbers, etc. that will assist in making the contacts.
4. If the owner is unknown, the investigating officer will include in the impound report, case report, or follow up report a listing of all efforts that have been made to identify and locate the owner. This will include a search of the boat for numbers or other identifying information, a record of computer inquiries, statements of witnesses, names, and contact information for witnesses.
5. The investigating officer will exhaust all known leads that can be investigated during his/her shift assignment. The status of this investigation will be reporting to the officer's supervisor, who will assign any additional follow up needed.
6. If, by the day following the initial impound, the owner has not been contacted, the Operations Lieutenant will assign an officer to continue the follow up investigation.

433.17 IMPOUNDS

The Chief of Police and duly authorized officers acting on his/her behalf shall function as the vessel impoundment agency of the City and assume control and jurisdiction over all waters within the city limits and shall maintain safety and enforce all ordinances relating to boating.

1. **Fee Collection**
Impound, moorage, and storage fees shall be charged to the vessel owner at the time of property release. A receipt detailing the fees shall be issued to the payee listing the payee's name, address, case number, and description of the property released. A copy of the receipt shall be maintained by the Police Department. All fees shall be paid to the office of the City Clerk/Treasurer.
2. **Procedures**
Impound (Towing) Charges
The owner or authorized operator shall be assessed a towing charge when the vessel, watercraft, or obstruction has been impounded on the basis of one or more of the following conditions:

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- (a) The operator is under arrest or has been charged with a crime.
- (b) The operator is incapable of safely operating the vessel, watercraft, or obstruction.
- (c) The operator refuses or neglects to obey an order of the police to proceed from or to an area following a citation or an emergency.
- (d) The operator operates a vessel, watercraft, or obstruction in a manner that endangers the safety of him/herself or others, or unreasonably interferes with navigation.
- (e) The vessel, watercraft, or obstruction is unsafe for water transportation.
- (f) The vessel, watercraft, or obstruction appears abandoned.
- (g) The vessel, watercraft, or obstruction is obstructing a launch ramp area or public dock.
- (h) A police department requested tow shall be charged to the owner of the impounded vessel, watercraft, or obstruction.
- (i) Exceptions:
 - 1. An impounded vessel, watercraft, or obstruction is determined to have been stolen or is evidence in a crime and the owner or authorized operator is not under arrest or charged with a crime in connection with the incident leading to the impound.
 - 2. The vessel, watercraft, or obstruction was towed under emergency conditions. Whether an "emergency condition" exists is a judgment, which will be made by the Operations Lieutenant in charge of the Marine Unit.

Chapter 5 - Traffic Operations

Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Duvall Police Department. Information provided by Statewide Electronic Collision and Ticket Online Records (SECTOR) is a valuable resource for traffic accident occurrences and officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are citizen requests, construction zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance. The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

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Traffic Function and Responsibility

500.3.2 CITATIONS

Citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

- (a) Explanation of the violation or charge.
- (b) Court appearance procedure including the optional or mandatory appearance by the motorist.
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court.

500.3.3 ARRESTS FOR TRAFFIC OFFENSES

Officers may issue a traffic citation for any criminal traffic offense or infraction when such violations are committed in an officer's presence or as allowed pursuant to RCW 10.31.100. With limited exceptions, the detention in such cases may not be for a period of time longer than is reasonably necessary to issue and serve a citation to the violator.

A traffic-related detention may expand to a physical arrest under the following circumstances:

- (a) When the officer has probable cause to believe that a felony has been committed, whether or not it was in the officer's presence
- (b) When the offense is one or more of the traffic violations listed in RCW 10.31.100
- (c) When a driver has been detained for a traffic offense listed in RCW 46.63.020 and fails to provide adequate identification or when the officer has reasonable grounds to believe that the person to be cited will not respond to a written citation. In such cases, officers should, when practicable, obtain the approval of a supervisor before making an arrest.

500.4 SUSPENDED OR REVOKED DRIVERS LICENSES

If an officer contacts a traffic violator who is also driving on a suspended or revoked license, the officer should issue a traffic citation or make an arrest as appropriate.

500.4.1 SUSPENDED, REVOKED OR CANCELED COMMERCIAL LICENSE PLATES

If an officer contacts a traffic violator who is operating a commercial truck, truck tractor or tractor with registration that a computer check confirms to be revoked, suspended or canceled, the officer shall confiscate the license plates. The Department may either recycle or destroy the plates (RCW 46.32.100).

500.5 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601).

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Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes officer might benefit from being readily identified as a member of law enforcement.

500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be maintained in the trunk of each patrol and investigation unit, in the side box of each police motorcycle and in the saddlebag or gear bag of each police bicycle. Each vest should be stored inside the resealable plastic bag provided to protect and maintain the vest in a serviceable condition. Before going into service each employee shall ensure a serviceable high-visibility vest is properly stored.

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The quartermaster should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

500.6 HAZARDOUS ROAD CONDITIONS

The Duvall Police Department will make all reasonable efforts to address all reported hazardous road conditions in a timely manner as circumstances and resources permit.

500.7 TRAFFIC COMPLAINTS BY CROSSING GUARDS

Crossing guards have the authority to submit reports to this department for certain violations occurring in and around crosswalks (RCW 46.61.275). Generally these reports may be for offenses involving a driver's failure to stop at a crosswalk or to exercise due care for pedestrians. Reports must be received no later than 72 hours after the violation occurred.

This department will give due consideration and will investigate, to a reasonable degree, reports of violations submitted by crossing guards, in an effort to identify the alleged violator. If the driver is identified and there is reasonable cause to believe a violation of RCW 46.61.235(5), RCW 46.61.245(2) or RCW 46.61.261(2) has occurred, a notice of traffic infraction should be issued.

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The Patrol Sergeant shall ensure that appropriate forms for reporting violations are available to crossing guards and that a procedure for investigating the reports received by this department is in place.

500.7.1 NOTIFICATION OF INFRACTION

The Patrol Sergeant or a designee may initiate an investigation of the reported violation after receiving a report from a crossing guard. The investigator shall contact the last known owner of the violator vehicle and request the owner to supply information identifying the driver. If the driver is identified and there is reasonable cause to believe that a traffic violation has occurred, a notice of infraction may be served upon the driver of the vehicle (RCW 46.61.275(2)).

500.8 SCHOOL BUS SAFETY CAMERAS

Any school district with buses properly equipped with cameras that capture stop-arm violations may report such violations to the Duvall Police Department whenever they occur within the department's jurisdiction.

The Patrol Sergeant should establish a report form and procedure for school districts to report school bus stop-arm violations (RCW 46.63.180).

500.8.1 NOTIFICATION OF INFRACTION

The Patrol Sergeant or the authorized designee should initiate an investigation of the reported violation after receiving a stop-arm violation report from a school district.

Issuance of a citation shall conform to state requirements (RCW 46.63.180). The notice of infraction shall be mailed to the registered owner or renter, if applicable, of the vehicle within 14 days of the violation.

Traffic Collision Reporting

501.1 PURPOSE AND SCOPE

This policy describes the circumstances in which members should prepare traffic collision reports.

501.2 TRAFFIC COLLISION REPORTS

All traffic collision reports taken by members of this department shall be forwarded to the Traffic Bureau for approval and data entry into the Records Management System. The Patrol Sergeant will be responsible for monthly and quarterly reports on traffic collision statistics to be forwarded to the Patrol Division Commander, or other persons as required.

501.2.1 STATEWIDE ELECTRONIC COLLISION AND TICKET ONLINE RECORDS (SECTOR)

This department utilizes SECTOR software to complete traffic citations and traffic collision reports. SECTOR shall only be used by those authorized employees who have completed department-approved training in the use of SECTOR software. All traffic collision reports completed with SECTOR software shall comply with established report approval requirements.

All reports completed using SECTOR software should be downloaded to the designated server as soon as practicable or in any case prior to the end of the employee's shift.

501.3 REPORTING SITUATIONS

501.3.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES

Traffic collision investigation reports shall be taken when a City-owned vehicle is involved in a traffic collision upon a roadway or highway wherein any damage or injury results. A general information report may be taken in lieu of a traffic collision report at the direction of a supervisor when the collision occurs on private property or does not involve another vehicle. Whenever there is damage to a City vehicle, a Vehicle Damage Report shall be completed and forwarded to the appropriate Division Commander.

Photographs of the collision scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.

501.3.2 TRAFFIC COLLISIONS WITH POLICE DEPARTMENT EMPLOYEES

When an employee of this department, either on-duty or off-duty, is involved in a traffic collision within the jurisdiction of the Duvall Police Department resulting in a serious injury or fatality, the Patrol Sergeant or the Shift Sergeant, may notify the Washington State Patrol for assistance.

The term serious injury is defined as any injury that may result in a fatality.

501.3.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS

The Patrol Sergeant or on-duty Shift Sergeant may request assistance from the Washington State Patrol for the investigation of any traffic collision involving any City official or employee where a serious injury or fatality has occurred.

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Traffic Collision Reporting

501.3.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY

Traffic collision reports shall be taken when they occur on private property under any of the following circumstances:

- (a) When there is a death or injury to any person involved
- (b) When a hit-and-run violation occurred
- (c) When an RCW violation occurred
- (d) Property damage exceeds the dollar amount currently established by WSP

501.3.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS

Traffic collision reports shall be taken when they occur on a roadway or highway within the jurisdiction of this department under any of the following circumstances:

- (a) When there is a death or injury to any persons involved in the collision
- (b) When there is an identifiable violation of the Revised Code of Washington
- (c) Property damage exceeding the dollar amount currently established by WSP
- (d) When a report is requested by any involved driver

When a collision results in death or substantial bodily harm as defined in RCW 9A.04.110, officers shall use the current state authorized form to document the collision and submit it to the appropriate state department (RCW 46.52.070).

501.4 NOTIFICATION OF TRAFFIC BUREAU SUPERVISION

In the event of a serious injury or death related traffic collision, the Shift Sergeant shall notify the Patrol Sergeant to relate the circumstances of the traffic collision and seek assistance from the Traffic Bureau. In the absence of a Patrol Sergeant, the Shift Sergeant or any supervisor may assign an accident investigator or motor officer to investigate the traffic collision.

Vehicle Towing

502.1 PURPOSE AND SCOPE

This policy provides guidance related to vehicle towing. Nothing in this policy shall require a member of this department to tow a vehicle.

502.2 TOWING SERVICES

Members shall not show preference among towing services that have been authorized for use by the Department. A rotation or other system established by the Department for tow services should be followed.

502.3 ARREST SCENES

Whenever the owner or operator of a vehicle is arrested, the arresting officer should provide reasonable safekeeping by leaving the vehicle secured and lawfully parked at the scene or, when appropriate, by having the vehicle towed, such as when the vehicle presents a traffic hazard or the vehicle would be in jeopardy of theft or damage if left at the scene.

Officers should investigate whether reasonable alternatives to towing are available after arrest. A vehicle should not be towed if reasonable alternatives are available. When considering whether to leave a vehicle at the scene, officers should take into consideration public safety as well as the reasonable safety of the vehicle and its contents.

The following are examples of situations where a vehicle should not be towed:

- (a) The vehicle can be legally parked, left in a reasonably secure and safe location, and is not needed as evidence.
- (b) The vehicle is parked on private property, on which the arrestee or owner is legally residing, or the property owner does not object to the vehicle being parked at that location.
- (c) The arrestee or owner of the vehicle requests that it be released to a person who is present, willing, and able to legally take control of the vehicle.
- (d) The vehicle is legally parked and the arrestee or owner requests that it be left at the scene. In such cases the requester should be informed that the Department will not be responsible for theft or damages.

502.4 VEHICLE INVENTORY

The contents of all vehicles towed at the request of department members shall be inventoried and listed on the inventory report. When reasonably practicable, photographs may be taken to assist in the inventory.

- (a) An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle including but not limited to any unlocked glove box, other accessible areas under or within the dashboard area, any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats, and under the seats.

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- (b) In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers will also be conducted in any other type of unlocked compartments that are a part of the vehicle, including unlocked vehicle trunks and unlocked car top containers.
- (c) A locked vehicle trunk shall not be opened, even if it may be opened without a key from an accessible area of the passenger compartment. Locked or closed containers located within the passenger compartment should be inventoried as a sealed unit, absent exigent circumstances.
- (d) Closed containers located either within the vehicle or any of the vehicle's compartments will not be opened for inventory purposes except for the following: wallets, purses, coin purses, fanny packs, personal organizers, briefcases or other closed containers designed for carrying money, small valuables, or hazardous materials.

Members should ask the occupants whether the vehicle contains any valuables or hazardous materials. Responses should be noted in the inventory report. If the occupant acknowledges that any closed container contains valuables or a hazardous material, the container shall be opened and inventoried. When practicable and appropriate, such items should be removed from the vehicle and given to the owner or booked into property for safekeeping.

Any cash, jewelry, or other small valuables located during the inventory process will be held for safekeeping, in accordance with the Property and Evidence Policy. A copy of the property form should be given to the person in control of the vehicle or, if that person is not present, left in the vehicle.

A copy of the vehicle inventory will be given to the tow truck operator.

These inventory procedures are for the purpose of protecting the vehicle owner's property, providing for the safety of department members, and protecting the Department against fraudulent claims of lost, stolen, or damaged property.

Towing a vehicle in order to perform an inventory should not be used as a pretext for an evidence search. Nothing in this policy prevents the towing of a vehicle that would occur for reasons independent of any suspicion that the vehicle may contain evidence if it is otherwise justified by law or this policy.

502.5 SECURITY OF VEHICLES AND RETRIEVAL OF PROPERTY

If the search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft, or damage, the department member conducting the search shall take such steps as are reasonably necessary to secure or protect the vehicle or property from such hazards.

Unless it would cause an unreasonable delay in towing the vehicle or create an issue of officer safety, reasonable accommodations should be made to permit the owner, operator, or occupant to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband.

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Members who become aware that a vehicle may have been towed by the Department in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the owner or their agent to request a hearing to contest the tow.

502.6 POLICY

The Duvall Police Department will tow vehicles when appropriate and in accordance with the law.

502.7 REMOVAL OF VEHICLES DUE TO HAZARD

When a vehicle should be towed because it presents a hazard, the owner or operator should arrange for the towing. Department members may assist by communicating requests through Dispatch to expedite the process.

If the owner or operator is unable to arrange for towing and the vehicle presents a hazard, the vehicle may be towed at the direction of the department member (RCW 46.55.080; RCW 46.55.085; RCW 46.55.113).

Vehicles that are not the property of the City should not be driven by department members unless it is necessary to move the vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant, or comply with posted signs.

502.8 VEHICLES RELATED TO CRIMINAL INVESTIGATIONS

An officer should tow a vehicle when probable cause exists to believe the vehicle has been stolen or used in the commission of a felony, or the driver committed a traffic offense for which impoundment is authorized by law.

502.8.1 RECORDS SECTION RESPONSIBILITIES

Whenever a stolen vehicle is impounded by the Duvall Police Department, Records Section personnel will promptly attempt to notify the legal owner of the recovery.

502.9 RECORDS

Records Section members shall ensure that pertinent data regarding a towed vehicle is promptly entered into the appropriate database.

502.9.1 VEHICLE STORAGE REPORT

Department members towing a vehicle shall complete an impound authorization and inventory form. The report should be submitted to the Records Section as soon as practicable after the vehicle is towed.

Vehicle Impound Hearings

503.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound validity hearings.

503.2 IMPOUND HEARING

When a vehicle is impounded by any member of the Duvall Police Department, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or their agent (RCW 46.55.240).

503.2.1 HEARING PROCEDURES

When requested, a hearing will be held at the Duvall Police Department within five days of the receipt of the request. The Department will appoint a Hearing Officer who will conduct the hearing and render a judgment. The employee who caused the removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on an impounded vehicle shall be submitted in person, writing, or by telephone within ten days of the date appearing on the notice. The person requesting the hearing may record the hearing at his/her own expense.

The vehicle impound hearing officer shall consider all information provided and determine whether the vehicle was impounded consistent with law and department policy. The Department will have the burden of proving by preponderance of the evidence that the vehicle was impounded lawfully and within policy.

If a decision is made that the vehicle was impounded within the law and department policy, the hearing officer shall advise the inquiring party that they may appeal the decision with the district court for a final judgment (RCW 46.55.240(1)(d)).

A decision that the vehicle was not impounded in a lawful manner or within department policy will require that the vehicle in impound be released immediately. Towing and storage fees will be paid at the Department's expense (RCW 46.55.120(3)(e)).

If a decision is made that the vehicle was not impounded in a lawful manner or within department policy, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded with a letter to the appropriate Division Commander. The hearing officer will recommend to the appropriate Division Commander that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Department.

Impaired Driving

504.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of driving under the influence (DUI).

504.2 POLICY

The Duvall Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Washington's impaired driving laws.

504.3 INVESTIGATIONS

Officers should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All officers are expected to enforce these laws with due diligence.

The Patrol Sergeant will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

- (a) The field sobriety tests (FSTs) administered and the results.
- (b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
- (c) Sources of additional information (e.g., reporting party, witnesses) and their observations.
- (d) Information about any audio and/or video recording of the individual's driving or subsequent actions.
- (e) The location and time frame of the individual's vehicle operation and how this was determined.
- (f) Any prior related convictions in Washington or another jurisdiction.
- (g) Whether a child under the age of 16 was present in the vehicle (RCW 46.61.507).

504.4 FIELD TESTS

The Patrol Sergeant should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DUI laws.

504.5 CHEMICAL TESTS

A person implies consent under Washington law to a chemical test or tests of the person's breath and to providing the associated chemical sample under any of the following (RCW 46.20.308):

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- (a) The arresting officer has reasonable grounds to believe the person was driving or in actual physical control of a motor vehicle while under the influence of intoxicating liquor or drug.
- (b) The arresting officer has reasonable grounds to believe a person under the age of 21 was driving or in actual physical control of a motor vehicle while having a blood alcohol concentration of at least 0.02 (RCW 46.61.503).
- (c) The officer has stopped a person operating a commercial motor vehicle license (CDL) and has reasonable grounds to believe that the person was driving while having alcohol in the person's system (RCW 46.25.120).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

504.5.1 STATUTORY NOTIFICATIONS

An officer requesting that a person submit to a chemical test shall provide the person, prior to administering the test, with the mandatory warnings pursuant to RCW 46.20.308(2) or if driving a commercial vehicle the warnings pursuant to RCW 46.25.120(3).

504.5.2 BREATH SAMPLES

The Patrol Sergeant should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Patrol Sergeant.

Generally, chemical tests to determine alcohol concentration shall be of the breath only (RCW 46.20.308; RCW 46.25.120).

504.5.3 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (RCW 46.61.506). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be drawn and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability

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to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

A blood sample may be obtained only with the consent of the individual or as otherwise provided in this policy (RCW 46.20.308; RCW 46.25.120).

504.6 REFUSALS

When an arrestee refuses to provide a chemical sample, officers shall:

- (a) Advise the arrestee of the requirement to provide a sample.
- (b) Audio- and/or video-record the admonishment and the response when it is practicable.
- (c) Document the refusal in the appropriate report.

504.6.1 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who has been arrested and does not consent to a blood test when any of the following conditions exist (RCW 46.20.308; RCW 46.25.120):

- (a) A search warrant has been obtained.
- (b) The officer can articulate that exigent circumstances exist.

Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts, such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

504.6.2 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.
- (c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the individual to submit to such a sample without physical resistance. This dialogue should be recorded on audio and/or video when practicable.
- (d) Ensure that the blood sample is taken in a medically approved manner.
- (e) Ensure the forced blood draw is recorded on audio and/or video when practicable.
- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances.

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1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
 2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
 3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
- (g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

504.7 ARREST AND INVESTIGATION

504.7.1 WARRANTLESS ARREST

An officer having probable cause to believe that a person is DUI may make a warrantless arrest of the person whether or not the officer observed the violation first hand (RCW 10.31.100).

Arrests supported by probable cause for DUI are mandatory if the person has been convicted of DUI in the past 10 years or if the officer has knowledge based on the information available to him/her that the person is charged with, or is waiting arraignment for, an offense that would qualify as a prior offense as defined by RCW 46.61.5055 if it were a conviction (RCW 10.31.100).

504.7.2 OFFICER RESPONSIBILITIES

If a person refuses to submit to a chemical test, or the results from the test render a prohibited alcohol or THC concentration in the person's breath or blood, the officer shall (RCW 46.20.308(5)):

- (a) Serve the notice of intention to suspend, revoke, or deny the person's license or permit to drive.
- (b) Provide the person with a written notice of his/her right to a hearing before the Department of Licensing (DOL).
- (c) Advise the person that his/her license or permit is a temporary license.
- (d) Immediately notify the DOL of the arrest and within 72 hours transmit to the DOL a sworn report that states:
 1. The officer had reasonable grounds to believe the person was DUI.
 2. After having received the required statutory warnings, the person either refused to submit to a test of his/her blood or breath or submitted to a test that rendered a prohibited alcohol or THC concentration of the person's breath or blood.
- (e) Submit a sworn report to the DOL when the person has a CDL and either refused or had a test administered that disclosed a prohibited amount of alcohol or any amount of THC concentration (RCW 46.25.120(5)).

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When a person is arrested for a violation of RCW 46.61.502 (DUI) or RCW 46.61.504 (Physical control of vehicle while DUI), the officer shall make a clear notation on the report if there is a child under the age of 16 present in the vehicle and promptly notify child protective services as required in the Child Abuse Policy (RCW 46.61.507).

504.7.3 ADDITIONAL TESTING

A person submitting to a chemical test pursuant to this policy may have a qualified person of his/her own choosing administer one or more tests in addition to any administered at the direction of an officer (RCW 46.20.308(2); RCW 46.61.506).

504.8 RECORDS SECTION RESPONSIBILITIES

The Records Manager will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

504.9 ADMINISTRATIVE HEARINGS

The Records Manager will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the DOL.

Any officer who receive notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

An officer called to testify at an administrative hearing should document the hearing date and the DOL file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

504.10 TRAINING

The Training Sergeant should ensure that officers participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Training Sergeant should confer with the prosecuting attorney's office and update training topics as needed.

Traffic Citations

505.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

505.2 RESPONSIBILITIES

The Patrol Sergeant shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council.

The Records Section shall be responsible for the supply and accounting of all traffic citations issued to employees of this department.

505.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued. Any request from a recipient to dismiss a citation shall be referred to the Patrol Sergeant. Upon a review of the circumstances involving the issuance of the traffic citation, the Patrol Sergeant may request the Patrol Division Commander to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the officer may request the court to dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Patrol Division Commander for review.

505.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the supervisor and then to the prosecutor.

505.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation and a letter requesting a specific correction to his/her immediate supervisor. The citation and letter shall then be forwarded to the Traffic Bureau. The Traffic Bureau shall prepare a letter of correction to the court having jurisdiction and to the recipient of the citation.

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505.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Section.

Upon separation from employment with this department, all employees issued traffic citations books shall return any unused citations to the Records Section.

505.7 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.

Disabled Vehicles

506.1 PURPOSE AND SCOPE

This department has adopted the following policy on assisting motorists in disabled vehicles within this jurisdiction.

506.2 POLICY

It is the policy of the Duvall Police Department to assist motorists with disabled vehicles until those vehicles are safely removed from the roadway. Members should take appropriate action to mitigate potential problems when a vehicle constitutes a traffic hazard or the safety of the motorist is a concern.

506.3 OFFICER RESPONSIBILITY

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer to respond for assistance as soon as practical.

506.4 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of departmental resources, and the vulnerability of the disabled motorist.

506.4.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

506.4.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

506.4.3 RELOCATION OF MOTORIST

The relocation of a motorist with a disabled vehicle should only occur with the person's consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The department member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

Unauthorized 24 Hour Vehicle Violations

507.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and storage of unauthorized vehicles parked in violation of 24 hour time limitations.

507.2 MARKING VEHICLES

Vehicles suspected of being subject to removal from a highway after being left unattended for 24 hours shall be marked and flagged for a 24 hour pop-up with Redmond dispatch. No case number is required at this time (RCW 46.55.010(14)).

A notification sticker shall be applied in a visible location and a visible chalk mark should be placed on the left rear tire tread at the fender level unless missing tires or other vehicle conditions prevent marking. Any deviation in markings shall be noted on the Marked Vehicle Card (RCW 46.55.085(1)).

If a marked vehicle has been moved or the markings have been removed during a 24-hour investigation period, the vehicle shall be re-marked for another 24-hour period and the vehicle will again be flagged for pop-up with Redmond Dispatch.

507.2.1 MARKED VEHICLE FILE

Patrol Officers shall be responsible for the follow up investigation of all 24-hour unauthorized vehicle violations flagged for pop-up through Redmond Dispatch. If a marked vehicle has current Washington registration plates, the patrol officers shall check the records to learn the identity of the last owner of record. Officers shall make a reasonable effort to contact the owner by telephone and provide notice that if the vehicle is not removed within twenty-four hours from the time the sticker was attached, the vehicle may be taken into custody and stored at the owner's expense (RCW 46.55.085(2)).

507.2.2 VEHICLE STORAGE

An officer may store any vehicle not removed 24 hours after marking (RCW 46.55.085(3)).

The officer authorizing the storage of the vehicle shall complete a uniform impound authorization and inventory form. The completed form shall be submitted to the Records Section immediately following the storage of the vehicle (RCW 46.55.075(2)).

Vehicle Seizure and Forfeiture

508.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure and forfeiture of vehicles associated with the arrest of subjects for driving under the influence (RCW 46.61.502) or physical control of a vehicle while under the influence (RCW 46.61.504).

508.2 SUSPENSION OF WASHINGTON DRIVER LICENSES

RCW 46.61.5058 provides for the forfeiture of any vehicle when the driver of such vehicle has been arrested for driving under the influence or physical control of a vehicle while under the influence, if such person has a prior offense within seven years as defined in RCW 46.61.5055.

508.2.1 ADMINISTRATIVE RESPONSIBILITIES

All procedures and administrative responsibilities associated with this policy are handled by the Traffic Division.

508.3 VEHICLE SEIZURE PROCEDURES

When an officer arrests a subject for driving under the influence (RCW 46.61.502) or physical control of a vehicle while under the influence (RCW 46.61.504), the officer may initiate steps to seize the arrestee's vehicle under the following circumstances:

- (a) The arrestee has a prior offense within seven years as defined in RCW 46.61.5055
- (b) The arrestee must be provided with a department form to notify the arrestee, in writing, that it is unlawful to transfer, sell, or encumber in any way the subject's interest in the vehicle in which they were driving or had physical control when the violation occurred, and
- (c) The vehicle is not a rental (RCW 46.61.5058(1)(b)).

The vehicle may be seized as provided under the authority of RCW 46.61.5058.

508.3.1 PHYSICAL SEIZURE OF VEHICLE

Physical seizure of the vehicle shall occur only upon the following circumstances:

- (a) Upon conviction of either driving under the influence or physical control of a vehicle while driving under the influence where the person convicted has a prior offense within seven years as defined in RCW 46.61.5055 and the person driving has a financial interest in the vehicle.
- (b) Upon a court order.
- (c) If there is reasonable cause to believe that the vehicle subject to seizure has been the subject of a prior judgment in favor of the state in a forfeiture proceeding, the officer may seize the vehicle immediately.

Any vehicle that is seized pursuant to any of the above subsections should immediately be impounded and held pending further court action (RCW 46.61.5058(3)).

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508.4 VEHICLE FORFEITURE

It is the policy of the Duvall Police Department to initiate forfeiture proceedings on all vehicles seized pursuant to RCW 46.61.5058.

Within fifteen days after vehicle seizure, the legal owner of the seized vehicle shall be notified of the seizure and intended forfeiture. Such notification shall be accomplished in writing to the last known address of the legal owner by certified mail with a return of service requested, or any other form of notification required by court order (RCW 46.61.5058(4)).

508.4.1 FORFEITURE HEARING

Persons notified of seizure have forty-five days to respond. Upon written response, such persons shall have the opportunity to be heard as to the claim or right (RCW 46.61.5058(6)).

- (a) The following procedure shall apply in such cases:
 - 1. Persons requesting a forfeiture hearing must complete and sign an Duvall Police Department Forfeiture Request Form;
 - 2. All hearings shall be scheduled and conducted in a timely fashion.
 - 3. The hearing officer(s) shall be designated by the Chief of Police.
 - 4. The decision of the hearing officer shall be considered final.
- (b) The owner of the seized vehicle may, through his/her initiation and legal process, choose to remove the hearing to court.
- (c) The vehicle shall be considered forfeited under the following circumstances:
 - 1. If, forty-five days after the seizure, no person has notified the Duvall Police Department of a claim of ownership or right to the vehicle.
 - 2. After a hearing officer has determined that the vehicle was lawfully seized and is subject to forfeit.
 - 3. A court of local jurisdiction has determined that the vehicle was lawfully seized and is subject to forfeit.
- (d) In any case where it is determined that the vehicle is not subject to forfeit, it shall be immediately returned to the legal owner.

508.5 PROCEDURES FOLLOWING FORFEITURE

Vehicles that have been lawfully seized and through forfeit the ownership is transferred to the Duvall Police Department may be sold or retained for official use provided that all bona fide security interests to the vehicle are first satisfied (RCW 46.61.5058(7)). The following procedure shall apply after vehicles are legally forfeited to the Duvall Police Department:

- (a) The Patrol Sergeant or his/her designee shall determine the disposition of all vehicles legally forfeited to the Duvall Police Department. Such disposition shall be determined based on vehicle value, existing security interest, and the needs of the Department.

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- (b) The value of the vehicle is the sale price, or if retained, the fair market value of the vehicle at the time of the seizure (RCW 46.61.5058(14)).
- (c) A record of the forfeited vehicle shall be maintained. The record shall indicate the prior owner's information, if known, a description of the vehicle, the disposition of the vehicle, its value at time of seizure and the amount of proceeds realized from disposition of the vehicle (RCW 46.61.5058(8)).
 - 1. Such records shall be maintained for at least seven years (RCW 46.61.5058(9)).
- (d) A copy of the records of all forfeited vehicles shall be filed with the state treasurer each calendar quarter (RCW 46.61.5058(10)).
- (e) By January 31st of each year, ten percent of the net proceeds of vehicles forfeited during the preceding calendar year shall be remitted to the state treasurer (RCW 46.61.5058(12)(13)).

Chapter 6 - Investigation Operations

Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 POLICY

It is the policy of the Duvall Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 INITIAL INVESTIGATION

600.3.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
 - 1. An initial statement from any witnesses or complainants.
 - 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the officer shall:
 - 1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
 - 2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
 - 3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Shift Sergeant.
 - 4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
 - 5. Collect any evidence.
 - 6. Take any appropriate law enforcement action.
 - 7. Complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.3.2 ARRESTS BY PRIVATE PERSONS

Private persons may make a common law arrest for crimes constituting a breach of the peace or may detain a person under the authority of RCW 9A.16.020 (felonies, retail theft, etc.) Any officer presented with a private person wishing to make an arrest must determine whether there is probable cause to believe that such an arrest would be lawful.

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- (a) Should any officer determine that there is no probable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.
 - 1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The officer must include the basis of such a determination in a related report.
 - 2. Absent probable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.
- (b) Whenever an officer determines that there is probable cause to believe that a private person's arrest is lawful, the officer shall take a written statement from the person who has made the arrest. In addition, the officer may exercise one of the following options:
 - 1. Take the individual into physical custody for booking.
 - 2. Release the individual subsequent to the issuance of a citation for the individual to appear in the appropriate court.

600.3.3 NON-SWORN MEMBER RESPONSIBILITIES

A non-sworn member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

600.4 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. See the Temporary Custody of Juveniles Policy for juvenile requirements.

600.4.1 AUDIO/VIDEO RECORDINGS

The following custodial interrogations conducted at a place of detention (as defined by RCW 10.122.020) shall be electronically recorded (audio and video):

- (a) The interrogation of a juvenile
- (b) The interrogation of an adult who is suspected of a felony

The recording shall include any required warnings, advice of the rights of the individual being questioned, and waiver of rights. Consent to the electronic recording is not required, but the officer shall inform the suspect that they are being recorded (RCW 10.122.030).

A custodial interrogation at any place other than a place of detention shall be recorded by audio means at a minimum (RCW 10.122.030).

Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

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Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Patrol Section supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate, and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.4.2 DOCUMENTATION

If a custodial interrogation at a place of detention occurs without electronically recording it in its entirety, the officer shall prepare a written or electronic report explaining the reason and summarize the custodial interrogation process and the individual's statements. This report shall be completed as soon as practicable after completing the interrogation (RCW 10.122.030).

If the custodial interrogation occurs outside a place of detention, the officer shall complete a report as soon as practicable explaining the decision and summarize the custodial interrogation process and the individual's statements (RCW 10.122.030).

600.4.3 EXCEPTIONS

Exceptions to the recording requirements apply in the following circumstances:

- (a) When spontaneous utterances or statements are made outside the course of a custodial interrogation, or a statement made in response to a question asked routinely during the processing of the arrest of an individual (RCW 10.122.030).
- (b) Exigent circumstances exist that prevent an officer from electronically recording an interrogation. In those cases, the officer shall record electronically an explanation of the exigent circumstances before conducting the interrogation, if feasible, or as soon as practicable after the interrogation is completed (RCW 10.122.040).
- (c) The individual indicates a refusal to participate or further participate in the electronic recording. When feasible, the agreement of the individual to participate in the interrogation without recording or further participate should be recorded electronically (RCW 10.122.060).
- (d) The officer conducting an interrogation has no reason to believe the individual being interrogated committed an act that requires electronic recording of the interrogation (RCW 10.122.080).
 - 1. If during the interrogation, the individual being interviewed reveals facts and circumstances that give the officer conducting the interview a reason to believe that an act was committed that requires an electronic recording, the continued interrogation shall be recorded.

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- (e) The officer or the officer's supervisor reasonably believes the electronic recording would disclose the identity of a confidential informant or jeopardize the safety of the officer, the individual being interrogated, or another person (RCW 10.122.090).
 - 1. If feasible and consistent with the safety of a confidential informant, an explanation of the basis for the belief that electronic recording would disclose the informant's identity must be electronically recorded at the time of the interrogation or if not feasible as soon as practicable after the interrogation is completed.
- (f) The equipment malfunctions (RCW 10.122.100).

600.4.4 RECORDING PROCEDURES

The Chief of Police should designate a member of the Department to be responsible for electronic recordings. Responsibilities should include but are not limited to (RCW 10.122.150):

- (a) Developing protocols on how a recording is made, including the following:
 - 1. Standards for angles, focus, and field of vision to promote accurate recording.
- (b) Developing procedures for the collection and review of recordings or absence of recordings by supervisors.
- (c) Assigning a specific supervisor responsibility to promote accountability, including but not limited to:
 - 1. Adequate staffing.
 - 2. Training.
 - 3. Material resources.
- (d) Developing procedures for preservation of chain of custody of recordings.
- (e) Developing a process for explaining noncompliance with procedures.

600.5 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
 - 1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
 - 2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.

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- (d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.
- (e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.
- (f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse, Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

600.6 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

600.7 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Division Commander or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

600.8 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and Criminal Organizations policies).

600.8.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

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Accessing information from any internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.8.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

600.9 USE OF FACIAL RECOGNITION TECHNOLOGY

The Chief of Police should designate a member of the Department to be responsible for the management of the facial recognition technology (FRT) program.

Responsibilities should include but are not limited to (RCW 43.386.020):

- (a) Ensuring that department protocols and procedures conform to the department accountability report, current laws, regulations, and best practices.
- (b) Maintaining and updating the department accountability report.

600.9.1 AUTHORIZATION FOR FRT

Members seeking the use of FRT should make a request to the Division Commander or authorized designee.

Upon approval, FRT may be used in accordance with the approved department accountability report (RCW 43.386.020).

600.9.2 USE OF FRT IN SURVEILLANCE

Members shall not use FRT in ongoing surveillance (i.e., the tracking of the movement of a recognized individual through one or more public places over time), to conduct real-time or near real-time identification, or for persistent tracking (i.e., the tracking of the movement of an unrecognized individual if the facial template data is maintained for more than 48 hours or

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the identification of the individual is possible through links to other databases), unless (RCW 43.386.010; RCW 43.386.080):

- (a) A warrant is obtained that authorizes use.
- (b) Exigent circumstances exist.
- (c) A court order authorizing the use of FRT to locate or identify a missing person or to identify a deceased person has been issued.

600.9.3 RESTRICTIONS ON THE USE OF FRT

Facial recognition service may not be applied (RCW 43.386.080):

- (a) To any individual based on their religious, political, or social views or activities, participation in a particular noncriminal organization or lawful event, or actual or perceived race, ethnicity, citizenship, place of origin, immigration status, age, disability, gender, gender identity, sexual orientation, or other characteristic protected by law. Profiling is not condoned, including but not limited to predictive law enforcement tools.
- (b) To create a record describing any individual's exercise of rights guaranteed by the First Amendment of the United States Constitution and by Article I, section 5 of the state Constitution.
- (c) As the sole basis to establish probable cause in a criminal investigation.
 - 1. The results of a facial recognition service may be used in conjunction with other information and evidence lawfully obtained by an officer to establish probable cause in a criminal investigation.
- (d) To identify an individual based on a sketch or other manually produced image.
- (e) To a substantively manipulated image in a manner not consistent with the facial recognition service provider's intended use and training.

600.9.4 DEMOGRAPHIC DATA REPORTING

The Records Manager is responsible for ensuring that demographic data regarding individuals named in surveillance warrant applications is collected, summarized in a report, and submitted to the appropriate legislative authority in January of each year (RCW 43.386.010; RCW 43.386.070).

600.9.5 COORDINATION WITH PROSECUTING OFFICE

When a case is submitted for prosecution, officers shall disclose to the prosecutor in writing whether or not FRT was utilized in the investigation (RCW 43.386.070).

600.9.6 DOCUMENTATION

All pertinent records regarding the use of a facial recognition service shall be maintained to facilitate public reporting and auditing of compliance with the Duvall Police Department facial recognition policies (RCW 43.386.070).

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600.9.7 TRAINING

The Training Sergeant should ensure that those members responsible for using FRT or data produced from the use of FRT receive periodic training regarding the Duvall Police Department's policy and FRT-related procedures.

Training shall include the following but not be limited to (RCW 43.386.060):

- (a) The capabilities and limitations of the facial recognition service.
- (b) Procedures to interpret and act on the output of the facial recognition service.
- (c) To the extent applicable to the deployment context, the meaningful human review requirement for decisions that produce legal effects concerning individuals or similarly significant effects concerning individuals.

600.10 CASE MANAGEMENT

The Patrol Section supervisor is responsible for the proper management of all cases. The Patrol Section supervisor or the authorized designee should use the department's case management system to screen all criminal reports for follow-up assignment or closure based on solvability factors. Solvability factors to consider include the following:

- (a) Witnesses to the crime
- (b) Suspect identification, description, or location
- (c) Vehicle identification
- (d) Motive
- (e) Physical evidence
- (f) Whether stolen property can be traced
- (g) Other potential suspects

Asset Forfeiture

601.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

601.1.1 DEFINITIONS

Definitions related to this policy include:

Fiscal agent - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Duvall Police Department seizes property for forfeiture or when the Duvall Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned attorney.

Property subject to forfeiture - Generally includes, but is not limited to:

- (a) Firearms that were carried, possessed or sold illegally (RCW 9.41.098).
- (b) Devices, profits, proceeds, associated equipment and conveyances related to illegal gambling (RCW 9.46.231).
- (c) Interests, proceeds, etc. related to organized crime (RCW 9A.82.060), criminal profiteering (RCW 9A.82.080), human trafficking (RCW 9A.40.100), commercial sexual abuse of a minor (RCW 9.68A.100) or promoting prostitution (RCW 9A.88.070) (RCW 9A.82.100).
- (d) Proceeds traceable to or derived from money laundering (RCW 9A.83.020; RCW 9A.83.030).
- (e) Property acquired or maintained in relation to commercial sexual abuse of a minor (RCW 9.68A.100), promoting commercial sexual abuse of a minor (RCW 9.68A.101) or promoting prostitution in the first degree (RCW 9A.88.070), and conveyances used to facilitate these offenses (RCW 9A.88.150).
- (f) Personal property, money, a vehicle, etc. that was used to commit a felony or was acquired through the commission of a felony not covered under another forfeiture statute (RCW 10.105.010).
- (g) Personal property, money, a vehicle, etc. that was acquired through the commission of a crime involving theft, trafficking or unlawful possession of commercial metal property, or facilitating such crimes (RCW 19.290.230).

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- (h) Conveyances, including aircraft, vehicles or vessels, used for the violation of the Uniform Controlled Substances Act and proceeds from these violations (money, real property, etc.) (RCW 69.50.505).
- (i) Boats, vehicles, gear, etc. used for poaching/wildlife crimes (RCW 77.15.070).

Seizure - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

601.2 POLICY

The Duvall Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

It is the policy of the Duvall Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

601.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

601.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

- (a) Real or personal property subject to forfeiture identified in a court order authorizing seizure.
- (b) Property subject to forfeiture without a court order when the property is lawfully seized incident to an arrest, the service of a search warrant, or the service of an administrative inspection warrant.
- (c) Property subject to forfeiture can also be seized without a court order when:
 - 1. There is probable cause to believe that the property was used or is intended to be used for illegal gambling (RCW 9.46.231).
 - 2. There is probable cause to believe that the property was used or is intended to be used for the commercial sexual abuse of a minor (RCW 9.68A.100; RCW 9.68A.101) or promoting prostitution in the first degree (RCW 9A.88.070; RCW 9A.88.150).
 - 3. There is probable cause to believe that the property was used or is intended to be used in the commission of any felony (RCW 10.105.010). See also separate statutes regarding seizures for felonies involving commercial metal, "bootlegging," criminal profiteering, or money laundering (RCW 19.290.230; RCW 66.32.020; RCW 9A.82.100; RCW 9A.83.030).
 - 4. There is probable cause to believe that the property was used or is intended to be used in violation of the Uniform Controlled Substances Act (RCW 69.50.505).

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5. There is probable cause to believe that the property was used or is intended to be used for poaching/wildlife crimes (RCW 77.15.070).

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

Whenever practicable, a court order for seizure prior to making a seizure is the preferred method.

601.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds should not be seized.
- (b) Property from an "innocent owner," or a person who had no knowledge of the offense or who did not consent to the property's use.
- (c) No vehicle or other conveyance based on a misdemeanor involving cannabis (RCW 69.50.505).
- (d) Vehicles/conveyances that would be subject to forfeiture if more than 10 days have elapsed since the owner's arrest and no court order has been issued (RCW 9.46.231; RCW 9A.88.150; RCW 69.50.505).

601.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

- (a) Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.
- (b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.
- (c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The officer will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real

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estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

601.5 MAINTAINING SEIZED PROPERTY

The Property and Evidence Section Supervisor is responsible for ensuring compliance with the following:

- (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.
- (b) All property received for forfeiture is checked to determine if the property has been stolen.
- (c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.
- (d) Property received for forfeiture is not used unless the forfeiture action has been completed.

601.6 FORFEITURE REVIEWER

The Chief of Police will appoint a forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a course approved by the Department on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

- (a) Remaining familiar with forfeiture laws, particularly those cited in this policy and the forfeiture policies of the forfeiture counsel.
- (b) Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures.
- (c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.
- (d) Reviewing each seizure-related case and deciding whether the seizure is more appropriately made under state or federal seizure laws. The forfeiture reviewer should contact federal authorities when appropriate.
- (e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.
- (f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:

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1. Names and contact information for all relevant persons and law enforcement officers involved.
 2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
 3. A space for the signature of the person from whom cash or property is being seized.
 4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.
- (g) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or General Orders. The training should cover this policy and address any relevant statutory changes and court decisions.
- (h) Reviewing each asset forfeiture case to ensure that:
1. Written documentation of the seizure and the items seized is in the case file.
 2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
 3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property.
 - (a) Generally, 15 days' notice. (Gambling RCW 9.46.231; Money laundering RCW 9A.83.030; Child prostitution RCW 9A.88.150; Felonies RCW 10.105.010; Commercial metal RCW 19.290.230; Controlled substances RCW 69.50.505; Fish and wildlife enforcement RCW 77.15.070).
 - (b) Generally, 10 days' notice for conveyances. (Gambling RCW 9.46.231; Child prostitution RCW 9A.88.150; Controlled substances RCW 69.50.505).
 4. Property is promptly released to those entitled to its return.
 5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
 6. Any cash received is deposited with the fiscal agent.
 7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.

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8. Current minimum forfeiture thresholds are communicated appropriately to officers.
9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.
 - (i) Ensuring that a written plan is available that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.
 - (j) Ensuring that the process of selling or adding forfeited property to the department's regular inventory is in accordance with all applicable laws and consistent with the department's use and disposition of similar property.
 - (k) Upon completion of any forfeiture process, ensuring that no property is retained by the Duvall Police Department unless the Chief of Police authorizes in writing the retention of the property for official use.
 - (l) Addressing any landlord claims for reimbursement through forfeited assets or damage to property (RCW 9.46.231; RCW 69.50.505).
 - (m) Compensating victims of commercial metal crimes within 120 days (RCW 19.290.230).

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives.

601.7 DISPOSITION OF PROPERTY

No member of this department may use property that has been seized for forfeiture until the forfeiture action has been completed and the Chief of Police has given written authorization to retain the property for official use. No department member involved in the decision to seize property should be involved in any decision regarding the disposition of the property.

Informants

602.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

602.1.1 DEFINITIONS

Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with the Duvall Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Duvall Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

602.2 POLICY

The Duvall Police Department recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

602.3 USE OF INFORMANTS

602.3.1 INITIAL APPROVAL

Before using an individual as an informant, an officer must receive approval from his/her supervisor. The officer shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

602.3.1 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

In all cases, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

- (a) The juvenile's parents or legal guardians
- (b) The juvenile's attorney, if any
- (c) The court in which the juvenile's case is being handled, if applicable
- (d) The Chief of Police or the authorized designee

602.3.3 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated department informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant.

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Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

602.4 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

- (a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, Division Commander, Patrol Section supervisor or their authorized designees.
 - 1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.
- (b) Criminal activity by informants shall not be condoned.
- (c) Informants shall be told they are not acting as police officers, employees or agents of the Duvall Police Department, and that they shall not represent themselves as such.
- (d) The relationship between department members and informants shall always be ethical and professional.
 - 1. Members shall not become intimately involved with an informant.
 - 2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Patrol Section supervisor.
 - 3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.
- (e) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the Patrol Section supervisor.
 - 1. Officers may meet informants alone in an occupied public place, such as a restaurant.
- (f) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.
- (g) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.
- (h) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

602.4.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file "unsuitable" when appropriate.

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Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

- (a) The informant has provided untruthful or unreliable information in the past.
- (b) The informant behaves in a way that may endanger the safety of an officer.
- (c) The informant reveals to suspects the identity of an officer or the existence of an investigation.
- (d) The informant appears to be using his/her affiliation with this department to further criminal objectives.
- (e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
- (f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.
- (g) The informant commits criminal acts subsequent to entering into an informant agreement.

602.5 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Patrol Section. The Patrol Section supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Chief of Police, Division Commander, Patrol Section supervisor or their authorized designees.

The Patrol Division Commander should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the Patrol Section supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

602.5.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

- (a) Name and aliases
- (b) Date of birth

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- (c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features
- (d) Photograph
- (e) Current home address and telephone numbers
- (f) Current employers, positions, addresses and telephone numbers
- (g) Vehicles owned and registration information
- (h) Places frequented
- (i) Briefs of information provided by the informant and his/her subsequent reliability
 - 1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.
- (j) Name of the officer initiating use of the informant
- (k) Signed informant agreement
- (l) Update on active or inactive status of informant

602.6 INFORMANT PAYMENTS

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant's previous criminal activity
- The level of risk taken by the informant

The Patrol Section supervisor will discuss the above factors with the Patrol Division Commander and recommend the type and level of payment subject to approval by the Chief of Police.

602.6.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

- (a) Payments of \$500 and under may be paid in cash from a Patrol Section buy/expense fund.
 - 1. The Patrol Section supervisor shall sign the voucher for cash payouts from the buy/expense fund.
- (b) Payments exceeding \$500 shall be made by issuance of a check, payable to the officer who will be delivering the payment.
 - 1. The check shall list the case numbers related to and supporting the payment.

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2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
 3. The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.
 4. Authorization signatures from the Chief of Police and the City Administrator are required for disbursement of the funds.
- (c) To complete the payment process for any amount, the officer delivering the payment shall complete a cash transfer form.
1. The cash transfer form shall include the following:
 - (a) Date
 - (b) Payment amount
 - (c) Duvall Police Department case number
 - (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.
 2. The cash transfer form shall be signed by the informant.
 3. The cash transfer form will be kept in the informant's file.

602.6.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed \$600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of officers or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as "other income" and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant's file.

602.6.3 AUDIT OF PAYMENTS

The Patrol Section supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six months, the Chief of Police or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

Eyewitness Identification

603.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques.

603.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

603.2 POLICY

The Duvall Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

603.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

603.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Patrol Section supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide:

- (a) The date, time and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.

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- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all of the individuals present during the identification procedure.
- (e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
- (f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.
- (g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
- (h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- (i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.
- (j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

603.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

603.6 PHOTOGRAPHIC AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect.

In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness. Techniques to achieve this include randomly numbering photographs, shuffling folders or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably

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stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The member presenting the lineup to a witness should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

603.7 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination show-up or one-on-one identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

- (a) Obtain a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a field identification process by considering:
 - 1. The length of time the witness observed the suspect.
 - 2. The distance between the witness and the suspect.
 - 3. Whether the witness could view the suspect's face.
 - 4. The quality of the lighting when the suspect was observed by the witness.
 - 5. Whether there were distracting noises or activity during the observation.
 - 6. Any other circumstances affecting the witness's opportunity to observe the suspect.
 - 7. The length of time that has elapsed since the witness observed the suspect.
- (c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
- (d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.
- (e) The person who is the subject of the show-up should not be shown to the same witness more than once.
- (f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.

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- (g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
- (h) If a witness positively identifies a subject of the show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

603.8 DOCUMENTATION

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

Brady Material Disclosure

604.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “*Brady* information”) to a prosecuting attorney.

604.1.1 DEFINITIONS

Definitions related to this policy include:

Brady information - Information known or possessed by the Duvall Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

604.2 POLICY

The Duvall Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Duvall Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

604.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor’s office.

If information is believed to be privileged or confidential (e.g., informant or attorney-client information, attorney work product), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

604.4 DISCLOSURE OF REQUESTED INFORMATION

If a member of this department is a material witness in a criminal case, a person or persons designated by the Chief of Police shall examine the personnel file and/or internal affairs file of the

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officer to determine whether they contain *Brady* information. If *Brady* information is located, the following procedure shall apply:

- (a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and department member shall be notified of the potential presence of *Brady* material in the member's personnel file.
- (b) The prosecuting attorney or department counsel should be requested to file a motion in order to initiate an in-camera review by the court.
 - 1. If no motion is filed, the supervisor should work with counsel to determine whether the records should be disclosed to the prosecutor.
- (c) The Custodian of Records shall accompany all relevant personnel files during any in-camera inspection to address any issues or questions raised by the court.
- (d) If the court determines that there is relevant *Brady* material contained in the files, only that material ordered released will be copied and released to the parties filing the motion.
 - 1. Prior to the release of any materials pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.
- (e) If a court has determined that relevant *Brady* information is contained in the member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

The person or persons designated by the Chief of Police should periodically examine the personnel files and/or internal affairs files of all officers who may be material witnesses in criminal cases to determine whether they contain *Brady* information. The obligation to provide *Brady* information is ongoing. If any new *Brady* information is identified, the prosecuting attorney should be notified.

604.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty, or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy (RCW 10.93.150).

604.6 TRAINING

Department personnel should receive periodic training on the requirements of this policy.

604.7 BRADY PROCESS

The Chief of Police shall select a member of the Department to coordinate requests for *Brady* information. This person shall be directly responsible to the Administrative Services Division Commander or the authorized designee.

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

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- (a) Working with the appropriate prosecutors' offices and the City Attorney's office to establish systems and processes to determine what constitutes *Brady* information and the method for notification and disclosure (RCW 10.93.180).
- (b) Reporting to the appropriate prosecutor of any jurisdiction where an officer may testify (RCW 10.93.180):
 - 1. Any act by An officer that may be potentially exculpatory to a criminal defendant and/or misconduct that an officer engaged in that affects their credibility within 10 days of discovery of the act.
 - 2. Information about a newly hired officer with a prior potential impeachment disclosure within 10 days of hiring.
- (c) Maintaining a current list of members who have *Brady* information in their files or backgrounds.
 - 1. Updating this list whenever potential *Brady* information concerning any department member becomes known to the Department or is placed into a personnel or internal affairs file.

604.8 SUBPOENA PROCESSING

The individual processing subpoenas (or the supervisor of the subpoenaed member) shall check the subpoenaed member's name against the current list of those who are known to have *Brady* information in their files or background, and shall alert the coordinator if a person on the list is subpoenaed.

Sexual Assault Investigations

605.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notification requirements are addressed in the Child Abuse and Adult Abuse policies.

605.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in RCW 9A.44.010 et seq. and RCW 9A.64.020.

Sexual Assault Response Team (SART) - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

605.2 POLICY

It is the policy of the Duvall Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

605.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates and support for the victim.
- (f) Participate in or coordinate with the SART or other multidisciplinary investigative teams as applicable.

605.4 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to Dispatch, should be the health and safety of the victim, the preservation of evidence, and

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preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of the SART should be included in the initial victim interviews.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded should be included in a report.

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim Witness Assistance Policy.

605.4.1 POLYGRAPH EXAMINATION OF VICTIM

Victims of alleged sex offenses shall not be asked or required to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of the offense. The refusal of a victim to submit to a polygraph or other truth telling device shall not by itself prevent the investigation, charging or prosecution of the offense (RCW 10.58.038; 34 USC § 10451).

605.4.2 VICTIM PERSONAL REPRESENTATIVE AND ADVOCATE

A victim may choose a personal representative to accompany him/her to the hospital or other health care facility and to any proceeding concerning the alleged sexual assault, including interviews. A personal representative includes a friend, relative, attorney, or employee or volunteer from a community sexual assault program or specialized treatment service provider (RCW 70.125.030; RCW 70.125.060).

The victim may also choose to consult with a sexual assault survivor's advocate throughout the investigatory process of the case. The assigned investigator should ensure the advocate has access to the victim during the process (RCW 70.125.110).

605.5 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Patrol Section supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

605.6 TRAINING

Subject to available resources, periodic training should be provided to:

- (a) Members who are first responders. Training should include:
 - 1. Initial response to sexual assaults.

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2. Legal issues.
3. Victim advocacy.
4. Victim's response to trauma.
- (b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
 1. Interviewing sexual assault victims.
 2. SART.
 3. Medical and legal aspects of sexual assault investigations.
 4. Serial crimes investigations.
 5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
 6. Techniques for communicating with victims to minimize trauma.
 7. The course provided by the Washington State Criminal Justice Training Commission on investigating sexual assault and other gender-based violence cases developed pursuant to RCW 43.101.272. Qualified investigators and the Patrol Section supervisor shall complete this course within a year of assignment.
 8. Proper protocol for the use of the statewide sexual assault kit tracking system (RCW 35.21.195; RCW 36.28.200).

605.7 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

605.8 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing. Victims who choose not to assist with an investigation, do not desire that the matter be investigated or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

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605.8.1 COLLECTION AND TESTING REQUIREMENTS

Members investigating sexual assaults or handling related evidence are required to do the following:

- (a) Sexual assault examination kits shall be submitted to an approved lab within 30 days with a request for testing prioritization when either of the following conditions are met (RCW 5.70.040):
 - 1. A related report or complaint is received by the Department alleging a sexual assault or other crime has occurred and the victim has consented to the submission.
 - 2. The victim is an unemancipated person 17 years or age or younger.
- (b) Facilitate the collection of an unreported sexual assault kit from a collecting entity when this department has jurisdiction to investigate any related criminal allegations (RCW 5.70.030).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

605.8.2 STATEWIDE SEXUAL ASSAULT KIT TRACKING SYSTEM

Members investigating a sexual assault should ensure that biological evidence is tracked appropriately in the statewide sexual assault kit tracking system (RCW 35.21.195; RCW 36.28.200).

605.8.3 DNA TEST RESULTS

Members investigating sexual assault cases should notify victims of any DNA test results as soon as reasonably practicable.

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim Witness Assistance Policy.

Members investigating sexual assaults cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

605.9 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Patrol Section supervisor.

Classification of a sexual assault case as unfounded requires the Patrol Section supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

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605.10 CASE REVIEW

The Patrol Section supervisor should ensure cases are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SART and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Chief of Police.

605.10.1 RETENTION

The Patrol Section supervisor should ensure evidence, investigatory reports, and records related to violent or sex offenses are appropriately marked for retention under RCW 5.70.010.

605.11 CASE STATUS NOTIFICATION

The investigator assigned to the case should keep the victim informed of the status of the investigation in a timely manner. The victim should be informed of the expected and appropriate time frames for receiving a response to inquiries made regarding the status of the investigation (RCW 5.70.005; RCW 70.125.110).

The investigator should provide the victim with contact information for the assigned prosecutor, if available, to receive updates related to the prosecution of the case (RCW 70.125.110).

Warrant Service

606.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

606.2 POLICY

It is the policy of the Duvall Police Department to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

606.3 OPERATIONS DIRECTOR

The operations director (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service

The operations director will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

606.4 SEARCH WARRANTS

Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

606.5 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the risk assessment form and submit it to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the operations director. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

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606.6 WARRANT PREPARATION

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

- (a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime execution.
 - 1. An officer shall not seek a no-knock warrant. An officer may force entry into a dwelling, house, enclosure, or building to make an arrest only if, after notice of the officer's office and purpose, the officer is refused admittance (RCW 10.31.040).
- (b) A clear explanation of the affiant's training, experience, and relevant education.
- (c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.
- (d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.
- (e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.
- (f) A specific description of the location to be searched, including photographs of the location, if reasonably available.
- (g) A sufficient description of the items to be seized.
- (h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the Brady Material Disclosure Policy).

606.7 HIGH-RISK WARRANT SERVICE

The operations director or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following as applicable:

- (a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.
- (b) The warrant service is video-recorded when practicable and reasonable to do so. The warrant service may be audio-recorded when announcing to everyone present that the conversation is going to be recorded and said announcement is recorded except if allowed by the warrant (RCW 9.73.030).

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- (c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.
- (d) Reasonable efforts are made during the search to maintain or restore the condition of the location.
- (e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.
- (f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).
- (g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.
- (h) A copy of the search warrant is left at the location.
- (i) The condition of the property is documented with video recording or photographs after the search.

606.8 DETENTIONS DURING WARRANT SERVICE

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

606.9 ACTIONS AFTER WARRANT SERVICE

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

606.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The operations director will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities

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- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the operations director. The director should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The director should ensure that members of the Duvall Police Department are utilized appropriately. Any concerns regarding the requested use of Duvall Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the operations director is unavailable, the Shift Sergeant should assume this role.

If officers intend to serve a warrant outside Duvall Police Department jurisdiction, the operations director should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the Duvall Police Department when assisting outside agencies or serving a warrant outside Duvall Police Department jurisdiction.

606.11 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

606.12 TRAINING

The Training Sergeant should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

Operations Planning and Deconfliction

607.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

607.1.1 DEFINITIONS

Definitions related to this policy include:

High-risk operations - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by officers on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

607.2 POLICY

It is the policy of the Duvall Police Department to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

607.3 OPERATIONS DIRECTOR

The Chief of Police will designate a member of this department to be the operations director.

The operations director will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The operations director will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The director will also have the responsibility for coordinating operations that are categorized as high risk.

607.4 RISK ASSESSMENT

Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

607.4.1 RISK ASSESSMENT FORM PREPARATION

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the officer should also submit information to these resources.

The officer should gather available information that includes, but is not limited to:

- (a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.

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- (b) Maps of the location.
- (c) Diagrams of any property and the interior of any buildings that are involved.
- (d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).
- (e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).
- (f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).
- (g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).
- (h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

607.4.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the operations director.

The supervisor and operations director shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

607.4.3 HIGH-RISK OPERATIONS

If the operations director, after consultation with the involved supervisor, determines that the operation is high risk, the operations director should:

- (a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:
 - 1. Special Weapons and Tactics Team (SWAT)
 - 2. Additional personnel
 - 3. Outside agency assistance
 - 4. Special equipment
 - 5. Medical personnel
 - 6. Persons trained in negotiation
 - 7. Additional surveillance
 - 8. Canines

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9. Property and Evidence Section or analytical personnel to assist with cataloguing seizures
 10. Forensic specialists
 11. Specialized mapping for larger or complex locations
- (b) Contact the appropriate department members or other agencies as warranted to begin preparation.
 - (c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.
 - (d) Coordinate the actual operation.

607.5 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The officer who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The officer should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

607.6 OPERATIONS PLAN

The operations director should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

- (a) Operation goals, objectives and strategies.
- (b) Operation location and people:
 1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
 2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces,

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- availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids
- 3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)
- 4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children
- (c) Information from the risk assessment form by attaching a completed copy in the operational plan.
 - 1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.
- (d) Participants and their roles.
 - 1. An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.
 - 2. How all participants will be identified as law enforcement.
- (e) Whether deconfliction submissions are current and all involved individuals, groups and locations have been deconflicted to the extent reasonably practicable.
- (f) Identification of all communications channels and call-signs.
- (g) Use of force issues.
- (h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).
- (i) Plans for detaining people who are not under arrest.
- (j) Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Adult Abuse, Child and Dependent Adult Safety and Animal Control Procedures policies.
- (k) Communications plan
- (l) Responsibilities for writing, collecting, reviewing and approving reports.

607.6.1 OPERATIONS PLAN RETENTION

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

607.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

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- (a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.
- (b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.
- (c) The operations director shall ensure that all participants are visually identifiable as law enforcement officers.
 - 1. Exceptions may be made by the operations director for officers who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.
- (d) The briefing should include details of the communications plan.
 - 1. It is the responsibility of the operations director to ensure that Dispatch is notified of the time and location of the operation, and to provide a copy of the operation plan prior to officers arriving at the location.
 - 2. If the radio channel needs to be monitored by Dispatch, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.
 - 3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

607.8 SWAT PARTICIPATION

If the operations director determines that SWAT participation is appropriate, the director and the SWAT supervisor shall work together to develop a written plan. The SWAT supervisor shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the SWAT supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

607.9 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

607.10 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any SWAT debriefing.

607.11 TRAINING

The Training Sergeant should ensure officers and SWAT team members who participate in operations subject to this policy should receive periodic training including, but not limited to,

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topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

Forensic Genetic Genealogy

608.1 PURPOSE AND SCOPE

This policy provides guidance for the use of forensic genetic genealogy (FGG) to generate investigative leads.

608.1.1 DEFINITIONS

Definitions related to this policy include:

Combined DNA Index System (CODIS) - An FBI computer software program that operates deoxyribonucleic acid (DNA) profile databases for law enforcement use.

DNA typing laboratory - A laboratory that analyzes biological samples, including extracted DNA, in order to provide various DNA profile types. State or local crime labs are generally not equipped to provide single nucleotide polymorphism (SNP) DNA profiles; therefore, the use of private DNA typing laboratories is often necessary for FGG.

Extracted DNA - The DNA isolated from a biological sample remaining after previous DNA testing has been completed.

Forensic genetic genealogy (FGG) - The process of obtaining a SNP DNA profile from a biological sample collected during an investigation; uploading the profile to a genetic genealogy site for comparison to the consumer profiles in the site's database to identify genetic relatives; and using the identified genetic relationships, as well as traditional genealogy research, to generate investigative leads.

Genetic genealogist - A genealogist who uses DNA testing with traditional genealogical research methods to assist law enforcement or private clients in identifying biological relatives of an individual.

Genetic genealogy site - A database of DNA profiles voluntarily submitted by public consumers for the purpose of identifying genetic relatives. The availability of genetic genealogy sites for law enforcement use varies depending on their terms of service.

Short tandem repeat (STR) DNA profile - The results of DNA typing in a format that can be processed through CODIS and state DNA databases. This is the type of DNA used in conventional non-FGG law enforcement investigations.

Single nucleotide polymorphism (SNP) DNA profile - The results of DNA typing in a format that enables an unknown DNA sample to be compared to the DNA profiles maintained by a genetic genealogy site. This is the DNA type used in FGG.

608.2 POLICY

The Duvall Police Department's use of FGG will be in coordination with prosecutors, the Medical Examiner, and other appropriate resources only in qualifying cases after reasonable conventional investigative methods have been pursued. Members will take reasonable steps to maintain the

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integrity of the FGG process and safeguard the privacy rights of individuals whose DNA profiles are analyzed.

608.3 CRITERIA FOR FGG USE

Before using FGG, the lead investigator should coordinate with the supervisor to determine whether the case meets the following requirements:

- (a) Biological evidence collected as part of the underlying investigation (or extracted DNA from the biological evidence) is available for additional testing and is reasonably believed to be attributable to:
 - 1. The perpetrator of an unsolved violent felony.
 - 2. The unidentified human remains of a suspected homicide victim.
- (b) All reasonable conventional investigative methods have been utilized and all reasonable investigative leads have been pursued (e.g., relevant case information entered in the National Missing and Unidentified Persons System (NamUs) and the Violent Criminal Apprehension Program (ViCAP) national database).
- (c) An STR DNA profile has been developed from the biological evidence collected in the case and, absent unusual circumstances, has been uploaded to CODIS and any applicable state DNA database for comparison with negative results.

608.4 COORDINATION

Once a preliminary determination has been made that a case may qualify for the use of FGG, the lead investigating member should consult with the appropriate prosecutor to address current and prospective legal issues and determine if a search warrant is required.

In the case of unidentified human remains, the lead investigator should also consult with the Medical Examiner.

608.5 SUBMISSION OF SAMPLE

The biological evidence or extracted DNA should be submitted to a DNA typing laboratory approved by the Department in order to obtain a SNP DNA profile.

Once a SNP DNA profile has been obtained from the biological evidence or extracted DNA, the lead investigating member should arrange for it to be compared to the SNP DNA profiles contained in one or more genetic genealogy sites to identify possible genetic relatives. The lead investigator should work with a qualified genetic genealogist as needed during this process.

When submitting a SNP DNA profile for comparison, the lead investigator or the authorized designee (e.g., assigned genetic genealogist) shall notify the genetic genealogy site that the request for comparison is from a law enforcement agency and confirm that the site's terms of service permit FGG for the type of case being investigated. The use of the SNP DNA profile and any subsequent comparison shall be limited to the original underlying investigation.

If at any time during the FGG process the case no longer meets the criteria for FGG use, the lead investigator should promptly notify the DNA typing laboratory, genetic genealogy site, and/or

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genetic genealogist to cease any further analysis and to return all evidence, data, and materials to the Department.

608.6 ANALYSIS OF FGG DATA

Once results of a comparison are received from a genetic genealogy site, the information should be evaluated by a genetic genealogist, who will assist the lead investigator in identifying potential investigative leads.

The lead investigator should promptly and diligently pursue each viable lead identified through the FGG process using traditional investigative methods, as appropriate, to:

- (a) Eliminate an individual as a potential suspect in the case.
- (b) Link an individual to the case as a potential suspect.
- (c) Identify human remains.

608.7 COLLECTION OF THIRD-PARTY DNA SAMPLE

If it is determined that a third-party DNA sample (i.e., from a person not likely to be a suspect in the investigation) should be collected and analyzed for FGG, consent from the third party should be obtained prior to collection.

If there is a reasonable belief that the integrity of the investigation would be compromised by seeking consent from the third party prior to collection, the lead investigator should consult with the prosecutor regarding applicable laws and procedures in both the jurisdiction of the investigation and the jurisdiction where the collection will occur, if different.

The use of a third-party DNA sample shall be limited to the original underlying investigation.

608.8 POST-IDENTIFICATION

Members shall not rely solely on FGG identification of a potential suspect for probable cause to make an arrest or obtain an arrest warrant. Unless there is sufficient evidence independent of the FGG data to support an arrest, a potential suspect identified through FGG should not be arrested until the suspect's identity is confirmed.

Members shall not rely solely on FGG to identify human remains unless there is sufficient evidence independent of the FGG data to declare the identification or confirmation testing has been completed.

Confirmatory DNA testing should be conducted by collecting a known DNA sample from the potential suspect or, in the case of unidentified human remains, from a close biological relative. This known DNA sample should be submitted for comparison to the original unknown STR DNA profile through conventional methods (e.g., in CODIS).

The lead investigator should consult with the prosecutor to determine the appropriate method of obtaining a known DNA sample.

Once the identity of a suspect or the identity of unidentified human remains has been confirmed through conventional DNA testing, the lead investigator should:

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- (a) Consult with the prosecutor to evaluate the entire investigative file for consideration of criminal charges or further investigation.
- (b) If applicable, consult with the Medical Examiner for an amendment to a certificate of death.

608.9 PRIVACY CONSIDERATIONS

Members should make reasonable efforts to respect and protect the privacy of non-suspect genetic relatives identified through the FGG process. The names and identifying information of any non-suspect genetic relatives should not be included in official reports, probable cause declarations, or affidavits for search warrants and should not be disclosed unless otherwise required by law or court order.

The lead investigator should formally request that the SNP DNA profile be removed from all genetic genealogy sites upon identity confirmation and should retain a copy of the request for department records. The lead investigator should request that all case-related records and data provided to, or generated by, a genetic genealogist during the FGG process be returned to the Department.

608.10 RETENTION OF DNA SAMPLES AND RELATED RECORDS

Genetic information, including any derivative profiles and genetic genealogy site user information, should be retained in accordance with the established records retention schedule. The lead investigator should coordinate with the Property and Evidence Custodian and provide adequate notice to the appropriate prosecutor's office before destroying any profiles or data obtained from the FGG process.

See the Property and Evidence Policy for guidelines regarding biological evidence, including DNA samples.

Chapter 7 - Equipment

Department Owned and Personal Property

700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.2 CARE OF DEPARTMENTAL PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to the cost of repair or replacement.

- (a) Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use.
- (b) The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.
- (e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the appropriate Division Commander, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police who will then forward the claim to the Finance Department.

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The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

700.3.1 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

- (a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.
- (b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to real or personal property belonging to the City, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Division Commander.

Vehicle Maintenance

701.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

701.2 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to vehicle maintenance for repair.

701.2.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

701.2.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

701.2.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department armory prior to the vehicle being released for maintenance, service or repair.

701.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

701.3.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- 20 Emergency road flares
- 2 Sticks yellow crayon or chalk
- 1 Roll barricade tape
- 1 First aid kit
- Automatic External Defibrillator (AED)
- 1 Fire extinguisher

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Vehicle Maintenance

- Personal Protective Equipment per the Communicable Diseases and Body Armor policies

701.3.2 UNMARKED VEHICLES

An employee driving unmarked department vehicles shall ensure that the minimum following equipment is present in the vehicle:

- 20 Emergency road flares
- 2 Sticks yellow crayon or chalk
- 1 Roll barricade tape
- 1 First aid kit
- [Automatic External Defibrillator \(AED\)](#)
- Personal Protective Equipment per the Communicable Diseases and Body Armor policies

701.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Whenever practicable, vehicles should be fully fueled when placed into service and refueled before the level falls below one-quarter tank.

Vehicles shall only be refueled at an authorized location.

701.5 WASHING OF VEHICLES

All units shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance.

Officers in patrol shall obtain clearance from the dispatcher before responding to the car wash. Only one marked unit should be at the car wash at the same time unless otherwise approved by a supervisor.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

701.6 NON-SWORN EMPLOYEE USE

Non-sworn employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Non-sworn employees shall also prominently display the “out of service” placards or light-bar covers at all times. Non-sworn employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

Personal Communication Devices

702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs) wireless capable tablets and similar wireless two-way communications and/or portable internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the internet.

702.2 POLICY

The Duvall Police Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on- or off-duty for business-related purposes, or reasonably associated with work-related misconduct, will be subject to monitoring and inspection consistent with applicable law and this policy.

Additionally, the use of a PCD either on-duty or after duty hours for business-related purposes, or reasonably associated with work-related misconduct, may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

702.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received, or reviewed on any PCD issued or funded by the Department and shall have no expectation of privacy in their location should the device be equipped with location-detection capabilities. This includes records of all keystrokes or web-browsing history made on the PCD. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through department PCDs or networks (see the Information Technology Use Policy for additional guidance).

Members have no expectation of privacy regarding any communications while using a personally owned PCD for department-related business or when the use reasonably implicates work-related misconduct.

702.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD for the member's use to facilitate on-duty performance. Department-issued or funded PCDs may not be used for personal business either on- or off-

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duty unless authorized by the Chief of Police or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless a member is expressly authorized by the Chief of Police or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

702.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used, and maintained solely at the member's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications) or as otherwise authorized by department procedures.
 - 1. Use of a personally owned PCD for work-related business constitutes consent for the Department to access the PCD to inspect and copy the work-related data (e.g., for litigation purposes, public records retention and release obligations, internal investigations).
 - 2. Use of and data within a personally owned PCD may be discoverable in cases when there is reason to believe it is associated with work-related misconduct.
 - 3. Searches of a personally owned PCD by the Department should be limited to those matters reasonably associated with the work-related business or work-related misconduct.
- (e) The device shall not be utilized to record or disclose any department business-related information, including photographs, video, or the recording or transmittal of any information or material obtained or made accessible as a result of employment or appointment with the Department, without the express authorization of the Chief of Police or the authorized designee.
- (f) If the PCD is carried on-duty, members will provide the Department with the telephone number of the device.
- (g) All work-related documents, emails, photographs, recordings, and other public records created or received on a member's personally owned PCD should be transferred to the Duvall Police Department and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

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Except with prior express authorization from their supervisors, members are not obligated or required to carry, access, monitor, or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the member has prior express authorization from their supervisor, the member may engage in department business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate recordkeeping.

702.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

- (a) A PCD shall not be carried in a manner that allows it to be visible while in uniform unless it is in an approved carrier.
- (b) All PCDs in the workplace shall be set to silent or vibrate mode.
- (c) A PCD may not be used to conduct personal business while on-duty except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times unless an emergency exists.
- (d) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.
- (e) Members are prohibited from taking pictures, audio or video recordings, or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means requires the express authorization of the Chief of Police or the authorized designee.
- (f) Members will not access social networking sites for any purpose that is not official department business. This restriction does not apply to a personally owned PCD used during authorized break times.
- (g) Using PCDs to harass, threaten, coerce, or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

702.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.

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- (b) Monitoring, to the extent practicable, PCD use in the workplace and take prompt corrective action if a member is observed or reported to be improperly using a PCD.
 - 1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
 - 2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Chief of Police or the authorized designee.

702.8 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Except in an emergency, members who are operating vehicles other than authorized emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use and the use complies with RCW 46.61.672. Hands-free use should be restricted to business-related calls or calls of an urgent nature.

702.9 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.

Vehicle Use

703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Duvall to provide assigned take-home vehicles.

Additional guidelines for member responsibilities when transporting persons in custody may be found in the Transporting Persons in Custody Policy.

703.2 POLICY

The Duvall Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

703.3 USE OF VEHICLES

703.3.1 SHIFT ASSIGNED VEHICLES

Vehicle Assignments are made by the Shift Sergeant and documented on the vehicle maintenance board. If a member exchanges vehicles during his/her shift, the new vehicle will be documented on the maintenance board.

703.3.2 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify the Shift Sergeant. A notation will be made on the vehicle maintenance board indicating the member's name and vehicle number.

This subsection does not apply to those who are assigned to transport vehicles to and from the maintenance yard or car wash.

703.3.3 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents, or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

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All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

703.3.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

703.3.5 MOBILE DATA CENTER

Members assigned to vehicles equipped with a Mobile Data Center (MDC) shall log onto the MDC with the required information when going on-duty. If the vehicle is not equipped with a working MDC, the member shall notify Dispatch. Use of the MDC is governed by the Mobile Data Center Use Policy.

703.3.6 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by personnel other than supervisors will require Division Commander approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

703.3.7 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

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703.3.8 AUTHORIZED PASSENGERS

Members operating department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

703.3.9 ALCOHOL

Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

703.3.10 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

703.3.11 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

703.3.12 NON-SWORN MEMBER USE

Non-sworn members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Non-sworn members shall prominently display the "out of service" placards or light bar covers at all times. Non-sworn members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

703.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

703.4.1 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Police or the authorized designee.

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703.4.2 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

- (a) The circumstances are unplanned and were created by the needs of the Department.
- (b) Other reasonable transportation options are not available.
- (c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the Duvall City limits.
- (d) Off-street parking will be available at the member's residence.
- (e) Vehicles will be locked when not attended.
- (f) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

703.4.3 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence; the nature of the member's duties, job description and essential functions; and the member's employment or appointment status. Residence in the City of Duvall is a prime consideration for assignment of a take-home vehicle. Members who reside outside the City of Duvall may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.

Department members shall sign a take-home vehicle agreement that outlines certain standards, including, but not limited to, how the vehicle shall be used, where it shall be parked when the member is not on-duty, vehicle maintenance responsibilities and member enforcement actions.

Members are cautioned that under federal and local tax rules, personal use of a City vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

- (a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Chief of Police or a Division Commander gives authorization.
- (b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.
- (c) Vehicles will not be used when off-duty except:
 - 1. In circumstances when a member has been placed on call by the Chief of Police or Division Commanders and there is a high probability that the member will be called back to duty.

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2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or traveling to or from a work-related activity or function.
 3. When the member has received permission from the Chief of Police or Division Commanders.
 4. When the vehicle is being used by the Chief of Police, Division Commanders or members who are in on-call administrative positions.
 5. When the vehicle is being used by on-call investigators.
- (d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.
- (e) The two-way communications radio, MDC and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.
- (f) Unattended vehicles are to be locked and secured at all times.
1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
 2. All weapons shall be secured while the vehicle is unattended.
 3. All department identification, portable radios and equipment should be secured.
- (g) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Chief of Police or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).
- (h) Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods exceeding one week.
1. If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
 2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.
- (i) The member is responsible for the care and maintenance of the vehicle.

703.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Duvall Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

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Officers driving take-home vehicles shall be armed, appropriately attired and carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

703.4.5 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

- (a) Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.
- (b) It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.
- (c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.
- (d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.
- (e) When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.
- (f) All weapons shall be removed from any vehicle left for maintenance.
- (g) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

703.5 UNMARKED VEHICLES

Unmarked vehicles are assigned to various divisions and their use is restricted to the respective division and the assigned member, unless otherwise approved by a supervisor. Any member operating an unmarked vehicle shall record vehicle usage on the sign-out log maintained in the division for that purpose. Any use of unmarked vehicles by those who are not assigned to the division to which the vehicle is assigned shall also be recorded with the Shift Sergeant on the shift assignment roster.

703.6 DAMAGE, ABUSE, AND MISUSE

When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see the Traffic Collision Reporting Policy).

Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format, and forwarded to the Shift Sergeant. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

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703.7 TOLL ROAD USAGE

Authorized on-duty emergency vehicles are exempt from incurring toll road charges. An authorized emergency vehicle is an on-duty vehicle of the Department which is equipped with emergency lights and siren and used to respond to emergency calls (WAC 468-270-030; WAC 468-270-085; WAC 468-270-105).

To avoid unnecessary toll road charges, all members operating department vehicles on a toll road shall adhere to the following:

- (a) Members operating department vehicles that are not authorized emergency vehicles shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit a request for reimbursement from the City for any toll fees incurred in the course of official business.
- (b) Members in unauthorized vehicles passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Division Commander within five working days explaining the circumstances.

703.8 ATTIRE AND APPEARANCE

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

Cash Handling, Security and Management

704.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

704.2 POLICY

It is the policy of the Duvall Police Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

704.3 PETTY CASH FUNDS

The Chief of Police shall designate a person as the fund manager responsible for maintaining and managing the petty cash fund.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the fund manager.

704.4 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and any other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

704.5 PETTY CASH AUDITS

The fund manager shall perform an audit no less than once every six months. This audit requires that the fund manager and at least one command staff member, selected by the Chief of Police, review the transaction ledger and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and an immediate reporting of the discrepancy to the Chief of Police.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

A separate audit of each petty cash fund should be completed on a random date, approximately once each year by the Chief of Police or the City.

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Cash Handling, Security and Management

704.6 ROUTINE CASH HANDLING

Those who handle cash as part of their property or Patrol Section supervisor duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

Members who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.

704.7 OTHER CASH HANDLING

Members of the Department who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence Policy.

Cash in excess of \$1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

Personal Protective Equipment

705.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

705.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

Respiratory PPE - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

705.2 POLICY

The Duvall Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

705.3 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Accident, Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

705.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed the requirements provided in WAC 296-817-200.

705.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

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The Armorer shall ensure eye protection meets or exceeds the requirements provided in WAC 296-800-16050.

705.6 HEAD AND BODY PROTECTION

Members who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg and groin protection should be provided as required by any collective bargaining agreement.

705.7 RESPIRATORY PROTECTION

The Administrative Services Division Commander is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (WAC 296-842-12005):

- (a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
- (b) Fit testing, including identification of members or contractors qualified to conduct fit testing.
- (c) Medical evaluations.
- (d) PPE inventory control.
- (e) PPE issuance and replacement.
- (f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.
- (g) Regularly reviewing the PPE plan.
- (h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

705.7.1 RESPIRATORY PROTECTION USE

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (WAC 296-842-18010):

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- (a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.
- (b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.
- (c) The member needs to replace the respirator, filter, cartridge or canister.
- (d) The member needs to readjust his/her respirator.
- (e) The member becomes ill.
- (f) The member experiences sensations of dizziness, nausea, weakness, breathing difficulty, coughing, sneezing, vomiting, fever or chills.

705.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall (WAC 296-842-18005):

- (a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.
- (b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.
- (c) Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.
- (d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

705.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances:

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

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- (a) They smell, taste or are irritated by a contaminant.
- (b) They experience difficulty breathing due to filter loading.
- (c) The cartridges or filters become wet.
- (d) The expiration date on the cartridges or canisters has been reached.

705.7.4 SELF-CONTAINED BREATHING APPARATUS

Scene commanders may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include, but are not limited to:

- (a) Entering the hot zone of a hazardous materials incident.
- (b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.
- (c) Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a scene commander.

705.7.5 RESPIRATOR FIT TESTING

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (WAC 296-842-15005).

After initial testing, fit testing for respiratory PPE shall be repeated (WAC 296-842-15005):

- (a) At least once every 12 months.
- (b) Whenever there are changes in the type of SCBA or facepiece used.
- (c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).
- (d) Whenever there is an indication that the respirator fit is unacceptable.

All respirator fit testing shall be conducted in negative-pressure mode.

705.7.6 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No member shall be issued respiratory protection that forms a complete seal around the face until (WAC 296-842-14005; WAC 296-842-22005):

- (a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.
- (b) A physician or other licensed health care professional has reviewed the questionnaire.
- (c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

705.8 RECORDS

The Training Sergeant is responsible for maintaining records of all:

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- (a) PPE training.
- (b) Initial fit testing for respiratory protection equipment.
- (c) Annual fit testing.
- (d) Respirator medical evaluation questionnaires and any subsequent physical examination results.
- (e) These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the department records retention schedule and WAC 296-842-12010.

705.9 TRAINING

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (WAC 296-800-16025).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (WAC 296-842-16005).

Chapter 8 - Support Services

Property and Evidence

800.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

800.1.1 DEFINITIONS

Property - Includes all items of evidence, items taken for safekeeping and found property.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping - Includes the following types of property:

- Property obtained by the Department for safekeeping, such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law

Found Property - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

800.2 PROPERTY HANDLING

Any employee who first comes into possession of any property, shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room along with the property form. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the item.

800.2.1 PROPERTY BOOKING PROCEDURE

The employee who first comes into possession of any property must book the property and place the property under the control of the Property and Evidence Section prior to the employee going off-duty. Employees booking property shall observe the following guidelines:

- (a) Complete the property form describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.
- (b) Mark each item of evidence with the booking employee's initials and the date booked using the appropriate method so as not to deface or damage the value of the property.
- (c) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.
- (d) Place the case number in the upper right-hand corner of the bag.

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- (e) The original property form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if property is stored somewhere other than a property locker.
- (f) When the property is too large to be placed in a locker, the item may be retained in the supply room. Submit the completed property record into a numbered locker indicating the location of the property.

800.2.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a separate property record.

Narcotics and dangerous drugs shall be weighed using a calibrated scale whenever a member enters or leaves the secured facility with the item unless the narcotics or dangerous drugs are being prepared for destruction.

The officer seizing the narcotics and dangerous drugs shall place them in the designated locker accompanied by two copies of the form for the Records Section and Patrol Section. The remaining copy will be detached and submitted with the case report.

800.2.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Shift Sergeant. The Bomb Squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling, and disposal of all suspected explosives.

Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The Property and Evidence Custodian is responsible for transporting to the Fire Department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

800.2.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

- (a) Bodily fluids such as blood or semen stains shall be air dried prior to booking.
- (b) License plates found not to be stolen or connected with a known crime, should be released directly to the Property and Evidence Custodian, or placed in the designated container for return to the Department of Motor Vehicles. No formal property booking process is required.
- (c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the Property and Evidence Custodian, or placed in the bicycle storage area until a Property and Evidence Custodian can log the property.

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- (d) All cash shall be counted in the presence of a supervisor and the envelope initialed by the booking officer and the supervisor. The Shift Sergeant shall be contacted for cash in excess of \$1,000 for special handling procedures.

City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

800.2.5 STORAGE OF SURRENDERED FIREARMS

Officers shall accept and store a firearm from any individual who has surrendered firearms under RCW 9.41.800 (Surrender of weapons), the Extreme Risk Protection Order Act, after being detained under RCW 71.05.150 or RCW 71.05.153, or after sentencing pursuant to RCW 10.99.100. The officer receiving the firearm shall:

- (a) Record the individual's name, address, and telephone number.
- (b) Record the firearm's serial number.
- (c) Record the date that the firearm was accepted for storage.
- (d) Prepare a property receipt form and provide a copy to the individual who surrendered the firearm.
 - 1. If the firearm was surrendered pursuant to the Extreme Risk Protection Order Act, the original receipt should be forwarded promptly to the Records Manager for timely filing with the court (RCW 7.105.340).

The Property and Evidence Custodian shall handle and store firearms surrendered pursuant to a civil protection order to prevent damage or degradation in appearance or function and document the condition of the surrendered firearms including by taking a digital photograph (RCW 7.105.340).

800.2.6 FOUND PROPERTY

Found property surrendered to the Department shall be handled as required by RCW 63.21.050.

800.3 PACKAGING OF PROPERTY

Certain items require special consideration and shall be booked separately as follows:

- (a) Narcotics and dangerous drugs.
- (b) Firearms (ensure they are unloaded and booked separately from ammunition).
- (c) Property with more than one known owner.
- (d) Fireworks.
- (e) Contraband.

800.3.1 PACKAGING CONTAINER

Employees shall package all property, except narcotics and dangerous drugs in a suitable container available for its size. Knife boxes should be used to package knives, and syringe tubes should be used to package syringes and needles.

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A property tag shall be securely attached to the outside of all items or group of items packaged together.

800.3.2 PACKAGING NARCOTICS

The officer seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged, and placed in the designated narcotics locker, accompanied by two copies of the property record. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the officer's report.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size available in the report room. The booking officer shall initial the sealed envelope and the initials covered with cellophane tape. Narcotics and dangerous drugs shall not be packaged with other property.

A completed property tag shall be attached to the outside of the container. The chain of evidence shall be recorded on the back of this tag.

800.4 RECORDING OF PROPERTY

The Property and Evidence Custodian receiving custody of evidence or property shall record his/her signature, the date and time the property was received and where the property will be stored on the property control card.

A property number shall be obtained for each item or group of items. This number shall be recorded on the property tag and the property control card.

Any changes in the location of property held by the Duvall Police Department shall be noted in the property logbook.

800.5 PROPERTY CONTROL

Each time the Property and Evidence Custodian receives property or releases property to another person, he/she shall enter this information on the property control card. Officers desiring property for court shall contact the Property and Evidence Custodian at least one day prior to the court day.

800.5.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of possession. No property or evidence is to be released without first receiving written authorization from a supervisor or detective.

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the Property and Evidence Custodian. This request may be filled out any time after booking of the property or evidence.

800.5.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time on the property control card and the request for laboratory analysis.

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The Property and Evidence Custodian releasing the evidence must complete the required information on the property control card and the evidence. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the officer will record the delivery time on both copies, and indicate the locker in which the item was placed or the employee to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned to the Records Section for filing with the case.

800.5.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes, or for court, shall be noted on the property record, stating the date, time and to whom released.

The Property and Evidence Custodian shall obtain the signature of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded on the property record, indicating date, time, and the person who returned the property.

800.5.4 AUTHORITY TO RELEASE PROPERTY

The Patrol Section shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

800.5.5 RELEASE OF PROPERTY

The Duvall Police Department shall make every effort to return personal property that is in the possession of this department when such property is not considered evidence of a crime or is no longer needed as evidence. In such cases, the Property and Evidence Custodian shall make a reasonable attempt to identify the lawful owner and provide written notice via US Mail within 15 days after the property is authorized to be released.

If the property remains unclaimed beyond sixty days after the initial written notice to the property owner, or, in the case of property held as evidence, sixty days from the date when the case has been finally adjudicated and the property has been released as evidence by order of the court, the Department may (RCW 63.32.010; RCW 63.40.010):

- (a) At any time thereafter sell the property at public auction to the highest and best bidder for cash. The disposition of all proceeds from such auctions shall be accounted for and recorded according to law (RCW 63.32.030; RCW 63.40.030).
- (b) Retain the property for the use of the Department subject to giving notice in the manner prescribed in RCW 63.32.020 or RCW 63.40.020 and the right of the owner, or the owner's legal representative, to reclaim the property within one year after receipt of notice, without compensation for ordinary wear and tear if, in the opinion of the Chief of Police, the property consists of firearms or other items specifically usable in law enforcement work, provided that at the end of each calendar year during which there has been such a retention, the Department shall provide the City's elected body and

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retain for public inspection a list of such retained items and an estimation of each item's replacement value. At the end of the one-year period any unclaimed firearm shall be disposed of pursuant to RCW 9.41.098(2).

- (c) Destroy an item of personal property at the discretion of the Chief of Police if the Chief of Police determines that all of the following circumstances have occurred:
 - 1. The property has no substantial commercial value, or the probable cost of sale exceeds the value of the property
 - 2. The item has been unclaimed by any person after notice procedures have been met, as prescribed in this section
 - 3. The Chief of Police has determined that the item is unsafe and unable to be made safe for use by any member of the general public.

If the item is not unsafe or illegal to possess or sell, it may, after satisfying the notice requirements as prescribed in RCW 63.32.020 or RCW 63.40.020, be offered by the Chief of Police to bona fide dealers, in trade for law enforcement equipment. Such equipment shall be treated as retained property for the purpose of annual listing requirements of the RCW. Such items may be destroyed at the discretion of the Chief of Police if the Chief of Police believes that it has been, or may be used in a manner that is illegal (RCW 63.32.010; RCW 63.40.010).

The Property and Evidence Custodian shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form. After release of all property entered on the property control card, the card shall be forwarded to the Records Section for filing with the case. If some items of property have not been released the property card will remain with the Property and Evidence Section. Upon release, the proper entry shall be documented in the Property Log.

800.5.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Department may wish to file an interpleader to resolve the disputed claim.

800.5.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

The Patrol Section will be responsible for the storage, control, and destruction of all narcotics and dangerous drugs coming into the custody of this department.

The Property and Evidence Custodian shall complete a visual inspection to detect possible tampering for any narcotic or dangerous drug prior to destruction. The inspection shall be witnessed by another member who does not have access to the evidence room.

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800.5.8 PROPERTY DEPICTING A MINOR ENGAGED IN SEXUALLY EXPLICIT CONDUCT

No property or material that depicts a minor engaged in sexually explicit conduct shall be copied, photographed, or duplicated. Such material shall remain under the control of this department or the court and shall be made reasonably available for inspection by the parties to a criminal proceeding involving the material. The defendant may only view these materials while in the presence of his/her attorney or an individual appointed by the court either at this department or a neutral facility as approved by the court (RCW 9.68A.170). Any request for inspecting such material should be brought to the attention of the assigned investigator or an investigation supervisor.

800.5.9 DESTRUCTION OF NARCOTICS OR CONTRABAND

The Patrol Division Commander or the authorized designee shall establish procedures for the safe destruction of narcotics and dangerous drugs, contraband, and other illegal items. Documentation of destruction shall be maintained in accordance with the established records retention schedule.

800.6 DISPOSITION OF PROPERTY

All personal property, other than vehicles governed by Chapter 46.52 RCW, not held for evidence in a pending criminal investigation or proceeding, and held for 60 days or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The Property and Evidence Custodian should request a disposition or status on all property which has been held in excess of 60 days, and for which no disposition has been received from a supervisor or detective (RCW 63.32.010; RCW 63.40.010).

800.6.1 BIOLOGICAL EVIDENCE

The Property and Evidence Custodian shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor and Attorney General
- (d) Any sexual assault victim
- (e) The Patrol Division Commander

Biological evidence shall be retained for a minimum period established by Washington law (RCW 5.70.010) or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Patrol Division Commander.

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Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

Biological evidence from an unsolved crime shall not be disposed of prior to expiration of the statute of limitations (RCW 5.70.010). Even after expiration of the applicable statute of limitations, the Patrol Division Commander should be consulted.

800.6.2 RETURN OF FIREARMS

Prior to the return of a privately owned firearm, the Property and Evidence Custodian shall ensure confirmation of the following (RCW 9.41.345):

- (a) The individual to whom the firearm is to be returned is the individual from whom the firearm was obtained, an authorized representative of the individual, or other person identified by a court order
- (b) The individual is eligible to possess a firearm pursuant to RCW 9.41.080
- (c) The firearm is not required to be held in custody or prohibited from release
- (d) Five business days have elapsed from the time the firearm was obtained by law enforcement

If a firearm or dangerous weapon was surrendered or lawfully seized pursuant to a protection order issued under RCW 9.41.800 and is to be returned to a person other than the individual from whom the firearm or dangerous weapon was obtained, the Property and Evidence Custodian shall determine that the person is the lawful owner and obtain a written agreement, signed by the lawful owner under the penalty of perjury, that the firearm or dangerous weapon will be stored in a manner to prevent the individual from whom the firearm or dangerous weapon was obtained, from accessing, controlling, or possessing the firearm or dangerous weapon (RCW 9.41.801).

Upon confirmation that the individual is eligible to possess a firearm and any applicable notifications are complete, the firearm shall be released to the individual or authorized representative upon request without unnecessary delay.

If a firearm cannot be returned because it is required to be held in custody or is otherwise prohibited from release, written notice shall be provided to the individual within five business days of the date the individual requested return of the firearm. The written notice shall include the reason the firearm must remain in custody.

800.6.3 RELEASE OF FIREARMS IN EXTREME RISK PROTECTION ORDER MATTERS

If an extreme risk protection order is terminated or expires without renewal, a firearm taken or surrendered pursuant to the order shall be returned to the person after (RCW 7.105.345):

- (a) Confirming through a background check that the person is currently eligible to possess the firearm under federal and state law.
- (b) Confirming with the court that the extreme risk protection order is no longer in effect.
- (c) Notice has been provided to a family or household member who requested notification.

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If an individual other than the restrained person claims title to any firearms surrendered or taken into custody, and that individual is determined to be the lawful owner and a lawful possessor of the firearm, the firearm shall be returned to that individual provided that the individual agrees to store the firearm in a manner that prevents the restrained person from access (RCW 7.105.340).

800.6.4 SEXUAL ASSAULT KITS

Unreported sexual assault kits shall be stored and preserved for 20 years from the date of collection (RCW 5.70.030).

800.6.5 RELEASE OF FIREARMS AFTER EMERGENCY DETENTION

Firearms surrendered pursuant to RCW 71.05.182 (surrender of firearms after emergency detention) shall be returned in compliance with the provisions of RCW 9.41.345 as long as the six-month suspension period has expired or the person's right to possess firearms has been restored, whichever is sooner (RCW 71.05.182).

800.6.6 NOTIFICATION FOR FIREARM RETURN

If notification has been requested or is required pursuant to RCW 9.41.340, it shall be made to the following individuals by established department protocols within one business day of verification that the firearm is eligible to be returned (RCW 9.41.340):

- (a) To a family or household member, or an intimate partner who has requested notification.
- (b) To any person identified in a no-contact order, restraining order, protection order, or any identified victim of the crime that resulted in the firearm surrender.

Once notification is made, the firearm shall be held for five business days from the time notification has been provided or the information has been entered into the appropriate databases (RCW 9.41.345).

800.6.7 REPORT OF CLEARED PROPERTY

The Property and Evidence Custodian shall provide an annual written report to the Chief of Police on the number of items cleared (e.g., released, returned, disposed of, otherwise removed from the control of the Property and Evidence Section) during the prior year.

800.6.8 DISPOSITION OF FIREARMS FROM BUYBACK PROGRAMS

The Patrol Division Commander should develop procedures for the department's handling of firearms obtained from a firearm buyback program, including, at a minimum (RCW 9.41.098):

- (a) Destroying firearms, except as limited by RCW 9.41.098.
- (b) Returning relinquished firearms that are verified to be stolen to the rightful owner.
- (c) Determining whether any relinquished firearms have been used in the commission of a crime and retaining and storing such firearms until no longer needed for investigation or evidence purposes.

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800.7 INSPECTIONS, INVENTORIES, AND AUDITS OF THE EVIDENCE ROOM

- (a) On a monthly basis, the supervisor of the evidence custodian shall make an inspection of the property and evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.
- (b) An annual unannounced audit of property and evidence, including drugs, money, jewelry, and firearms, shall be conducted by a Division Commander (as appointed by the Chief of Police) not routinely or directly connected with evidence control.
- (c) Whenever a change is made in personnel who have access to the Property and Evidence Section, a full inventory of sensitive items, including drugs, money, jewelry, and firearms, shall be made by an individual not associated with the Property and Evidence Section or its function to ensure that records are correct and all property is accounted for.

800.8 PROPERTY AND EVIDENCE SECTION SECURITY

Access to the Property and Evidence Section is restricted to authorized department personnel only. It shall be the responsibility of the Property and Evidence Custodian to control all access to the Property and Evidence Section.

The Property and Evidence Custodian shall maintain a log of all persons entering the secured area of the Property and Evidence Section. Personnel, other than those assigned to the Property and Evidence Section, who have legitimate business in the secured area will be required to record their name, the date, time, and purpose for entry.

800.8.1 CONTROLS AND ALARMS

The Property and Evidence Section permanent storage areas shall have controls to keep property protected from unauthorized entry, fire, moisture, extreme temperature, and pests. Alarms for unauthorized entry and fire shall be monitored at all times.

800.9 STATE CRIME LAB GUIDELINES

In addition to the content outlined in this policy, the Department shall follow the Washington State Patrol Crime Lab guidelines for the proper collection and identification of evidence and property.

800.10 POLICY

It is the policy of the Duvall Police Department to process and store all property in a manner that will protect it from loss, damage, or contamination, while maintaining documentation that tracks the chain of custody, the location of property, and its disposition.

Records Section

801.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Duvall Police Department Records Section. The policy addresses department file access and internal requests for case reports.

801.2 FILE ACCESS AND SECURITY

The security of files in the Records Section must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a police department case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Section accessible only by authorized members of the Records Section. Access to case reports or files when Records Section staff is not available may be obtained through the Shift Sergeant.

The Records Section will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

801.2.1 ORIGINAL CASE REPORTS

Generally, original case reports shall not be removed from the Records Section. Should an original case report be needed for any reason, the requesting department member shall first obtain authorization from the Records Manager. All original case reports removed from the Records Section shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the Records Section.

All original case reports to be removed from the Records Section shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Records Section. The photocopied report shall be shredded upon return of the original report to the file.

801.2.2 RECORDS CONCERNING JUVENILES

The Records Manager shall be responsible for the destruction of juvenile records in accordance with RCW 13.50.270, including the following circumstances:

- Upon receiving notification from the juvenile court that specific records should be destroyed.
- Upon receiving notification from the Office of the Governor that a specific juvenile has received a full and unconditional pardon, the Records Manager shall ensure that all records pertaining to that juvenile are destroyed within 30 days.

801.3 USE OF A CENTRAL COMPUTERIZED ENFORCEMENT SERVICE SYSTEM (ACCESS)

ACCESS is a computer-controlled communications system located at the WSP Information Technology Division. ACCESS provides service to all the state and national information systems.

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The Chief of the WSP is vested with the authority to administer all operating phases of ACCESS and the Washington Crime Information Center (WACIC). There are specific requirements for agencies accessing the information in the group of computer systems in ACCESS.

801.3.1 ACCESS USE REQUIREMENTS

No member of the Duvall Police Department shall operate any of the ACCESS systems without first complying with the training requirements as listed in the ACCESS manual.

801.3.2 ACCESS REQUIREMENTS

As an authorized ACCESS user, the Duvall Police Department complies with all of the following ACCESS requirements:

- Warrant entry
- Receiving information from outside agencies
- Recording information
- Verifying information
- Canceling information
- Providing 24-hour access to agency warrants

It is the responsibility of the Records Manager to ensure that all ACCESS computer and network security requirements are in place and operational.

801.4 OFFICER SAFETY ADVISORIES

A Violent Person File (VPF) database is maintained by the NCIC and is intended to provide protection to police, corrections, or other criminal justice officers. Individuals who represent a potential threat to officers may be entered into ACCESS when they have previously exhibited assaultive or threatening behavior during contacts by law enforcement.

To qualify for entry, one or more of the following conditions must be met (ACCESS Operations Manual Chapter 33-3 II, C):

- (a) The offender has been convicted for assault or murder/homicide of a law enforcement officer, fleeing, resisting arrest, or any such statute that involves violence against law enforcement.
- (b) The offender has been convicted of a violent offense against a person to include homicide and attempted homicide.
- (c) The offender has been convicted of a violent offense against a person where a firearm or weapon was used.
- (d) A law enforcement agency, based on its official investigatory duties, reasonably believes that the individual has seriously expressed the intent to commit an act of unlawful violence against a member of the law enforcement or criminal justice community.

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Officers who encounter a person who they believe is a threat to officer safety should submit a report detailing the circumstances of the contact and nature of the threat for entry as an Officer Safety Advisory.

All Officer Safety Advisories are subject to approval by the Chief of Police or the authorized designee.

Once approved, the Records Section is responsible for making the appropriate entry into ACCESS.

Whenever an Officer Safety Advisory is initiated by the Duvall Police Department, it is the responsibility of the Records Manager to ensure that a copy of the supporting documentation and the authorized statement signed by the Chief of Police are maintained in a separate file. Supporting documentation may include the crime report, officer's supplemental report, mental health report, or other similar documentation.

801.5 COURT ORDERS

The Records Manager shall see that no-contact orders received from the court are entered into the WACIC or other applicable criminal intelligence information system for one year or until the expiration date specified on the order. Upon receipt of notice that an order has been terminated, the Records Manager shall see that the order is removed from the applicable system (RCW 9A.40.102; RCW 9A.40.104; RCW 9A.40.106).

The Records Manager should ensure that court orders for the surrender and prohibition of weapons and the revocation of any concealed pistol license are immediately entered into the appropriate databases (RCW 9.41.800).

801.6 POLICY

It is the policy of the Duvall Police Department to maintain department records securely, professionally, and efficiently.

801.7 RESPONSIBILITIES

801.7.1 RECORDS MANAGER

The Chief of Police shall appoint and delegate certain responsibilities to a Records Manager. The Records Manager shall be directly responsible to the Administrative Services Division Commander or the authorized designee. The responsibilities of the Records Manager include, but are not limited to:

- (a) Overseeing the efficient and effective operation of the Records Section.
- (b) Scheduling and maintaining Records Section time records.
- (c) Supervising, training, and evaluating Records Section staff.
- (d) Maintaining and updating a Records Section procedure manual.
- (e) Ensuring compliance with established policies and procedures.

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- (f) Supervising the access, use, and release of protected information (see the Protected Information Policy).
- (g) Establishing security and access protocols for case reports designated as sensitive where additional restrictions to access have been implemented. Sensitive reports may include, but are not limited to:
 - 1. Homicides
 - 2. Cases involving department members or public officials
 - 3. Any case where restricted access is prudent

801.7.2 RECORDS SECTION

The responsibilities of the Records Section include but are not limited to:

- (a) Maintaining a records management system for case reports.
 - 1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.
- (b) Entering case report information into the records management system.
 - 1. Modification of case reports shall only be made when authorized by a supervisor.
- (c) Providing members of the Department with access to case reports when needed for investigation or court proceedings.
- (d) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics.
- (e) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.
- (f) Identifying missing case reports and notifying the responsible member's supervisor.
- (g) Establishing a process for collecting and submitting data to appropriate federal data collection authorities (e.g., FBI National Use-of-Force Data Collection), as applicable, for the following types of occurrences:
 - 1. Officer suicides
 - 2. Officer misconduct
 - 3. Uses of force
 - 4. Officer deaths or assaults
 - 5. Crime incidents
 - 6. Deaths in custody
- (h) Providing UCR/NIBRS reports to the Washington Association of Sheriffs and Police Chiefs on a regular basis.
- (i) Entering the required information, to the extent known, in the National Crime Information Center (NCIC) database for any report of a lost or stolen firearm (Chapter 286, § 1, 2024 Laws).

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801.8 CONFIDENTIALITY

Records Section staff has access to information that may be confidential or sensitive in nature. Records Section staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Section procedure manual.

Records Maintenance and Release

802.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

802.2 POLICY

The Duvall Police Department is committed to providing public access to records in a manner that is consistent with the Washington Public Records Act (RCW 42.56.001 et seq.).

802.3 PUBLIC RECORDS OFFICER

The Chief of Police shall designate a Public Records Officer (RCW 42.56.580). The responsibilities of the Public Records Officer include but are not limited to:

- (a) Managing the records management system for the Department, including the retention, archiving, release and destruction of department public records.
- (b) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records.
 - 1. Rules and procedures for public inspection and copying shall be prominently displayed and made available to the public for inspection and copying (RCW 42.56.040).
- (c) Maintaining and making available for public inspection and copying an index of documents that provides identifying information of certain documents identified in RCW 42.56.070 that are maintained by the Department.
- (d) Maintaining and updating the department records retention schedule including:
 - 1. Identifying the minimum length of time the Department must keep records.
 - 2. Identifying the department division responsible for the original record.
- (e) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (f) Ensuring a current list containing every law that exempts or prohibits disclosure of specific information or records of the Department is available to the public (RCW 42.56.070).
- (g) Establishing rules regarding the processing of subpoenas for the production of records.
- (h) Ensuring the availability of a current schedule of fees for public records as allowed by law (RCW 42.56.070; RCW 42.56.120; RCW 42.56.130).
- (i) Ensuring that the business hours for record inspection or copying are posted on the department's website and made known by other means designed to provide the public with notice (RCW 42.56.090).

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- (j) Ensuring that the name and contact information of the Public Records Officer is visible to the public, including the department website and appropriate department publications (RCW 42.56.580).

802.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall route the request to the Public Records Officer or the authorized designee.

802.4.1 REQUESTS FOR RECORDS

The processing of requests for any record is subject to the following:

- (a) The Department is not required to create records that do not exist.
- (b) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.
 - 1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.
- (c) Requests to inspect or copy records shall be responded to promptly. Within five business days of receiving the request, one of the following responses shall be made (RCW 42.56.520):
 - 1. Providing the record.
 - 2. Providing the internet address and link of the department website to the specific records requested.
 - (a) If the requester notifies the Department that access cannot be obtained through the internet, then copies of the record shall be provided or the requester may view the records on the department computer.
 - 3. Acknowledging the receipt of the request and providing a reasonable estimate of time the Department will require to respond to the request. Additional time may be required to respond based upon:
 - (a) The need to clarify the intent of the request.
 - (b) The need to locate and assemble the information requested.
 - (c) Notification to third persons or agencies affected by the request.
 - (d) Determination whether any of the information requested is exempt.
 - 4. Acknowledging the receipt of the request and asking the requester for clarification if the request is not clear and providing the requester a reasonable estimate of the time that will be needed to respond if the request is not clarified. If the requester does not respond, and the entire request is unclear,

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the Department need not respond. If only part of the request is unclear, the Department shall respond to those portions of the request that are clear.

802.4.2 DENIALS

- (a) The denial shall be accompanied by a written statement that includes the specific exemption and a brief explanation of how the exemption applies to the withheld record (RCW 42.56.210).
- (b) Requests that are denied are subject to judicial review and the burden of proof is on the Department to show that the records requested are exempt or prohibited in whole or part by statute (RCW 42.56.550).

802.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

- (a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any department record, including traffic collision reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).
- (b) Personnel records that contain personal information to the extent that disclosure would violate privacy rights (RCW 42.56.230; RCW 42.56.250).
- (c) Specific intelligence and specific investigative records regarding the discipline of a member of any profession where nondisclosure is essential for effective law enforcement or for the protection of any person's right to privacy (RCW 42.56.240).
- (d) Victim and witness information revealing the identity of persons who file complaints if disclosure would endanger the person's life, physical safety, or property (RCW 42.56.240).
- (e) Child victim and witness identity information including name, address, recordings, and photographs (RCW 7.69A.030; RCW 42.56.240).
- (f) Concealed pistol license applications or information on the applications unless release is to law enforcement or corrections agencies under RCW 9.41.070.
- (g) Information revealing the specific descriptive details, identity, or contact information of a child victim of sexual assault or commercial sexual exploitation who is under age 18. Identifying information means the child victim's name, address, location, photograph, and in cases in which the child victim is a relative, stepchild, or stepsibling of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Contact information includes phone numbers, email addresses, social media profiles, and usernames and passwords (RCW 10.97.130; RCW 42.56.240).
- (h) Personal identifying information collected relating to local security alarm system programs and vacation crime watch programs (RCW 42.56.240).

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- (i) Certain criminal history record information as restricted by the Criminal Records Privacy Act (RCW 10.97.040 et seq.).
- (j) Traffic collision reports except for what is authorized by RCW 46.52.080 and RCW 46.52.083.
- (k) Preliminary drafts, notes, recommendations, or intra-agency memorandums in which opinions are expressed, or policies formulated, or recommended (RCW 42.56.280).
- (l) Records that are relevant to a controversy (threatened, actual, or completed litigation) to which the Department is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts (RCW 42.56.290).
- (m) Security records including but not limited to records relating to preparing and responding to criminal terrorist acts; vulnerability assessments and emergency and escape plans of secured facilities; information regarding infrastructure and security of computer and telecommunications networks; system security and emergency preparedness plans; and as further defined in RCW 42.56.420.
- (n) Global positioning system data that indicates the location of a member's residence or of a public employee or volunteer (RCW 42.56.240; RCW 42.56.250).
- (o) Information contained in a local, regional, or statewide gang database (RCW 42.56.240).
- (p) Body worn camera recordings that violate a person's right to privacy (RCW 42.56.240).
- (q) Personal identifying information, or information regarding citizenship or immigration status, of any victim of criminal activity or trafficking who is requesting certification for a U or T visa, except where allowed by law (RCW 7.98.020).
- (r) Personal identifying information about an individual's religious beliefs, practices, or affiliation (RCW 42.56.235).
- (s) Investigative records compiled by the Department regarding possible unfair practices of discrimination under RCW 49.60.010 et seq. or possible violation of other federal, state, or local laws or Duvall Police Department internal policies during an active and ongoing investigation (RCW 42.56.250).
 - 1. Records may be released upon completion of the investigation as allowed under RCW 42.56.250.
- (t) Any other information that may be appropriately denied by Washington law.

802.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Public Records Officer for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

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Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the Prosecuting Attorney, City Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

802.7 RELEASED RECORDS TO BE MARKED

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the department name and to whom the record was released.

Each audio/video recording released should include the department name and to whom the record was released.

802.8 SECURITY BREACHES

Members who become aware that any Duvall Police Department system containing personal information may have been breached should notify the Public Records Officer as soon as practicable.

The Public Records Officer shall ensure the required notice is given to any resident of this state whose unsecured personal information is reasonably believed to have been acquired by an unauthorized person (RCW 42.56.590).

Notice shall be given as soon as reasonably practicable but may be delayed if notification will impede a criminal investigation.

For the purposes of the notice requirement, personal information includes:

- (a) An individual's first name or first initial and last name in combination with any one or more of the following:
 - 1. Social Security number or the last four digits of the Social Security number
 - 2. Driver license number or Washington identification card number
 - 3. Full account number, credit or debit card number, or any required security code, access code, or password that would permit access to an individual's financial account
 - 4. Any data elements listed in RCW 42.56.590 (e.g., date of birth, health insurance policy number, biometric data, email address, password)
- (b) Any of the data elements listed above without the individual's first and last name if the data elements would enable a person to commit identity theft or if encryption, redaction, or other methods have not safeguarded the data element (RCW 42.56.590).

If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the Public Records Officer should promptly notify the appropriate member designated to oversee the security of protected information (see the Protected Information Policy).

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802.9 EXPUNGEMENT

Expungement orders received by the Department shall be reviewed for appropriate action by the Public Records Officer. The Public Records Officer shall expunge such records as ordered by the court. Records may include, but are not limited to, a record of arrest, investigation, detention or conviction. Once a record is expunged, members shall respond to any inquiry as though the record did not exist.

802.10 TRAINING

The Public Records Officer shall complete a training program consistent with the Attorney General's model rules within 90 days of assuming responsibilities for public records and complete refresher training as required (RCW 42.56.152).

Protected Information

803.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Duvall Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

803.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Duvall Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

803.2 POLICY

Members of the Duvall Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

803.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Licensing (DOL) records, and the Washington Crime Information Center (WACIC).
- (b) Developing, disseminating, and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy. See the Duvall Police Department CJIS Access, Maintenance, and Security Policy for additional guidance.
- (c) Developing, disseminating, and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release, and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.
- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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Protected Information

803.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Duvall Police Department policy, or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution. See the CJIS Access, Maintenance, and Security Policy for additional guidance.

803.4.1 PENALTIES FOR MISUSE OF RECORDS

It is a misdemeanor to furnish, buy, receive or possess criminal history record information without authorization by Washington law (RCW 10.97.120).

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of the Standards of Conduct Policy.

Employees who obtain, or attempt to obtain, information from the department files other than that to which they are entitled in accordance with their official duties is a violation of the Standards of Conduct Policy.

803.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know (RCW 10.97.050).

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Manager for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Section to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

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Protected Information

803.5.1 REVIEW OF CRIMINAL OFFENDER RECORD

An individual may review his/her criminal history record information held by this department after complying with established department requirements as authorized by RCW 10.97.080.

803.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include but are not limited to (see the CJIS Access, Maintenance, and Security Policy for additional guidance):

- (a) Developing and maintaining security practices, procedures, and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis, and containment of security incidents, including computer attacks.
- (d) Tracking, documenting, and reporting all breach of security incidents to the Chief of Police and appropriate authorities (RCW 19.255.010; RCW 42.56.590).

803.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk, in or on an unattended vehicle, in an unlocked desk drawer or file cabinet, on an unattended computer terminal).

803.7 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

803.8 RELIGIOUS AFFILIATION DISCLOSURE

Members shall not release personal information from any agency database for the purpose of investigation or enforcement of any government program compiling data on individuals based on religious belief, practice, affiliation, national origin, or ethnicity (RCW 42.60.020).

Jeanne Clery Campus Security Act

804.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure this department fulfills its obligation in complying with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

804.2 POLICY

The Duvall Police Department encourages accurate and prompt reporting of all crimes and takes all such reports seriously (20 USC § 1092(f)(1)(C)(iii)). Reports will be accepted in any manner, including in person or in writing, at any Duvall Police Department facility. Reports will be accepted anonymously, by phone or via email or on the institution's website.

It is the policy of the Duvall Police Department to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the Duvall Police Department and the administration of the institution.

Supervisors assigned areas of responsibility in the following policy sections are expected to be familiar with the subsections of 20 USC § 1092(f) and 34 CFR 668.46 that are relevant to their responsibilities.

804.3 POLICY, PROCEDURE AND PROGRAM DEVELOPMENT

The Chief of Police will:

- (a) Ensure that the Duvall Police Department establishes procedures for immediate emergency response and evacuation, including the use of electronic and cellular communication and testing of these procedures (20 USC § 1092(f)(1)(J)(i)(iii)).
- (b) Enter into agreements as appropriate with local law enforcement agencies to:
 - 1. Identify roles in the investigation of alleged criminal offenses on campus (20 USC § 1092(f)(1)(C)(ii)),
 - 2. Assist in the monitoring and reporting of criminal activity at off-campus student organizations that are recognized by the institution and engaged in by students attending the institution, including student organizations with off-campus housing facilities (20 USC § 1092(f)(1)(G)).
 - 3. Ensure coordination of emergency response and evacuation procedures, including procedures to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation (20 USC § 1092(f)(1)(J)).
 - 4. Notify the Duvall Police Department of criminal offenses reported to local law enforcement agencies to assist the institution in meeting its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)).

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5. Notify the Duvall Police Department of criminal offenses reported to local law enforcement agencies to assist in making information available to the campus community in a timely manner and to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).
- (c) Appoint a designee to develop programs that are designed to inform students and employees about campus security procedures and practices, and to encourage students and employees to be responsible for their own security and the security of others (20 USC § 1092(f)(1)(D)).
- (d) Appoint a designee to develop programs to inform students and employees about the prevention of crime (20 USC § 1092(f)(1)(E)).
- (e) Appoint a designee to develop educational programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault and stalking, and what to do if an offense occurs, including who should be contacted, the importance of preserving evidence and to whom the alleged offense should be reported (20 USC § 1092(f)(8)(B)). The designee shall also develop written materials to be distributed to reporting persons that explains the rights and options provided for under 20 USC § 1092 (20 USC § 1092(f)(8)(C)).
- (f) Appoint a designee to make the appropriate notifications to institution staff regarding missing person investigations in order to ensure that the institution complies with the requirements of 34 CFR 668.46(h).

804.4 RECORDS COLLECTION AND RETENTION

The Records Manager is responsible for maintaining Duvall Police Department statistics and making reasonable good-faith efforts to obtain statistics from other law enforcement agencies as necessary to allow the institution to comply with its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)). The statistics shall be compiled as follows:

- (a) Statistics concerning the occurrence of the following criminal offenses reported to this department or to local police agencies that occurred on campus, in or on non-campus buildings or property, and on public property including streets, sidewalks and parking facilities within the campus or immediately adjacent to and accessible from the campus (20 USC § 1092(f)(1)(F)(i); 34 CFR 668.46(c)):
 1. Murder
 2. Sex offenses, forcible or non-forcible
 3. Robbery
 4. Aggravated assault
 5. Burglary
 6. Motor vehicle theft

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7. Manslaughter
 8. Arson
 9. Arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations and weapons possession
 10. Dating violence, domestic violence and stalking
- (b) Statistics concerning the crimes described in the section above, theft, simple assault, intimidation, destruction, damage or vandalism of property, and other crimes involving bodily injury to any person where the victim was intentionally selected because of his/her actual or perceived race, sex, religion, gender, gender identity, sexual orientation, ethnicity or disability. These statistics should be collected and reported according to the category of prejudice (20 USC § 1092(f)(1)(F)(ii); 34 CFR 668.46(c)).
- (c) The statistics shall be compiled using the definitions in the FBI's Uniform Crime Reporting (UCR) system and modifications made pursuant to the Hate Crime Statistics Act (20 USC § 1092(f)(7); 34 CFR 668.46(c)(9)). For the offenses of domestic violence, dating violence and stalking, such statistics shall be compiled in accordance with the definitions used in the Violence Against Women Act (20 USC § 1092(f)(7); 34 USC § 12291; 34 CFR 668.46(a)). The statistics will be categorized separately as offenses that occur in the following places (20 USC § 1092(f)(12); 34 CFR 668.46(c)(5)):
1. On campus.
 2. In or on a non-campus building or property.
 3. On public property.
 4. In dormitories or other on-campus, residential or student facilities.
- (d) Statistics will be included by the calendar year in which the crime was reported to the Duvall Police Department (34 CFR 668.46(c)(3)).
- (e) Stalking offenses will include a statistic for each year in which the stalking conduct is reported and will be recorded as occurring either at the first location where the stalking occurred or the location where the victim became aware of the conduct (34 CFR 668.46(c)(6)).
- (f) Statistics will include the three most recent calendar years (20 USC § 1092(f)(1)(F); 34 CFR 668.46(c)).
- (g) The statistics shall not identify victims of crimes or persons accused of crimes (20 USC § 1092(f)(7)).

804.4.1 CRIME LOG

The Records Manager is responsible for ensuring a daily crime log is created and maintained as follows (20 USC § 1092(f)(4); 34 CFR 668.46(f)):

- (a) The daily crime log will record all crimes reported to the Duvall Police Department, including the nature, date, time and general location of each crime, and the disposition, if known.

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- (b) All log entries shall be made within two business days of the initial report being made to the Department.
- (c) If new information about an entry becomes available, then the new information shall be recorded in the log not later than two business days after the information becomes available to the police department or security department.
- (d) The daily crime log for the most recent 60-day period shall be open to the public for inspection at all times during normal business hours. Any portion of the log that is older than 60 days must be made available within two business days of a request for public inspection. Information in the log is not required to be disclosed when:
 - 1. Disclosure of the information is prohibited by law.
 - 2. Disclosure would jeopardize the confidentiality of the victim.
 - 3. There is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, may cause a suspect to flee or evade detection, or could result in the destruction of evidence. In any of these cases, the information may be withheld until that damage is no longer likely to occur from the release of such information.

804.5 INFORMATION DISSEMINATION

It is the responsibility of the Administrative Services Division Commander to ensure that the required Clery Act disclosures are properly forwarded to campus administration and community members in accordance with the institution's procedures. This includes:

- (a) Procedures for providing emergency notification of crimes or other incidents and evacuations that might represent an imminent threat to the safety of students or employees (20 USC § 1092(f)(3); 34 CFR 668.46(e) and (g)).
- (b) Procedures for notifying the campus community about crimes considered to be a threat to other students and employees in order to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).
- (c) Information necessary for the institution to prepare its annual security report (20 USC § 1092(f)(1); 34 CFR 668.46(b)). This report will include, but is not limited to:
 - 1. Crime statistics and the policies for preparing the crime statistics.
 - 2. Crime and emergency reporting procedures, including the responses to such reports.
 - 3. Policies concerning security of and access to campus facilities.
 - 4. Crime, dating violence, domestic violence, sexual assault and stalking awareness and prevention programs, including:
 - (a) Procedures victims should follow.
 - (b) Procedures for protecting the confidentiality of victims and other necessary parties.

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5. Enforcement policies related to alcohol and illegal drugs.
6. Locations where the campus community can obtain information about registered sex offenders.
7. Emergency response and evacuation procedures.
8. Missing student notification procedures.
9. Information addressing the jurisdiction and authority of campus security including any working relationships and agreements between campus security personnel and both state and local law enforcement agencies.

CJIS Access, Maintenance, and Security

805.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use, maintenance, and security of department systems that access Criminal Justice Information.

805.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal Justice Information (CJI) - Data provided by FBI Criminal Justice Information Services (CJIS) that is necessary for law enforcement agencies to perform their mission and enforce the laws (e.g., biometric, identity history, person, organization, case/incident history data).

Security incident - Any incident that compromises the security of CJI or systems that access CJI. Examples include but are not limited to unauthorized use of legitimate code or credentials within department systems, email communications that contain malicious code, data breaches, signaling to external systems, and unauthorized exporting of information.

805.2 POLICY

It is the policy of the Duvall Police Department to maintain the security, confidentiality, and integrity of its information systems that access CJI by collaborating with appropriate state and federal agencies to implement the applicable established protocols.

805.3 CJIS COORDINATOR

The Chief of Police shall appoint a CJIS coordinator, who shall be responsible for the Duvall Police Department's adherence to FBI CJIS Security Policy requirements.

The CJIS coordinator shall establish procedures necessary to govern the department's use, maintenance, and security of systems that access CJI as described in this policy.

805.3.1 CJIS COORDINATOR RESPONSIBILITIES

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

- (a) Coordinating with others, such as the information technology or legal departments, as appropriate, to maintain department compliance with FBI CJIS Security Policy requirements and the Washington State Patrol Criminal Records Division.
- (b) Managing member accounts with access to CJI, including:
 - 1. Creating, enabling, modifying, disabling, and removing member accounts in accordance with this policy and the FBI CJIS Security Policy.
 - 2. Configuring member accounts in accordance with federal and state requirements (e.g., limiting unsuccessful login attempts).
 - 3. Reviewing member accounts for compliance with legal and policy requirements at least annually.

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- (c) Overseeing the maintenance, repair, and replacement of CJI systems and system components in accordance with manufacturer or vendor specifications and/or department requirements, including:
 - 1. Maintaining a list of organizations and personnel approved by the Chief of Police to perform maintenance on CJI systems.
 - 2. Approving, scheduling, documenting, and monitoring all maintenance and diagnostic activities, whether performed on-site, remotely, or off-site, and maintaining records.
 - 3. Verifying that non-escorted personnel performing maintenance on any CJI system or terminal possess the required access authorizations, and designating members who have the required access authorizations and technical competence to supervise the maintenance activities of personnel who do not possess the required access authorizations.
 - 4. Maintaining records for all system maintenance and diagnostic activities.
- (d) Monitoring department systems that have access to CJI to ensure compliance with applicable laws and this policy; developing processes to detect, identify, and correct flaws in software and firmware; and conducting security updates as necessary.
- (e) Providing for the security of hardware that includes provisions for the following:
 - 1. How hardware is to be brought into and taken out of department facilities
 - 2. Physical security of hardware within department facilities
 - 3. Physical security of areas containing network connections and transmission lines, including monitored access
- (f) Implementing and carrying out the department Incident Response Plan, including:
 - 1. Tracking and documenting all suspected or actual security incidents related to CJI in an appropriate manner.
 - 2. Directing annual testing of the department's information security incident response capabilities using tabletop or walk-through exercises, simulations, or other types of testing.
 - 3. Making the appropriate notifications outside of the Department (see the Records Maintenance and Release Policy for additional guidance).
 - 4. Providing information on security incidents to any third-party software developers or vendors as appropriate.
- (g) Protecting digital and non-digital media that contain CJI, including physical security, transportation, destruction/sanitization, and documentation requirements.
- (h) Developing and updating department information security and privacy literacy training and incident response training as required by policy.
- (i) Maintaining audit records in accordance with the established records retention schedule, but in no event for less than one year.

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- (j) Managing the development, documentation, and dissemination of procedures for the following:
 - 1. Awareness and training
 - 2. Incident response
 - 3. Audit and accountability
 - 4. Access control
 - 5. Identification and authentication
 - 6. Configuration management
 - 7. Media protection
 - 8. Physical and environmental protection
 - 9. System and communications protection
 - 10. System and information integrity
 - 11. Maintenance
 - 12. Security and privacy planning
 - 13. Contingency planning
 - 14. Risk assessment
- (k) Reviewing this policy and related procedures as required by the FBI CJIS Security Policy and proposing updates as needed to the Chief of Police.

805.4 MEMBER RESPONSIBILITIES

All members of the Department shall be committed to detecting information security incidents and making the appropriate notifications.

Any member who suspects that there may have been unauthorized access, disclosure, or other compromise of CJI shall report their suspicions in accordance with the Incident Response Plan within one hour of the discovery.

Personally owned devices or systems and publicly accessible systems shall not be used to access, process, store, or transmit CJI.

805.5 SUPERVISOR RESPONSIBILITIES

Supervisors shall notify the CJIS coordinator when the account access of a member they supervise needs to be modified, disabled, or removed for any reason, such as resignation, termination, or change of duties.

805.6 MEMBER ACCOUNTS

Department accounts used to access CJI shall only be created upon approval of the Chief of Police or the authorized designee.

Member accounts shall be disabled within one week of any of the following:

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- (a) The account has expired.
- (b) The account is no longer associated with a member.
- (c) The account is found to be in violation of this policy.
- (d) The account has been inactive for 90 calendar days.

If any threat to the confidentiality, integrity, or availability of CJI related to a specific member account is detected, the CJIS coordinator or designated member shall disable the account within 30 minutes of the discovery.

805.6.1 ACCESS AUTHORIZATION

Access authorization for systems transmitting, receiving, using, or storing CJI shall be based on the principle of least privilege as follows:

- (a) Members shall only be granted access authorizations that are necessary to accomplish assigned department tasks.
- (b) Accounts with security privileges shall only be authorized for members with an operational need for the privileges. Privileged functions shall be logged as they are executed.
- (c) Non-privileged members shall not be allowed to execute privileged functions.

805.6.2 ACCOUNT REVIEW ACTIVITIES

At least annually, the CJIS coordinator shall review member accounts for compliance with policy and applicable laws. The CJIS coordinator shall validate account privileges and remove or reassign them as necessary to accurately reflect the department mission and law enforcement needs.

805.7 MEDIA PROTECTION

Access to media containing CJI shall be restricted to authorized members and stored within physically secured locations or controlled areas, in accordance with the FBI CJIS Security Policy.

Digital media (e.g., flash drives, external or removable hard disk drives, compact discs) containing CJI shall be encrypted. Personally owned digital media devices or digital media devices with no identifiable owner shall not be used on department systems that store, process, or transmit CJI.

Non-digital media (e.g., paper files, printed pages, microfilm) containing CJI should be enclosed in an opaque folder or container if they are to be transported outside of physically secure locations or controlled areas. Media containing CJI shall not be left unattended outside of a physically secure location.

Transportation and transfers of media containing CJI shall be documented.

805.7.1 MEDIA DISPOSAL AND RELEASE

Digital media containing CJI shall be overwritten at least three times or degaussed (i.e., erased) prior to being disposed of, released from department control, or released for reuse. Inoperable digital media devices, such as hard drives or solid-state drives that cannot be accessed to

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overwrite the data, shall be physically destroyed. When non-digital media is no longer needed for investigative or security purposes, it shall be destroyed by crosscut shredding or incineration.

805.8 SYSTEM AND INFORMATION INTEGRITY

The integrity of department CJI systems shall be protected through the implementation of appropriate controls such as:

- (a) Flaw remediation.
- (b) System monitoring.
- (c) Security alerts, advisories, and directives.
- (d) Software, firmware, and information integrity controls.
- (e) Spam protection.

805.9 INCIDENT RESPONSE PLAN

[Insert your agency's Incident Response Plan consistent with CJIS 5.3 IR-4, IR-7, and IR-8 – see the Guide Sheet for additional guidance.]

805.10 SECURITY AWARENESS TRAINING

Members with physical or electronic access to CJI or CJI systems shall complete security awareness training appropriate to their assigned roles and responsibilities and shall certify their understanding by signing a formal Security Awareness Training Acknowledgement. Training shall include information security and privacy literacy training, security incident response training, and a review of this policy and related procedures.

Security awareness training shall be completed prior to accessing any CJI data or system and at least annually thereafter. Additional training shall be completed as required following any changes to CJI systems and for any member involved in a security incident within 30 days of the event.

Individual training records shall be maintained in accordance with the established records retention schedule, but in no event for less than three years.

The department's CJIS training shall be reviewed for any necessary updates or changes annually and following any security incident or change in a CJI system or the FBI CJIS Security Policy.

805.11 SANCTIONS

Failure to adhere to policies and procedures pertaining to CJI shall result in disciplinary action, up to and including termination. Misuse of or failure to secure CJI may also result in temporary or permanent restrictions in the use of CJI. Intentional misuse of CJI may also be prosecutable under applicable laws.

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Chapter 9 - Custody

Temporary Custody of Adults

900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Duvall Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

Additional guidance for transferring persons in custody to another facility or court is provided in the Transporting Persons in Custody Policy.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Department.

Safety checks - Direct, visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody.

Temporary custody - The time period an adult is in custody at the Duvall Police Department prior to being released or transported to a housing or other type of facility.

900.2 POLICY

The Duvall Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

900.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than six hours.

900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Duvall Police Department, but should be transported to a jail facility, a medical facility, or other type of facility as appropriate. These include:

- (a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.
- (b) Any individual who has a medical condition, including pregnancy, or who may require medical attention, supervision, or medication while in temporary custody.

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- (c) Any individual who is seriously injured.
- (d) Individuals who are a suspected suicide risk (see the Emergency Detentions Policy).
 - 1. If the officer taking custody of an individual believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release, or a transfer to an appropriate facility is completed.
- (e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.
- (f) Individuals who are under the influence of alcohol, a controlled substance, or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
- (g) Any individual who has exhibited extremely violent or continuously violent behavior.
- (h) Any individual who has claimed, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk.
- (i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

900.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability.

At least one female department member should be present when a female adult is in temporary custody. If a female officer is not available then two male officers should be present.

Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present. If a member of the opposite sex is not available there should be two officers present.

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

900.3.3 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

- (a) Authorized members entering for official business purposes.

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- (b) Emergency medical personnel when necessary.
- (c) Any other person authorized by the Shift Sergeant.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

900.4 INITIATING TEMPORARY CUSTODY

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. The officer should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent.

The receiving officer should ask the arresting officer if there is any statement, indication or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, he/she shall be transported to the appropriate jail or the appropriate mental health facility.

The officer should promptly notify the Shift Sergeant of any conditions that may warrant immediate medical attention or other appropriate action. The Shift Sergeant shall determine whether the individual will be placed in a cell, immediately released or transported to jail or other facility.

900.4.1 SCREENING AND PLACEMENT

The officer responsible for an individual in custody shall:

- (a) Advise the Shift Sergeant of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).
- (b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:
 - 1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.
 - 2. Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):
 - (a) Continuous, direct sight and sound supervision.
 - (b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.
 - 3. Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).
 - 4. Ensure males and females are separated by sight and sound when in cells.

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- 5. Ensure restrained individuals are not placed in cells with unrestrained individuals.
- (c) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.
- (d) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

900.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Patrol Division Commander will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

- (a) Inform the individual, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.
 - (a) This notification should be documented.
- (b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
 - (a) If the country is on the mandatory notification list, then:
 - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Tell the individual that this notification has been made and inform him/her without delay that he/she may communicate with consular officers.
 - (c) Forward any communication from the individual to his/her consular officers without delay. This process can be accomplished by fax using the department issued form attached to this policy. [See attachment: Consular Notification Fax Sheet.pdf](#)
 - (d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.
 - (b) If the country is not on the mandatory notification list and the individual requests that his/her consular officers be notified, then:
 - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Forward any communication from the individual to his/her consular officers without delay.

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- (c) Officers should also review Policy 412 - Immigration Enforcement, Section 412.10 for additional actions that might be required.

900.4.3 NOTICE TO INDIVIDUALS

To ensure compliance with treaty obligations, including consular notification, and state and federal law, written notice shall be given to an individual being detained explaining that the individual has the right to refuse to disclose their nationality, citizenship, or immigration status and that disclosure may result in civil or criminal immigration enforcement, including removal from the United States (RCW 10.93.160).

900.5 SAFETY, HEALTH, AND OTHER PROVISIONS

900.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the Duvall Police Department, the custody shall be promptly and properly documented in a custody log, including:

- (a) Identifying information about the individual, including his/her name.
- (b) Date and time of arrival at the Department.
- (c) Any charges for which the individual is in temporary custody and any case number.
- (d) Time of all safety checks.
- (e) Any medical and other screening requested and completed.
- (f) Any emergency situations or unusual incidents.
- (g) Any other information that may be required by other authorities, such as compliance inspectors.
- (h) Date and time of release from the Duvall Police Department.

The Shift Sergeant should initial the log to approve the temporary custody and should also initial the log when the individual is released from custody or transferred to another facility.

The Shift Sergeant should make periodic checks to ensure all log entries and safety and security checks are made on time.

900.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

- (a) Safety checks and significant incidents/activities are noted on the log.
- (b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.
 - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
 - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (c) There is reasonable access to toilets and wash basins.

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- (d) There is reasonable access to a drinking fountain or water.
- (e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (f) There is privacy during attorney visits.
- (g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.
 - 1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
- (j) Adequate furnishings are available, including suitable chairs or benches.

900.5.3 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to department members. At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor should meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by an officer.

Those who require medication while in temporary custody should not be at the Duvall Police Department. They should be released or transferred to another facility as appropriate.

900.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Shift Sergeant shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists.

900.5.5 TELEPHONE CALLS

Every individual in temporary custody should be allowed to make a reasonable number of completed telephone calls as soon as possible after arrival.

- (a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at his/her own expense.

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1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).
- (b) The individual should be given sufficient time to contact whomever he/she desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.
 1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use his/her judgment in determining the duration of the calls.
- (c) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.

900.5.6 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

900.5.7 FIREARMS AND OTHER SECURITY MEASURES

Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed. They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

900.5.8 NONDISCRIMINATION

The Duvall Police Department shall not deny services, benefits, privileges, or opportunities to individuals in custody on the basis of national origin, citizenship, or immigration status, or on the basis of the existence of an immigration detainer, hold, notification request, or civil immigration warrant, except as required by law (RCW 49.60.030; RCW 10.93.160).

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900.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the Duvall Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

900.6.1 PREGNANT ADULTS

Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

900.7 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (e.g., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

Upon release of an individual from temporary custody, his/her items of personal property shall be compared with the inventory, and he/she shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Department shall maintain a copy of the property receipt.

The Shift Sergeant shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The Shift Sergeant shall attempt to prove or disprove the claim.

900.8 HOLDING CELLS

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection also should be conducted when he/she is released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

- (a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces, and jackets, shall be removed.

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- (b) The individual shall constantly be monitored by an audio/video system during the entire custody.
- (c) The individual shall have constant auditory access to department members.
- (d) The individual's initial placement into and removal from a locked enclosure shall be logged.
- (e) Safety checks by department members shall occur no less than every 15 minutes.
 - 1. Safety checks should be at varying times.
 - 2. All safety checks shall be logged.
 - 3. The safety check should involve questioning the individual as to his/her well-being.
 - 4. Individuals who are sleeping or apparently sleeping should be awakened.
 - 5. Requests or concerns of the individual should be logged.

900.9 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

The Patrol Division Commander will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Duvall Police Department. The procedures should include the following:

- (a) Immediate request for emergency medical assistance if appropriate.
- (b) Immediate notification of the Shift Sergeant, Chief of Police and Patrol Division Commander.
- (c) Notification of the spouse, next of kin or other appropriate person.
- (d) Notification of the appropriate prosecutor.
- (e) Notification of the City Attorney.
- (f) Notification of the Medical Examiner.
- (g) Evidence preservation.

900.10 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

- (a) All proper reports, forms, and logs have been completed prior to release.
- (b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.
- (c) It has been confirmed that the correct individual is being released or transported.
- (d) All property, except evidence, contraband, or dangerous weapons, has been returned to, or sent with, the individual.
- (e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of property, warrant copies).

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- (f) The individual is not permitted in any nonpublic areas of the Duvall Police Department unless escorted by a member of the Department.
- (g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if the individual is being sent to another facility.
- (h) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with the person's personal needs as reasonable.

900.11 ASSIGNED ADMINISTRATOR

The Patrol Division Commander will ensure any reasonably necessary supplemental procedures are in place to address the following issues:

- (a) General security
- (b) Key control
- (c) Sanitation and maintenance
- (d) Emergency medical treatment
- (e) Escapes
- (f) Evacuation plans
- (g) Fire and life-safety
- (h) Disaster plans
- (i) Building and safety code compliance

900.12 TRAINING

Department members should be trained and familiar with this policy and any supplemental procedures.

Custodial Searches

901.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants, or weapons into the Duvall Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors, and the public.

Guidance for custody searches when transporting a person in custody may be found in the Transporting Persons in Custody Policy.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

901.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

901.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

901.3 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Duvall Police Department facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

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Custodial Searches

901.3.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's Duvall Police Department identification number and information regarding how and when the property may be released.

901.3.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

901.4 STRIP SEARCHES

No individual in temporary custody at any Duvall Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband that constitutes a threat to the facility. Probable cause is required for a strip search when there is a belief the individual is concealing on his/her body evidence not constituting a threat to the facility (RCW 10.79.130).

Factors to be considered in determining reasonable suspicion or probable cause include, but are not limited to (RCW 10.79.140):

- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.
- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
 - 1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

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- (c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).
- (d) The individual's actions or demeanor.
- (e) Criminal history (i.e., level of experience in a custody setting).
- (f) The nature of the offense.

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

901.4.1 STRIP SEARCH PROCEDURES

Strip searches at Duvall Police Department facilities shall be conducted as follows (28 CFR 115.115):

- (a) Written authorization from the Shift Sergeant shall be obtained prior to the strip search.
- (b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner (RCW 10.79.100).
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.
- (d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
- (e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.
- (f) The primary member conducting the search shall prepare a written report to include (RCW 10.79.150):
 - 1. The facts that led to the decision to perform a strip search.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The written authorization for the search, obtained from the Shift Sergeant.
 - 4. The name of the individual who was searched.
 - 5. The name, serial number of the officer and sex of the members who conducted the search.
 - 6. The name, sex and role of any person present during the search.

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7. The time and date of the search.
 8. The place at which the search was conducted.
 9. A list of the items, if any, that were recovered.
 10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.
 11. Any health condition discovered.
- (g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.
- (h) Except at the request of the individual, no person, other than those who are participating in the search, shall be present or able to observe the search (RCW 10.79.150).
- (i) A copy of the written authorization shall be maintained in the file of the individual who was searched (RCW 10.79.150).

901.4.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Shift Sergeant authorization and only in exceptional circumstances, such as when:

- (a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.
- (b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Shift Sergeant authorization does not need to be in writing.

901.4.3 RESTRICTIONS

Strip searches should be limited to those situations where such searches are necessary. Reasonable efforts to use less intrusive methods, such as pat-downs, electronic metal detector or clothing searches shall be made prior to any strip search (RCW 10.79.060; RCW 10.79.140).

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901.5 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following:

- (a) No individual shall be subjected to a physical body cavity search without written approval of the Shift Sergeant and only upon a search warrant. Authorization may be obtained electronically (RCW 10.79.080). A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).
- (b) Only a qualified physician, registered nurse or physician's assistant may conduct a physical body cavity search (RCW 10.79.100).
- (c) Except for the qualified physician, registered nurse or physician's assistant conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (e) All such searches shall be documented, including (RCW 10.79.080):
 - 1. The facts that led to the decision to perform a physical body cavity search of the individual.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The Shift Sergeant's approval.
 - 4. A copy of the search warrant.
 - 5. The time, date, location, and description of the search.
 - 6. The medical personnel present.
 - 7. The names, sex, and roles of any department members present.
 - 8. A statement of the results of the search and a list of any contraband or weapons discovered by the search.
- (f) A copy of the written authorization shall be retained and made available to the individual who was searched or other authorized representative upon request.
- (g) Before any physical body cavity search is authorized or conducted, a thorough pat-down search, a thorough electronic metal-detector search, and a thorough clothing search, as appropriate, must be used. No physical body cavity search shall be authorized or conducted unless these other methods do not satisfy the safety, security, or evidentiary concerns of the Department (RCW 10.79.080).
- (h) The Shift Sergeant may allow the individual to have a readily available witness, of the individual's choosing, present at the time the search is conducted. The person chosen shall not be currently in custody or present an unreasonable security risk (RCW 10.79.100).

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901.6 TRAINING

The Training Sergeant shall ensure members have training that includes (28 CFR 115.115):

- (a) Conducting searches of cross-gender individuals.
- (b) Conducting searches of transgender and intersex individuals.
- (c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs. The search must be conducted by a physician, registered nurse, or physician's assistant.

901.7 JUVENILES

No juvenile should be subjected to a strip search or a physical body cavity search at the Department.

The Chief of Police or the authorized designee should establish procedures for the following:

- (a) Safely transporting a juvenile who is suspected of concealing a weapon or contraband, or who may be experiencing a medical issue related to such concealment, to a medical facility or juvenile detention facility as appropriate in the given circumstances.
 - 1. Procedures should include keeping a juvenile suspected of concealing a weapon under constant and direct supervision until custody is transferred to the receiving facility.
- (b) Providing officers with information identifying appropriate medical and juvenile detention facilities to which a juvenile should be transported for a strip or body cavity search.

Nothing in this section is intended to prevent an officer from rendering medical aid to a juvenile in emergency circumstances (see the Medical Aid and Response Policy for additional guidance).

901.8 GENDER IDENTITY OR EXPRESSION CONSIDERATIONS

If an individual who is subject to a strip search or physical body cavity search has a gender identity or expression that differs from their sex assigned at birth, the search should be conducted by members of the same gender identity or expression as the individual, unless the individual requests otherwise.

Biological Samples

902.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction for certain offenses and from offenders required to register, for example, as sex offenders. This policy does not apply to biological samples collected at a crime scene or taken from an individual in conjunction with a criminal investigation.

902.2 POLICY

The Duvall Police Department will assist in the expeditious collection of required biological samples from offenders in accordance with the laws of this state and with as little reliance on force as practicable.

902.3 OFFENDERS SUBJECT TO BIOLOGICAL SAMPLE COLLECTION

The following offenders must submit a biological sample (RCW 43.43.754):

- (a) An offender convicted of any felony offense.
- (b) An offender convicted of assault in the fourth degree where domestic violence as defined in RCW 9.94A.030 was pleaded and proven (RCW 9A.36.041).
- (c) An offender convicted of assault in the fourth degree with sexual motivation (RCW 9A.36.041; RCW 9.94A.835).
- (d) An offender convicted of communication with a minor for immoral purposes (RCW 9.68A.090).
- (e) An offender convicted of custodial sexual misconduct in the second degree (RCW 9A.44.170).
- (f) An offender convicted of failure to register as a sex or kidnap offender (RCW 9A.44.040 et seq.).
- (g) An offender convicted of harassment (RCW 9A.46.020).
- (h) An offender convicted of patronizing a prostitute (RCW 9A.88.110).
- (i) An offender convicted of sexual misconduct with a minor in the second degree (RCW 9A.44.096).
- (j) An offender convicted of stalking (RCW 9A.46.110).
- (k) An offender who violates a sexual assault protection order granted under RCW 7.105.050 et seq. (Civil Protection Orders).
- (l) An offender convicted of indecent exposure (RCW 9A.88.010).
- (m) An offender convicted of a sex or kidnapping offense and required to register under RCW 9A.44.130.

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902.3.1 OPTIONAL SUBMISSION OF BIOLOGICAL SAMPLES

The Department may submit biological samples to the forensic laboratory services of the Washington State Patrol (WSP) of an offender who is deceased and who was previously convicted of a qualifying offense regardless of the date of conviction (RCW 43.43.754).

902.4 PROCEDURE

When an offender is required to provide a biological sample, a trained member shall attempt to obtain the sample in accordance with this policy.

902.4.1 COLLECTION

The following steps should be taken to collect a sample:

- (a) Verify that the offender is required to provide a sample pursuant to RCW 43.43.754.
- (b) Verify that a biological sample has not been previously collected from the offender by querying the person's WSP Crime Lab. There is no need to obtain a biological sample if one has been previously obtained (RCW 43.43.754).
- (c) Use the designated collection kit provided by the WSP to perform the collection and take steps to avoid cross contamination.

902.5 USE OF FORCE TO OBTAIN SAMPLES

If an offender refuses to cooperate with the sample collection process, members should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order or approval of legal counsel, and only with the approval of a supervisor.

Methods to consider when seeking voluntary compliance include contacting:

- (a) The individual's parole or probation officer, when applicable.
- (b) The prosecuting attorney to seek additional charges against the individual for failure to comply or to otherwise bring the refusal before a judge (RCW 43.43.754(11)).
- (c) The judge at the individual's next court appearance.
- (d) The individual's attorney.
- (e) A chaplain.
- (f) Another custody facility with additional resources, where the individual can be transferred to better facilitate sample collection.
- (g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available. The supervisor shall review and approve any plan to use force and be present to document the process.

The supervisor shall review and approve any plan to use force and be present to document the process.

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902.5.1 VIDEO RECORDING

A video recording should be made any time force is used to obtain a biological sample. The recording should document all persons participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the established records retention schedule.

902.6 LEGAL MANDATES AND RELEVANT LAWS

Washington law provides for the following:

902.6.1 AVAILABLE INFORMATION AND TRAINING

The patrol supervisor should maintain relevant informational material from the WSP in the booking area of the Duvall Police Department for training and guidance purposes. This should include the WSP protocols for the collection, preservation, and shipment of biological samples (WAC 446-75-060).

Prison Rape Elimination

903.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect and respond to sexual abuse, harassment and retaliation against prisoners in the Duvall Police Department Temporary Holding Facilities (28 CFR 115.111).

903.1.1 DEFINITIONS

Definitions related to this policy include:

Intersex - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

Sexual abuse - Any of the following acts, if the prisoner does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or the buttocks of another person, excluding contact incidental to a physical altercation (28 CFR 115.6)

Sexual abuse also includes abuse by a staff member, contractor or volunteer as follows, with or without consent of the prisoner or resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Contact between the mouth and any body part where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh or the buttocks, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire

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- Any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities described above
- Any display by a staff member, contractor or volunteer of his/her uncovered genitalia, buttocks or breast in the presence of a prisoner or resident
- Voyeurism by a staff member, contractor or volunteer (28 CFR 115.6)

Sexual harassment - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures or actions of a derogatory or offensive sexual nature by one prisoner or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to a prisoner or resident by a staff member, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6).

Transgender - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

903.2 POLICY

The Duvall Police Department has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Department will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The Duvall Police Department will take immediate action to protect prisoners who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162).

903.3 PREA COORDINATOR

The Chief of Police shall appoint an upper-level manager with sufficient time and authority to develop, implement and oversee department efforts to comply with PREA standards in the Duvall Police Department Temporary Holding Facilities (28 CFR 115.111). The PREA Coordinator's responsibilities shall include:

- (a) Developing and maintaining procedures to comply with the PREA Rule.
- (b) Ensuring that any contract for the confinement of Duvall Police Department prisoners includes the requirement to adopt and comply with applicable PREA and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).
- (c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect prisoners from sexual abuse (28 CFR 115.113). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.
- (d) Developing methods for staff to privately report sexual abuse and sexual harassment of prisoners (28 CFR 115.151).

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- (e) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators and department leadership to an incident of sexual abuse (28 CFR 115.165).
- (f) Ensuring a protocol is developed for investigating allegations of sexual abuse in the Temporary Holding Facility. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):
 - 1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents" or a similarly comprehensive and authoritative protocol.
 - 2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.
 - 3. A process to document all referrals to other law enforcement agencies.
 - 4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.
 - 5. In accordance with security needs, provisions to permit, to the extent available, prisoner access to victim advocacy services if the prisoner is transported for a forensic examination to an outside hospital that offers such services.
- (g) Ensuring that prisoners with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing or vision disabilities) (28 CFR 115.116).
 - 1. The agency shall not rely on other prisoners for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the prisoner's safety, the performance of first-response duties under this policy, or the investigation of a prisoner's allegations of sexual abuse, harassment or retaliation.
- (h) Publishing on the department's website:
 - 1. Information on how to report sexual abuse and sexual harassment on behalf of a prisoner (28 CFR 115.154).

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2. A protocol describing the responsibilities of the Department and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).
- (i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (28 CFR 115.187).
 1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.
 2. The data shall be aggregated at least annually.
- (j) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all Temporary Holding Facilities used to house prisoners overnight (28 CFR 115.193).
- (k) Ensuring contractors or others who work in the Temporary Holding Facility are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).

903.4 REPORTING SEXUAL ABUSE AND HARASSMENT

Prisoners may make reports verbally, in writing, privately or anonymously of any of the following (28 CFR 115.151):

- Sexual abuse
- Sexual harassment
- Retaliation by other prisoners or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

During intake the Department shall notify all prisoners of the zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Department and that is able to receive and immediately forward prisoner reports of sexual abuse and sexual harassment to agency officials. This allows the prisoner to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

903.4.1 MEMBER RESPONSIBILITIES

Department members shall accept reports from prisoners and third parties and shall promptly document all reports (28 CFR 115.151).

All members shall report immediately to the Shift Sergeant any knowledge, suspicion or information regarding:

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- (a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.
- (b) Retaliation against prisoners or the member who reports any such incident.
- (c) Any neglect or violation of responsibilities on the part of any department member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

903.4.2 SHIFT SERGEANT RESPONSIBILITIES

The Shift Sergeant shall report to the department's designated investigators all allegations of sexual abuse, harassment, retaliation, neglect or violations leading to sexual abuse, harassment or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Shift Sergeant shall also report the allegation as required under mandatory reporting laws and department policy.

Upon receiving an allegation that a prisoner was sexually abused while confined at another facility, the Shift Sergeant shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Shift Sergeant shall document such notification (28 CFR 115.163).

If an alleged prisoner victim is transferred from the Temporary Holding Facility to a jail, prison or medical facility, the Department shall, as permitted by law, inform the receiving facility of the incident and the prisoner's potential need for medical or social services, unless the prisoner requests otherwise (28 CFR 115.165).

903.5 INVESTIGATIONS

The Department shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received department-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

903.5.1 FIRST RESPONDERS

The first officer to respond to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

- (a) Separate the parties.
- (b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.
- (c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

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- (d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

If the first responder is not an officer the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (28 CFR 115.164).

903.5.2 INVESTIGATOR RESPONSIBILITIES

Investigators shall (28 CFR 115.171):

- (a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.
- (b) Interview alleged victims, suspects and witnesses.
- (c) Review any prior complaints and reports of sexual abuse involving the suspect.
- (d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- (e) Assess the credibility of the alleged victim, suspect or witness on an individual basis and not by the person's status as a prisoner or a member of the Duvall Police Department.
- (f) Document in written reports a description of physical, testimonial, documentary and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.
- (g) Refer allegations of conduct that may be criminal to the prosecuting attorney for possible prosecution, including any time there is probable cause to believe a prisoner sexually abused another prisoner in the Temporary Holding Facility (28 CFR 115.178).
- (h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

903.5.3 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this department shall not be used as a basis for terminating an investigation (28 CFR 115.171).

903.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS

No prisoner who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

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Prisoner victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

903.5.5 CONCLUSIONS AND FINDINGS

All completed investigations shall be forwarded to the Chief of Police, or if the allegations may reasonably involve the Chief of Police, to the City Administrator. The Chief of Police or City Administrator shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for department members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with prisoners and reported to any relevant licensing bodies (28 CFR 115.177). The Chief of Police shall take appropriate remedial measures and consider whether to prohibit further contact with prisoners by a contractor or volunteer.

903.6 RETALIATION PROHIBITED

All prisoners and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Shift Sergeant or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for prisoner victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for prisoners or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The Shift Sergeant or the authorized designee shall identify a staff member to monitor the conduct and treatment of prisoners or members who have reported sexual abuse and of prisoners who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of prisoners, such monitoring shall also include periodic status checks.

903.7 REVIEWS AND AUDITS

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903.7.1 INCIDENT REVIEWS

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

- (a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.
- (b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.
- (c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
- (d) Assess the adequacy of staffing levels in that area during different shifts.
- (e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Chief of Police and the PREA Coordinator. The Chief of Police or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

903.7.2 DATA REVIEWS

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

- (a) Identification of any potential problem areas.
- (b) Identification of any corrective actions taken.
- (c) Recommendations for any additional corrective actions.
- (d) A comparison of the current year's data and corrective actions with those from prior years.
- (e) An assessment of the department's progress in addressing sexual abuse.

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The report shall be approved by the Chief of Police and made readily available to the public through the department website or, if it does not have one, through other means. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from Duvall Police Department facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the department website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

903.8 RECORDS

The Department shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Department, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

903.9 TRAINING

All employees, volunteers and contractors who may have contact with prisoners shall receive department-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training Sergeant shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The Department's zero-tolerance policy and prisoners' right to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which prisoners are most vulnerable.
- The right of prisoners and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all prisoners.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

- Techniques for interviewing sexual abuse victims.
- Proper use of *Miranda* and *Garrity* warnings.

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- Sexual abuse evidence collection in confinement settings.
- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Training Sergeant shall maintain documentation that employees, volunteers, contractors and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current employees and volunteers who may have contact with prisoners shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such employees and volunteers to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.

Transporting Persons in Custody

904.1 PURPOSE AND SCOPE

This policy provides guidelines for transporting persons who are in the custody of the Duvall Police Department.

See the Handcuffing and Restraints Policy for additional guidance.

904.2 POLICY

It is the policy of the Duvall Police Department to provide safe, secure, and humane transportation for all persons in custody.

904.3 PATROL DIVISION COMMANDER RESPONSIBILITIES

The Patrol Division Commander should establish related procedures for:

- Safely transporting persons who have their legs restrained.
- Seating placement of persons being transported in vehicles with and without safety barriers.

904.4 OFFICER RESPONSIBILITIES

Persons in custody should be transported in a vehicle properly equipped to transport passengers. They should be appropriately restrained and positioned during transport.

Officers transporting a person in custody should:

- (a) Search all areas of the vehicle accessible to a person in custody before and after each transport.
- (b) Immediately search persons in custody after arrest, when receiving the person from the custody of another officer, and before transferring the person. Refer to the Custodial Searches Policy before conducting any search other than a field search.
 1. Whenever practicable, a search should be conducted by an officer of the same gender as the person being searched. If an officer of the same gender is not reasonably available, a witnessing officer should be present during the search.
- (c) Provide Dispatch with any required notifications (e.g., start time, mileage, end time).
- (d) Properly secure all property.
- (e) Use audio/video equipment (when properly equipped) to observe and record any person in custody during transport (see the Mobile Audio Video and Body-Worn Cameras policies for additional guidance).
- (f) Make a reasonable effort to prevent inappropriate conversations between persons being transported (e.g., demeaning or insulting language) or conversations between a person being transported and someone outside the vehicle.
- (g) Plan travel times and routes to avoid situations that might impede transportation (e.g., heavy traffic, unfavorable road conditions, extreme weather) when reasonably practicable.

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- (h) Make a verbal welfare check with a person in custody at least every 10 minutes. Provide sufficient visual observation and audio communication during the transport of:
 - 1. Individuals in auxiliary restraints.
 - 2. Individuals in leg restraints.
 - 3. Individuals wearing a spit hood.
 - 4. Individuals who are a suspected suicide risk.
- (i) Verify that the vehicle's security devices (e.g., window and rear-door child-safety locks) are activated.
- (j) Assess uncooperative persons who cannot or will not sit upright for a medical condition (see the Medical Aid and Response Policy for additional guidance):
 - 1. If no medical condition exists, alternative transportation should be arranged (e.g., a special transport van).

904.5 TRANSPORT RESTRICTIONS

When transporting multiple persons, officers:

- (a) Should not transport persons in custody together. Persons in custody should be transported individually when practicable, or within their own compartment of a multiple-compartment vehicle, unless supervisor approval is received based on unusual circumstances.
 - 1. Juveniles and adults shall not be transported together.
 - 2. Persons with known hostilities toward each other, such as mutual combatants or rival gang members, shall not be transported together.
 - 3. Persons of different genders should not be transported together.
- (b) If segregating individuals is not possible, transporting officers should be alert to inappropriate physical or verbal contact and take appropriate action.

904.6 TRANSPORT VANS

An officer trained on the safety and restraint systems of a transport van should be present during the transport van's use for transporting a person in custody.

An officer should assist persons getting into and out of the transport van to avoid falls.

904.7 TRANSPORTING PERSONS IN CUSTODY WHO HAVE A DISABILITY

When transporting a person in custody who has a disability, a transporting officer should request assistance as necessary to transport the person in a reasonable and safe manner. The transporting officer should ensure that any special equipment (e.g., canes, wheelchairs, prosthetics) is transported to the person's destination in a way that does not threaten the safety or security of the person in custody or the officer.

Officers transporting a person who has a disability should consult with the person in custody and use good judgment in determining what, if any, restraining devices may be appropriate based on the person's disability to ensure the security, safety, and dignity of all persons.

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904.8 TRANSPORTING ILL OR INJURED PERSONS IN CUSTODY

Except in exceptional cases where alternatives are not reasonably available, officers should not transport persons in custody who are unconscious, have serious injuries, or who may be seriously ill. EMS personnel should be called to handle such transportation.

Officers shall notify a supervisor as soon as practicable when transporting a person in custody to a hospital.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes, or when so directed by a Shift Sergeant.

Any person in custody suspected of having a communicable disease should be transported in compliance with the exposure control plan in the Communicable Diseases Policy.

See the Medical Aid and Response Policy for additional guidance on ill or injured persons in custody.

904.9 TRANSPORTING PREGNANT PERSONS IN CUSTODY

Persons in custody who are known to be pregnant should be restrained during transport in the least restrictive manner that is effective for officer safety. Leg restraints, waist chains, or handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure themselves or others, or damage property.

Absent exceptional circumstances, persons in labor or delivery should not be transported by officers. EMS personnel should be called to handle transportation.

904.10 EMERGENCY DETENTION TRANSPORTS

When transporting any individual for an emergency detention, the transporting officer should request that Dispatch notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual, and whether any special medical care is needed.

Should the person require transport in a medical transport vehicle, and the safety of any person, including the person in custody, requires the presence of an officer during the transport, Shift Sergeant approval is required before transport commences.

See the Emergency Detentions Policy for additional guidance.

904.11 INTERRUPTION OF TRANSPORT

Absent extraordinary circumstances, officers should not interrupt a transport to provide emergency assistance without supervisory approval. Officers encountering an emergency should notify Dispatch and request an appropriate response.

904.12 EXTENDED TRANSPORTS

During transports for extended durations, transporting officers may be required to make necessary stops. With supervisory approval and due consideration for security risks and the in-custody

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person's health and well-being, these stops should be limited to fuel, meals, bathroom breaks, and other purposes reasonably necessary for the continuation of the transport.

904.13 PROHIBITIONS

When transporting a person in custody, officers should not:

- (a) Use transport as a form of punishment or retaliation (e.g., intentionally rough rides, excessive heat or cold, obnoxiously loud music).
- (b) Handcuff a person to any part of a vehicle.
- (c) Leave the vehicle unattended with the person in custody in the vehicle.
- (d) Allow any person who is not in custody (e.g., friend, family member) to have contact with or be in close proximity to the person in custody.
- (e) Allow any food, drink, or other consumables to be given to the person in custody by anyone other than department personnel or receiving agency personnel.
- (f) Stop to conduct any personal activities.
- (g) Engage in a pursuit.

904.14 ESCAPES

In the event that a person in custody escapes while being transported, the transporting officer should immediately advise Dispatch and other units of the escape, provide a description of the escapee, notify the Shift Sergeant, and submit a written report as soon as practicable describing the circumstances of the escape and any recapture.

The Shift Sergeant should notify the Chief of Police or the authorized designee upon learning of an escape.

If the escape occurs outside the jurisdiction of the Duvall Police Department, the Shift Sergeant should notify the appropriate agency or agencies within the jurisdiction where the escape occurred.

904.15 DOCUMENTATION

If a person is injured during transportation, officers should document the injury in the appropriate report. Documentation should include the condition of the person prior to transportation and the known or suspected causes of the injury during transportation (e.g., hitting head, struggling with restraints, fighting with other persons in custody). Any visible or reported injuries should be photographed and included with the report.

904.16 NOTIFICATIONS

Officers should notify a supervisor and any receiving facility of information regarding any circumstances the officer reasonably believes would be potential safety concerns or medical risks to the person (e.g., uncooperative or violent, prolonged struggle, extreme agitation, medical conditions) that may have occurred prior to, or during, transportation.

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904.17 TRAINING

The Training Sergeant should provide periodic training on this policy and procedures related to transporting persons in custody, restraint systems, and restraint devices.

Chapter 10 - Personnel

Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Duvall Police Department and that are promulgated and maintained by the Department of Human Resources.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the Duvall Police Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 RECRUITMENT

The Administrative Services Division Commander should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.
- (e) Employee referral and recruitment incentive programs.
- (f) Consideration of shared or collaborative regional testing processes.

The Administrative Services Division Commander shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

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1000.4 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department shall employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
- (b) Driving record
- (c) Personal and professional reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
 - 1. This review should include the identification of any activity that promotes or supports unlawful violence or unlawful bias against persons based on protected characteristics (e.g., race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, disability).
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state, and federal criminal history record checks
- (h) Polygraph or voice stress analyzer examination (when legally permissible) (RCW 43.101.095; WAC 139-07-040)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
 - 1. The medical examination shall include a drug screening and be conducted by a licensed physician.
- (j) Review board or selection committee assessment
- (k) Relevant national and state decertification records, if available, including the National Decertification Index

1000.4.1 VETERAN PREFERENCE

The Department will provide veteran preference percentages as required (RCW 41.04.010).

1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify their personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Duvall Police Department (RCW 43.101.095; WAC 139-07-020).

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1000.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

1000.5.2 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private or protected information, the Administrative Services Division Commander shall not require candidates to provide passwords, account information or access to password-protected social media accounts (RCW 49.44.200).

The Administrative Services Division Commander should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate and validated.
- (c) The Department fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Administrative Services Division Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.5.3 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file. These files shall be stored in a secured manner and made available only to those who are authorized to participate in the selection process.

1000.5.4 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

1000.5.5 BACKGROUND CERTIFICATION

Upon completion of the background investigation of a candidate who has received a conditional offer of employment with the Duvall Police Department, the background investigator shall certify to the Criminal Justice Training Commission (CJTC) that the background check has been completed and there was no information found that would disqualify the candidate from certification, and that the candidate is suitable for employment as an officer (RCW 43.101.095).

1000.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

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- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (RCW 43.101.095; RCW 43.101.200). Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR OFFICERS

Candidates shall meet the following minimum standards established by the CJTC (RCW 43.101.095):

- (a) Be eligible for CJTC certification
- (b) Submit to a psychological evaluation conducted by a licensed psychologist or psychiatrist
- (c) Submit to a polygraph examination conducted by a qualified technician
- (d) Submit to a criminal history check
- (e) Not been convicted of a felony offense
- (f) Be eligible to work under federal law as a U.S. citizen, lawful permanent resident, or Deferred Action for Childhood Arrivals (DACA) recipient

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1000.8 PROBATIONARY PERIODS

The Administrative Services Division Commander should coordinate with the Duvall Department of Human Resources to identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.

Evaluation of Employees

1001.1 PURPOSE AND SCOPE

The Department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

1001.2 POLICY

The Duvall Police Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion, and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

1001.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and non-sworn supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

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Evaluation of Employees

1001.4 FULL TIME PROBATIONARY PERSONNEL

Non-sworn personnel are on probation for 12 months before being eligible for certification as permanent employees. An evaluation is completed monthly for all full-time non-sworn personnel during the probationary period.

Sworn personnel are on probation for 12 months before being eligible for certification as permanent employees. Probationary officers are evaluated daily, weekly and monthly during the probationary period.

1001.5 FULL-TIME PERMANENT STATUS PERSONNEL

Permanent employees are subject to three types of performance evaluations:

Regular - An Employee Performance Evaluation shall be completed once each year by the employee's immediate supervisor on the anniversary of the employee's date of hire except for employees who have been promoted in which case an Employee Performance Evaluation shall be completed on the anniversary of the employee's date of last promotion.

Transfer - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer, then an evaluation shall be completed by the current supervisor with input from the previous supervisor.

Special - A special evaluation may be completed any time the rater and the rater's supervisor feel one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (action plan, remedial training, retraining, etc.). The evaluation form and the attached documentation shall be submitted as one package.

1001.5.1 RATINGS CRITERIA

When completing the Employee Performance Evaluation, the rater will place a check mark in the column that best describes the employee's performance. The definition of each rating category is as follows:

Outstanding - Is actual performance well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

Exceeds Standards - Represents performance that is better than expected of a fully competent employee. It is superior to what is expected, but is not of such rare nature to warrant outstanding.

Meets Standards - Is the performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

Needs Improvement - Is a level of performance less than that expected of a fully competent employee and less than standards required of the position. A needs improvement rating must be thoroughly discussed with the employee.

Unsatisfactory - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated.

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Evaluation of Employees

Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses, and suggestions for improvement. Any rating under any job dimension marked unsatisfactory or outstanding shall be substantiated in the rater comments section.

1001.6 EVALUATION INTERVIEW

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the just completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation. Permanent employees may also write comments in the Employee Comments section of the performance evaluation report.

1001.7 EVALUATION REVIEW

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the rater's supervisor (Division Commander). The Division Commander shall review the evaluation for fairness, impartiality, uniformity, and consistency. The Division Commander shall evaluate the supervisor on the quality of ratings given.

1001.8 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Chief of Police for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to City Department of Human Resources.

1001.9 REMEDIAL TRAINING

When an employee fails to perform a job function at the level prescribed in this policy manual, remedial training may be necessary to ensure that employee has the knowledge and skills necessary to perform at an acceptable level.

Whenever an employee receives an evaluation rating of needs improvement or unacceptable, receives a Special Evaluation to document a performance deficiency or is receiving discipline for a performance deficiency, the supervisor should consider whether remedial training would be appropriate to assist the employee in improving their performance.

- (a) If remedial training is deemed to be appropriate, the supervisor shall document the following items in a Personnel Improvement Plan (PIP):
 - 1. The remedial training being provided.
 - 2. The timeline for providing the training.
 - 3. The timeline for evaluating the employee's subsequent performance.

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4. The consequences if the employee fails to perform.
 5. The desired outcome if the remediation is successful.
- (b) Prior to implementing the remedial training, the supervisor shall present the PIP to the employee who shall then be provided with ten days to respond with any objections or other comments.
 - (c) If the employee fails to provide a timely written response or expresses no desire to respond, the employee's date and signature shall be affixed to the PIP as agreement to its terms.
 - (d) If the employee provides a timely written response, any objections shall be adjudicated in accordance with the department's grievance procedure.

The remedial training process is for use with all employees. It is not limited to use with probationary employees.

Special Assignments and Promotions

1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making special assignments within the Duvall Police Department.

1002.1.1 GENERAL REQUIREMENTS

The following considerations will be used in evaluating employees for promotion or transfer to a specialty assignment:

- (a) Present a professional, neat appearance.
- (b) Maintain a physical condition which aids in their performance.
- (c) Demonstrate the following traits:
 - 1. Emotional stability and maturity
 - 2. Stress tolerance
 - 3. Sound judgment and decision making
 - 4. Personal integrity and ethical conduct
 - 5. Leadership
 - 6. Initiative
 - 7. Adaptability and flexibility
 - 8. Ability to conform to organizational goals and objectives in a positive manner.

1002.2 SWORN NON-SUPERVISORY SELECTION PROCESS

The following positions are considered transfers and are not considered promotions:

- (a) Special Enforcement Team member.
- (b) Detective.
- (c) Accident Investigator.
- (d) Field Training Officer.
- (e) Community Relations/Training Officer.
- (f) D.A.R.E. Officer/School Resource Officer.
- (g) Court Officer.

1002.2.1 DESIRABLE QUALIFICATIONS

The following qualifications apply to consideration for transfer:

- (a) Three years experience preferred.

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- (b) Off probation.
- (c) Has shown an expressed interest in the position applied for.
- (d) Education, training and demonstrated abilities in related areas; such as, enforcement activities, investigative techniques, report writing, public relations, etc.
- (e) Complete any training required by CJTC or law.

1002.3 SELECTION PROCESS

The following criteria apply to transfers.

- (a) Administrative evaluation as determined by the Chief of Police. This shall include a review of supervisor recommendations. Each supervisor who has supervised or otherwise been involved with the candidate will submit these recommendations.
- (b) The supervisor recommendations will be submitted to the Division Commander for whom the candidate will work. The Division Commander will schedule interviews with each candidate.
- (c) Based on supervisor recommendations and those of the Division Commander after the interview, the Division Commander will submit his/her recommendation(s) to the Chief of Police.
- (d) Appointment by the Chief of Police

The policy and procedures for all positions may be waived for temporary assignments, emergency situations or for training.

1002.4 PROMOTIONAL REQUIREMENTS

Requirements and information regarding any promotional process are available at the Duvall Department of Human Resources.

1002.5 POLICY

The Duvall Police Department determines assignments and promotions in a nondiscriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments and promotions are made by the Chief of Police.

1002.6 SPECIAL ASSIGNMENT POSITIONS

The following positions are considered special assignments and not promotions:

- (a) Crisis Intervention Response Team member
- (b) Investigator
- (c) Motorcycle officer
- (d) Bicycle Patrol officer
- (e) Canine handler
- (f) Collision investigator

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- (g) Field Training Officer
- (h) Community Relations/Training Officer
- (i) School Resource and/or Drug Abuse Resistance Education (D.A.R.E.) officer
- (j) Court Officer
- (k) Terminal Agency Coordinator
- (l) Local Agency Security Officer

1002.6.1 EVALUATION CRITERIA

The following criteria will be used in evaluating candidates for a special assignment:

- (a) Presents a professional, neat appearance.
- (b) Maintains a physical condition that aids in his/her performance.
- (c) Expresses an interest in the assignment.
- (d) Demonstrates the following traits:
 - 1. Emotional stability and maturity
 - 2. Stress tolerance
 - 3. Sound judgment and decision-making
 - 4. Personal integrity and ethical conduct
 - 5. Leadership skills
 - 6. Initiative
 - 7. Adaptability and flexibility
 - 8. Ability to conform to department goals and objectives in a positive manner

1002.6.2 SELECTION PROCESS

The selection process for special assignments will include an administrative evaluation as determined by the Chief of Police to include:

- (a) Supervisor recommendations - Each supervisor who has supervised or otherwise been involved with the candidate will submit a recommendation.
 - 1. The supervisor recommendations will be submitted to the Division Commander for whom the candidate will work.
- (b) Division Commander interview - The Division Commander will schedule interviews with each candidate.
 - 1. Based on supervisor recommendations and those of the Division Commander after the interview, the Division Commander will submit his/her recommendations to the Chief of Police.
- (c) Assignment by the Chief of Police.

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Special Assignments and Promotions

The selection process for all special assignment positions may be waived for temporary assignments, emergency situations, training, and at the discretion of the Chief of Police.

Grievance Procedure

1003.1 PURPOSE AND SCOPE

It is the policy of this department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance whether or not there is a basis for the grievance. Our Department's philosophy is to promote a free verbal communication between employees and supervisors.

1003.1.1 GRIEVANCE DEFINED

Grievance - Is any dispute involving the interpretation or application of any of the following documents by the person affected:

- The employee bargaining agreement (Memorandum of Understanding).
- This Policy Manual.
- City rules and regulations covering personnel practices or working conditions.

Grievances may be brought by an individual affected employee or by a group representative.

Specifically outside the category of grievance are complaints related to allegations of discrimination or harassment subject to the Discriminatory Harassment Policy. Also outside the category of grievances are personnel complaints regarding any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy or federal, state, or local law set forth in the Personnel Complaints Policy.

1003.2 PROCEDURE

Except as otherwise required under a collective bargaining agreement, if an employee believes that he/she has a grievance as defined above, then that employee shall observe the following procedure:

- (a) Attempt to resolve the issue through informal discussion with immediate supervisor.
- (b) If after a reasonable amount of time, generally seven days, the grievance cannot be settled by the immediate supervisor, the employee may request an interview with the Division Commander of the affected division or bureau.
- (c) If a successful resolution is not found with the Division Commander, the employee may request a meeting with the Chief of Police.
- (d) If the employee and the Chief of Police are unable to arrive at a mutual solution, then the employee shall proceed as follows:
 1. Submit in writing a written statement of the grievance and deliver one copy to the Chief of Police and another copy to the immediate supervisor and include the following information:

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- (a) The basis for the grievance (i.e., what are the facts of the case).
- (b) Allegation of the specific wrongful act and the harm done.
- (c) Identification of the specific policies, rules or regulations or allegedly violated.
- (d) What remedy you are seeking or goal you would like to accomplish from this grievance.
- (e) The employee shall receive a copy of the acknowledgment signed by the supervisor including the date and time of receipt.
- (f) The Chief of Police will receive the grievance in writing. The Chief of Police and the City Administrator will review and analyze the facts or allegations and respond to the employee within 14 calendar days. The response will be in writing, and will affirm or deny the allegations. The response shall include any remedies if appropriate. The decision of the City Administrator is considered final.

1003.3 EMPLOYEE REPRESENTATION

Employees are entitled to have representation during the grievance process. The representative may be selected by the employee from the appropriate employee bargaining group.

1003.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to Administrative Services for inclusion into a secure file for all written grievances. A second copy of the written grievance will be maintained by the City Administrator's office to monitor the grievance process.

1003.5 GRIEVANCE AUDITS

The Training Sergeant shall perform an annual audit of all grievances filed the previous calendar year to evaluate whether or not any policy/procedure changes or training may be appropriate to avoid future filings of grievances. The Training Sergeant shall record these findings in a confidential and generic memorandum to the Chief of Police without including any identifying information from any individual grievance. If the audit identifies any recommended changes or content that may warrant a critical revision to this policy manual, the Training Sergeant should promptly notify the Chief of Police.

Anti-Retaliation

1004.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance, or collective bargaining agreement or memorandum of understanding.

1004.2 POLICY

The Duvall Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1004.3 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
- (h) Not interfering with or denying the right of a member to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

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1004.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the City Personnel Manager.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1004.5 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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1004.5.1 RETALIATION PROHIBITED FOR INTERVENING OR REPORTING

An officer shall not be retaliated against in any way for intervening or reporting in good faith any wrongdoing by another law enforcement officer. Wrongdoing means conduct that is contrary to law or policies of this department (RCW 10.93.190).

1004.6 WHISTLE-BLOWING

Washington law protects employees who make good faith reports of improper government actions. Improper government actions include violations of Washington law, abuse of authority, gross waste of funds, and substantial and specific danger to the public health or safety (RCW 42.40.010 et seq.; RCW 49.60.210; RCW 42.41.010 et seq.).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Operations Commander for investigation pursuant to the Personnel Complaints Policy.

1004.6.1 DISPLAY OF REPORTING PROCEDURES

The Department shall display the City policy to employees regarding their rights and the procedures for reporting information of an alleged improper government action. A copy of the policy shall be made available to employees upon request (RCW 42.41.030).

1004.7 COMMAND STAFF RESPONSIBILITIES

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all members the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

1004.9 RECORDS RETENTION AND RELEASE

The Records Manager shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1004.9 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

Reporting of Arrests, Convictions, and Court Orders

1005.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures that members must follow when certain arrests, convictions, and court orders restrict their ability to perform the official duties and responsibilities of the Duvall Police Department. This policy will also describe the notification requirements and procedures that certain retired officers must follow when an arrest, conviction, or court order disqualifies them from possessing a firearm (RCW 43.101.135).

1005.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

Washington and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; RCW 9A.04.040; RCW 9A.04.080).

All members and retired officers with identification cards issued by the Department are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1005.3 REPORTING

All members of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal detention, arrest, charge, plea, or conviction in any state or foreign country, regardless of whether the matter was dropped or rejected, is currently pending or is on appeal, and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department shall immediately notify their supervisors (retired officers should immediately notify the Shift Sergeant or the Chief of Police) in writing if they become the subject of a domestic violence-related order or any court order that prevents the member or retired officer from possessing a firearm or requires suspension or revocation of applicable Criminal Justice Training Commission (CJTC) certification.

Any member whose criminal arrest, conviction, or court order restricts or prohibits that member from fully and properly performing his/her duties, including carrying a firearm, may be disciplined. This includes but is not limited to being placed on administrative leave, reassignment, and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member, on his/her own time and at his/her own expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline, up to and including termination.

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Retired officers may have their identification cards rescinded or modified, as may be appropriate (see the Retiree Concealed Firearms Policy).

1005.3.1 NOTIFICATION TO CRIMINAL JUSTICE TRAINING COMMISSION

The Administrative Services Division Commander shall ensure that notification has been made to CJTC within 15 days of learning that an officer has been charged with a crime (RCW 43.101.135).

1005.4 POLICY

The Duvall Police Department requires disclosure of member arrests, convictions, and certain court orders to maintain the high standards, ethics, and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the Department

1005.5 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Washington law prohibits the possession of a firearm under the provisions of RCW 9.41.040 (unlawful possession of firearms).

While legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust, and shall be reported as provided in this policy.

Drug- and Alcohol-Free Workplace

1006.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

1006.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1006.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Shift Sergeant or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

1006.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair the member's abilities, without a written release from the member's physician.

1006.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis on-duty is prohibited and may lead to disciplinary action (RCW 69.51A.060).

1006.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

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Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1006.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1006.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

1006.7 SCREENING TESTS

A supervisor may require an employee to submit to a screening under any of the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm in the performance of the employee's duties (excluding training or authorized euthanizing of an animal).
- (c) The employee discharges a firearm issued by the Department while off-duty, resulting in injury, death, or substantial property damage.
- (d) During the performance of the employee's duties, the employee drives a motor vehicle and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.

1006.7.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.

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- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1006.7.2 DISCIPLINE

An employee may be subject to disciplinary action if the employee:

- (a) Fails or refuses to submit to a screening test.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that the employee took the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee's name.

1006.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1006.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's confidential medical file in accordance with the Personnel Records Policy.

Sick Leave

1007.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual or applicable labor agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) or the Washington Paid Family and Medical Leave program (PFML) (29 USC § 2601 et seq.; RCW 50A.05.005 et seq.).

1007.2 POLICY

It is the policy of the Duvall Police Department to provide eligible employees with a sick leave benefit.

1007.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences (RCW 49.46.210). Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both (WAC 296-128-750).

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity, or other activity that may impede recovery from the injury or illness (see the Outside Employment Policy).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

1007.3.1 NOTIFICATION

All members should notify the Shift Sergeant or appropriate supervisor as soon as they are aware that they will not be able to report to work and within one hour before the start of their scheduled shifts, unless it is not practicable to do so. If it is impracticable and a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor (WAC 296-128-650).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Department with no less than 10 days' notice of the impending absence (WAC 296-128-650).

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

1007.4 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish verification supporting the need to be absent and/or the ability to return to work (RCW 49.46.210;

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WAC 296-128-660). Members on an extended absence shall, if possible, contact their supervisors at specified intervals to provide an update on their absence and expected date of return.

1007.5 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Department of Human Resources as appropriate.
- (c) When appropriate, counseling members regarding inappropriate use of sick leave.
- (d) Referring eligible members to an available employee assistance program when appropriate.

1007.6 PERSONNEL AGENCY

The Personnel Manager shall ensure:

- (a) Written or electronic notice is provided to each employee regarding applicable paid sick leave provisions as required by WAC 296-128-755.
- (b) This Sick Leave Policy is readily available to all employees.
- (c) Employee records are retained and preserved regarding paid sick leave information and data as required by WAC 296-128-010.

1007.7 RETALIATION

No employee shall be retaliated against for using qualifying sick leave (WAC 296-128-770).

Communicable Diseases

1008.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1008.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Duvall Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1008.2 POLICY

The Duvall Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

1008.3 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes (WAC 296-823-100 et seq.):

- (a) Exposure-prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that department members shall be provided with appropriate personal protective equipment (PPE), including latex gloves or equivalent, face masks, eye protection, protective shoe covers, and pocket masks for each member's position and risk of exposure.
- (d) Evaluation of persons in custody for any exposure risk and measures to separate them.
- (e) Compliance with all relevant laws or regulations related to communicable diseases, including:
 - 1. Bloodborne pathogen mandates including but not limited to (WAC 296-823-110 et seq.):
 - (a) The identification of positions with the potential for exposure.

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- (b) Measures to eliminate or minimize occupational exposure and how members will be informed of those measures.
 - (c) A plan for the distribution and use of PPE related to communicable diseases.
 - (d) Directions for appropriate labeling of contaminated items.
 - (e) Rules regarding worksite maintenance.
 - (f) Rules regarding waste.
 - (g) Confidentiality requirements and medical protocols.
 - (h) Maintenance of training and medical records.
2. The Washington Industrial Safety and Health Act (RCW 49.17.010 et seq.; WAC 296-800-110 et seq.).
 3. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).

The ECO should also act as the liaison with the Washington Division of Occupational Safety and Health (DOSH) and may request voluntary compliance inspections. The ECO should annually review and update the exposure control plan and review implementation of the plan (WAC 296-823-11010).

1008.4 EXPOSURE PREVENTION AND MITIGATION

1008.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to:

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.
- (b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.

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1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1008.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (WAC 296-823-130).

1008.5 POST EXPOSURE

1008.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practicable.

1008.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (WAC 296-823-16005):

- (a) Name and Social Security number of the member exposed
- (b) Date and time of the incident
- (c) Location of the incident
- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited.

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The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting Policy).

1008.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (WAC 296-823-16005).

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

- (a) Whether the member has been informed of the results of the evaluation.
- (b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

1008.5.4 COUNSELING

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (WAC 296-823-16005).

1008.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the ECO (WAC 296-823-16010). If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) In the event that consent cannot be obtained, by contacting the local health authority who may pursue testing of the source individual for HIV or other communicable diseases (RCW 70.24.340; WAC 246-100-205).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

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1008.6 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1008.7 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training shall include the mandates provided in WAC 296-823-12005 et seq. and:

- (a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
- (c) Shall provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

Smoking and Tobacco Use

1009.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Duvall Police Department facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1009.2 POLICY

The Duvall Police Department recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy (RCW 70.160.030).

1009.1 EMPLOYEE USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Duvall Police Department.

It shall be the responsibility of each member to ensure that no civilian under his/her supervision smokes or uses any tobacco product inside City facilities and vehicles. No tobacco product shall be left unattended in any department vehicle or facility. Failure to comply with this policy may result in loss of tobacco privileges.

1009.4 ADDITIONAL PROHIBITIONS

No person shall smoke tobacco products within 25 feet of a main entrance, exit or operable window of any building (RCW 70.160.075).

1009.4.1 NOTICE

The Chief of Police or the authorized designee shall ensure that proper signage prohibiting smoking is conspicuously posted at each entrance to the department facilities (RCW 70.160.050).

Personnel Complaints

1010.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Duvall Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1010.2 POLICY

The Duvall Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any memorandum of understanding or collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1010.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

1010.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Shift Sergeant is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Operations Commander, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Operations Commander, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

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1010.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

1010.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1010.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website. Forms may also be available at other City facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1010.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

1010.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Department should audit the log and send an audit report to the Chief of Police or the authorized designee.

1010.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

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1010.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
 - 1. The original complaint form will be directed to the Shift Sergeant of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
 - 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Division Commander or the Chief of Police, who will initiate appropriate action.
- (b) Responding to all complaints in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
 - 1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
 - 2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Shift Sergeant.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Shift Sergeant and Chief of Police are notified via the chain of command as soon as practicable.
- (e) Promptly contacting the Department of Human Resources and the Shift Sergeant for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the Shift Sergeant, who will determine whether to contact the complainant or assign the complaint for investigation.
- (g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
- (h) Investigating a complaint as follows:
 - 1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
 - 2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.

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- (i) Ensuring that the procedural rights of the accused member are followed.
- (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1010.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Operations Commander, the following applies to employees:

- (a) Interviews of an accused employee shall be conducted during reasonable hours and preferably when the employee is on-duty. If the employee is off-duty, he/she shall be compensated.
- (b) Unless waived by the employee, interviews of an accused employee shall be at the Duvall Police Department or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused employee.
- (d) Prior to any interview, an employee should be informed of the nature of the investigation.
- (e) All interviews should be for a reasonable period and the employee's personal needs should be accommodated.
- (f) No employee should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.
- (g) Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
 - 1. An employee should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Garrity* advisement. Administrative investigators should consider the impact that compelling a statement from the employee may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
 - 2. No information or evidence administratively coerced from an employee may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) The interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview shall be provided to the employee prior to any subsequent interview.
- (i) All employees subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

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- (j) All employees shall provide complete and truthful responses to questions posed during interviews.
- (k) No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation.
- (l) An employee covered by civil service shall be provided a written statement of all accusations with a duplicate statement filed with the civil service commission (RCW 41.12.090; RCW 41.14.120).

1010.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

1010.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

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1010.6.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation.

1010.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1010.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

1010.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

1010.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

The Duvall Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

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1010.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review and include their comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

1010.10.1 DIVISION COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Division Commander of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Division Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief of Police, the Division Commander may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police, the Division Commander shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

1010.10.2 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Division Commander for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the member with a written notice and the following:

- (a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice.
 - 1. Upon a showing of good cause by the member, the Chief of Police may grant a reasonable extension of time for the member to respond.
 - 2. If the member elects to respond orally, the presentation shall be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall render a timely written decision to the member and specify

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the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

1010.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Chief of Police or the authorized designee shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint.

1010.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.
- (d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

1010.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline (RCW 43.101.135).

1010.13 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement, memorandum of understanding and/or personnel rules.

In the event of punitive action against an employee covered by civil service, the appeal process shall be in compliance with RCW 41.12.090 and RCW 41.14.120.

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1010.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and members other than non-probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

Any probationary period may be extended at the discretion of the Chief of Police in cases where the individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate.

1010.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

1010.16 NOTIFICATION TO CRIMINAL JUSTICE TRAINING COMMISSION (CJTC) CERTIFICATION BOARD

Upon separation of a peace officer for any reason, the Department shall, within 15 days of the separation, notify the CJTC on a personnel action report form provided by the commission. When a resignation or retirement is accepted in lieu of termination, the reasons and rationale shall be included in the information provided to the CJTC, including the findings from any internal or external investigations into alleged misconduct (RCW 43.101.135).

The CJTC shall be notified within 15 days of an initial disciplinary decision made by the Department for alleged behavior or conduct by an officer that is noncriminal and may result in revocation of certification (RCW 43.101.135).

The CJTC shall also be notified regarding any decision to discipline an officer for failure to intervene or for failure to report an incident of excessive force or any wrongdoing by another peace officer for determination of suspension or revocation of certification (RCW 10.93.190).

The Department shall provide timely updates on an internal investigation reported to the CJTC and provide a summary of findings to the CJTC within 15 days of concluding the investigation (WAC 139-06-020).

The Department shall, upon request of the CJTC, provide such additional documentation or information as the commission deems necessary to determine whether the separation or event provides grounds for suspension or revocation of the peace officer's certification (RCW 43.101.135).

1010.17 ANNUAL REVIEW AND ANALYSIS

The Operations Commander supervisor shall prepare an annual review and analysis report on internal investigations. The report should not contain any identifying information about any specific complaint, citizen, or officer and should address:

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- (a) Policy and procedure issues identified during the review process, if any.
- (b) Training issues identified during the review process, if any.
- (c) Personnel issues identified during the review process, if any.

The report shall be submitted to and reviewed and approved by the Chief of Police.

Seat Belts

1011.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles.

Guidance for transporting persons in custody may be found in the Transporting Persons in Custody and Handcuffing and Restraints policies.

1011.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and regulations set forth in 49 CFR 571.213 and RCW 46.61.687(6).

1011.2 POLICY

It is the policy of the Duvall Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

1011.3 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including those who are not members of the Department, are properly restrained (RCW 46.61.688; RCW 46.61.687).

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the department member or the public. Members must be prepared to justify any deviation from this requirement.

1011.4 TRANSPORTING CHILDREN

A child restraint system shall be used for all children of an age, height or weight for which such restraints are required by law (RCW 46.61.687).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side air bag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

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1011.5 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1011.6 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

1011.7 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

Body Armor

1012.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1012.2 POLICY

It is the policy of the Duvall Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1012.3 ISSUANCE OF BODY ARMOR

The Administrative Services supervisor shall ensure that body armor is issued to all officers when the officer begins service at the Duvall Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administrative Services supervisor shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1012.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

- (a) Officers shall only wear agency-approved body armor.
- (b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.
- (c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.
- (d) Body armor shall be worn when an officer is working in uniform or taking part in Department range training.
- (e) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor.

1012.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness and signs of damage, abuse and wear.

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1012.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

1012.4 ARMORER RESPONSIBILITIES

The Armorer should:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.
- (b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.
- (c) Provide training that educates officers about the safety benefits of wearing body armor.

Personnel Records

1013.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1013.2 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of Washington.

1013.3 DEPARTMENT FILE

The department file shall be maintained as a record of a person's employment/appointment with this department. The department file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history or similar information. A photograph of the member should be permanently retained.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions and other changes in employment/appointment status. These should be permanently retained.
- (d) Original performance evaluations. These should be permanently maintained.
- (e) Discipline records, including copies of sustained personnel complaints.
- (f) Adverse comments such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and initial the comment.
 - 1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment.
 - 2. Any member response shall be attached to and retained with the original adverse comment.
 - 3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file.
- (g) Commendations and awards.
- (h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

1013.4 DIVISION FILE

Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments,

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notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

1013.5 TRAINING FILE

An individual training file shall be maintained by the Training Sergeant for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) The involved member is responsible for providing the Training Sergeant or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Training Sergeant or supervisor shall ensure that copies of such training records are placed in the member's training file.

1013.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Operations Commander in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the Operations Commander supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition. Investigations of complaints that result in the following findings shall not be placed in the member's department file but will be maintained in the internal affairs file:

- (a) Not sustained
- (b) Unfounded
- (c) Exonerated

1013.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.
- (e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

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1013.8 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the City Administrator, City Attorney or other attorneys or representatives of the City in connection with official business.

1013.8.1 RELEASE OF PERSONNEL INFORMATION

The Department may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement.

1013.8.2 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Public Records Officer or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

1013.8.3 NOTICE TO MEMBER

Upon receipt of a request for information located exclusively in a member's personnel record, the Public Records Officer is responsible for providing notice to the member, the union representing the member, and to the requestor, that includes the following information (RCW 42.56.250):

- (a) The date of the request
- (b) The nature of the requested record relating to the member
- (c) That information in the record will be released if not exempt from disclosure at least 10 days from the date the notice is made
- (d) That the member may seek to enjoin release of the records under RCW 42.56.540 (court protection of public records).

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Personnel Records

1013.9 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

- (a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief of Police.
- (c) If, in the opinion of the Chief of Police, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

1013.10 MEMBER ACCESS TO THEIR OWN PERSONNEL RECORDS

Any member may request access to their own personnel records annually during the normal business hours of those responsible for maintaining such files. The Department shall provide a copy of the record to the member no later than 21 calendar days after the request (RCW 49.12.240; RCW 49.12.250).

A member may annually request that all information contained in their personnel file subject to disclosure be reviewed by the Department for any irrelevant or erroneous information. Any member seeking the removal of any item from their personnel records shall file a written request to the Chief of Police through the chain of command. The Department shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Department shall be retained with the contested item in the member's corresponding personnel record (RCW 49.12.250).

Members may be restricted from accessing the following:

- (a) Records of an employee relating to the investigation of a possible criminal offense (RCW 49.12.260)
- (b) Records of an employee compiled in preparation for an impending lawsuit which would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts (RCW 49.12.260)
- (c) Records relating to an ongoing internal affairs investigation or disciplinary action to the extent that release could jeopardize or compromise the investigation or action pending final disposition (RCW 49.12.240(2))

Employee Commendations

1014.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Duvall Police Department and individuals from the community.

1014.2 POLICY

It is the policy of the Duvall Police Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

1014.3 COMMENDATIONS

Commendations for members of the Department or for individuals from the community may be initiated by any department member or by any person from the community.

1014.4 AWARDS

Awards may be bestowed upon members of the Department and individuals from the community. These awards include:

- Award of Merit.
- Award of Valor.
- Lifesaving Award.
- Meritorious Conduct.

Criteria for each award and the selection, presentation and display of any award are determined by the Chief of Police.

1014.5 CRITERIA

A meritorious or commendable act may include, but is not limited to:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.
- Any action or performance that is above and beyond typical duties.

1014.5.1 DEPARTMENT MEMBER DOCUMENTATION

Members of the Department should document meritorious or commendable acts. The documentation should contain:

- (a) Identifying information:
 1. For members of the Department - name, division and assignment at the date and time of the meritorious or commendable act
 2. For individuals from the community - name, address, telephone number

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- (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.
- (c) The signature of the member submitting the documentation.

1014.5.2 COMMUNITY MEMBER DOCUMENTATION

Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. Department members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

- (a) Identifying information:
 - 1. For members of the Department - name, division and assignment at the date and time of the meritorious or commendable act
 - 2. For individuals from the community - name, address, telephone number
- (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.
- (c) The signature of the person submitting the documentation.

1014.5.3 PROCESSING DOCUMENTATION

Documentation regarding the meritorious or commendable act of a member of the Department should be forwarded to the appropriate Division Commander for his/her review. The Division Commander should sign and forward the documentation to the Chief of Police for his/her review.

The Chief of Police or the authorized designee will present the commendation to the department member for his/her signature. The documentation will then be returned to the Administrative Services secretary for entry into the member's personnel file.

Documentation regarding the meritorious or commendable act of an individual from the community should be forwarded to the Administrative Services Division Commander. The documentation will be signed by the Division Commander and forwarded to the Chief of Police for his/her review. An appropriate venue or ceremony to acknowledge the individual's actions should be arranged. Documentation of the commendation shall be maintained in a file designated for such records.

Fitness for Duty

1015.1 PURPOSE AND SCOPE

All officers are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all officers of this department remain fit for duty and able to perform their job functions.

1015.2 EMPLOYEE RESPONSIBILITIES

- (a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform the essential duties of their job position.
- (b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.
- (c) During working hours, all employees are required to be alert, attentive, and capable of performing their assigned responsibilities.
- (d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1015.3 SUPERVISOR RESPONSIBILITIES

- (a) A supervisor observing an employee or receiving a report of an employee who is perceived to be unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to address the situation.
- (b) Whenever feasible, the supervisor should make a preliminary determination of the level of inability of the employee to perform the essential duties required of the job.
- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to obtain sufficient information regarding the nature of the concern to enable the Department to assess options and react responsibly to assure the safety of the employee, other members of the Department and the public, while complying with the employee's legal rights.
- (d) In conjunction with the Shift Sergeant or employee's available Division Commander, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.
- (e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

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Fitness for Duty

1015.4 RELIEF FROM DUTY

Any employee suffering from a work or non-work related condition which warrants a temporary relief from duty may be entitled to be placed on family medical leave under state and/or federal law. Consult with Human Resources to assure proper notification and compliance with family medical leave rights. Employees who are relieved from duty for medical reasons may be eligible for workers compensation payments or may be required to use sick leave or other paid time off consistent with applicable policies.

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

1015.5 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

- (a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Department of Human Resources to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) The examining health care provider will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties. The scope of the requested fitness for duty report shall be confined to the physical or psychological condition that prompted the need for the examination. If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding.
- (c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.
- (d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.
- (e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.
- (f) In the event an employee is required to submit to a "fitness for duty" examination as a condition of returning from medical leave required under the Family Medical Leave Act (FMLA), contact Human Resources for direction regarding how to proceed.

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Fitness for Duty

- (g) Once an employee has been deemed fit for duty by the examining health care provider, the employee will be notified to resume his/her duties.

1015.6 LIMITATION ON HOURS WORKED

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

1015.7 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty exam shall be entitled to an administrative appeal as outlined in the Personnel Complaints Policy.

Meal Periods and Breaks

1016.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as possible shall conform to the policy governing all City employees that has been established by the City Administrator.

1016.1.1 MEAL PERIODS

Sworn employees and dispatchers shall remain on duty subject to call during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor.

Uniformed officers shall take their breaks within the City limits unless on assignment outside of the City.

The time spent for the meal period shall not exceed the authorized time allowed.

1016.1.2 15 MINUTE BREAKS

Each employee is entitled to a 15 minute break, near the midpoint, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Lactation Breaks

1017.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding reasonable accommodations for lactating members.

1017.2 POLICY

It is the policy of the Duvall Police Department to provide, in compliance with federal and state law, reasonable accommodations for lactating members. This includes break time and appropriate facilities to accommodate any member desiring to express breast milk for the member's nursing child for up to two years after the child's birth (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; RCW 43.10.005).

1017.3 LACTATION BREAK TIME

A rest period should be permitted each time the member requires a lactation break (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; RCW 43.10.005). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Members desiring to take a lactation break shall notify the dispatcher or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1017.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view, free from intrusion from coworkers and the public, and otherwise satisfy the requirements of federal and state law (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; RCW 43.10.005).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

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Lactation Breaks

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

1017.5 STORAGE OF EXPRESSED MILK

Any member storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the member's shift ends.

Payroll Records

1018.1 PURPOSE AND SCOPE

Payroll records are submitted to Administrative Services on a bi-weekly basis for the payment of wages.

1018.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS

All employees are responsible for the accurate and timely submission of payroll records for the payment of wages. Completed time cards shall be submitted to a supervisor for approval prior to submission to Administrative Services.

1018.1.2 TIME REQUIREMENTS

All employees are paid on a bi-weekly basis usually on the 5th and the 20th day of the calendar with certain exceptions such as holidays. Payroll records shall be completed and submitted to Administrative Services no later than 06:00a.m.at the end of the pay period, unless specified otherwise.

1018.2 POLICY

The Duvall Police Department maintains timely and accurate payroll records.

1018.3 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their commands.

1018.4 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to Administrative Services as established by the City payroll procedures.

1018.5 RECORDS

The Administrative Services Division Commander shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

Overtime Compensation Requests

1019.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Memorandum of Understanding (MOU), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit a Request for Overtime Payment as soon as practical after overtime is worked.

1019.1.1 DEPARTMENT POLICY

Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the employee to complete a form for such a period, the employee shall comply.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed 120 hours of compensatory time annually.

1019.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practicable for verification and forwarding to the Administrative Services Division. Failure to submit a request for overtime compensation in a timely manner may result in discipline.

1019.2.1 EMPLOYEES RESPONSIBILITY

Employees shall complete the requests immediately after working the overtime and turn them in to their immediate supervisor or the Shift Sergeant. Employees submitting overtime cards for on-call pay when off duty shall submit cards to the Shift Sergeant the first day after returning for work.

1019.2.2 SUPERVISORS RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

After the entry has been made on the employee's time card, the overtime payment request form is forwarded to the employee's Division Commander for final approval.

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Overtime Compensation Requests

1019.2.3 DIVISION COMMANDERS RESPONSIBILITY

Division Commanders, after approving payment, will then forward the form to the Chief of Police for review.

Outside Employment

1020.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for departmental employees engaging in outside employment, all employees shall obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

1020.1.1 DEFINITIONS

Outside Employment - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

Outside Overtime - Any member of this department who performs duties or services on behalf of an outside organization, company, or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

1020.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete an Outside Employment Application which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through channels to the Chief of Police for consideration.

If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the calendar year in which the permit is approved. Any employee seeking to renew a permit shall submit a new Outside Employment Application in a timely manner.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial.

1020.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Chief of Police within ten days of the date of denial.

If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the current Memorandum of Understanding (MOU).

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Outside Employment

1020.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permit may be revoked or suspended under the following circumstances:

- (a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at his/her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit.
- (b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline.
- (c) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of department policy, the permit may be suspended or revoked.
- (d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment permit may be subjected to similar restrictions as those applicable to the employee's regularly assigned duties until the employee has been cleared to return to full duty status.

1020.3 PROHIBITED OUTSIDE EMPLOYMENT

The Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which, in its view, would:

- (a) Involve the employee's use of departmental time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage.
- (b) Involve the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department.
- (c) Involve the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department.
- (d) Involve time demands that would render performance of the employee's duties for this department less efficient or render the employee unavailable for reasonably anticipated overtime assignments and other job-related demands that occur outside regular working hours.

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Outside Employment

1020.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Because it would further create a potential conflict of interest, no member of this Department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position, unless authorized by the Chief of Police.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Chief of Police in advance of the desired service. Such outside overtime will be assigned, monitored and paid through the Department.

- (a) The applicant will be required to enter into an indemnification agreement prior to approval.
- (b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.
- (c) Should such a request be approved, any employees working outside overtime shall be subject to the following conditions:
 - 1. The officer(s) shall wear the departmental uniform/identification.
 - 2. The officer(s) shall be subject to the rules and regulations of this department.
 - 3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
 - 4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
 - 5. Outside security services shall not be subject to the collective bargaining process.
 - 6. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

1020.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment and should be reported as time worked on employee time records.

1020.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Division Commander, undercover officers or officers assigned to covert operations shall not be eligible to work in a uniformed or other capacity which might reasonably disclose the officer's status as a law enforcement officer.

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Outside Employment

1020.4 DEPARTMENT RESOURCES

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

1020.4.1 REVIEW OF FINANCIAL RECORDS

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest. Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS.

1020.5 MATERIAL CHANGES OR TERMINATION OF OUTSIDE EMPLOYMENT

If an employee terminates his/her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Chief of Police through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees are also required to disclose material changes in outside employment that occur after approval of outside employment has been granted to the Chief of Police in writing. For the purpose of this policy, such changes include any material change in the number of hours, type of duties or demands of outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

1020.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Chief of Police whether such outside employment should continue.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work permit, a notice of revocation of the member's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

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Criteria for revoking the outside employment permit include, but are not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the City's professional medical advisors.
- (b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.
- (c) The employee's failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the Duvall Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.

Occupational Disease and Work-Related Injury Reporting

1021.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, post-traumatic stress disorder (PTSD), and work-related injuries.

1021.1.1 DEFINITIONS

Definitions related to this policy include:

Occupational disease or work-related injury - An injury, disease, PTSD, or infection while acting in the course of employment (RCW 51.08.013; RCW 51.08.100; RCW 51.08.140; RCW 51.08.142).

1021.2 POLICY

The Duvall Police Department will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (RCW 51.28.010 et seq.).

1021.3 RESPONSIBILITIES

1021.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate.

1021.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related Citywide disease- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and the Accident, Illness and Injury Prevention policies apply and take additional action as required.

1021.3.3 DIVISION COMMANDER RESPONSIBILITIES

The Division Commander who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police, the City's risk management entity, and the Administrative Services Division Commander to ensure any required Department of Labor and Industries reporting is made as required in the accident, illness and injury prevention plan identified in the Accident, Illness and Injury Prevention Policy.

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Occupational Disease and Work-Related Injury Reporting

1021.3.4 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police shall review and forward copies of the report to the Department of Human Resources. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

1021.4 OTHER DISEASE OR INJURY

Diseases and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Division Commander through the chain of command and a copy sent to the Administrative Services Division Commander.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

1021.5 SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

1021.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the City's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

Personal Appearance Standards

1022.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the department, employees shall maintain their personal hygiene and appearance in a manner that projects a professional image appropriate for this department and for their assignment.

1022.2 GROOMING STANDARDS

Unless otherwise stated, and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

1022.2.1 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

1022.2.2 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1022.2.3 FACIAL HAIR

Facial hair may be worn by employees. Acceptable facial hair for all staff includes a mustache, goatee, or a beard.

Beards shall be well-groomed and neatly trimmed with clean lines. It must be kept no longer than one-half inch. It may extend no further down than the underside of the jaw preceding the vertical portion of the neck and no further up than the line from the top of the ear to the corner of the upper lip.

Goatees shall be well-groomed, not to exceed one-half inch in length or one inch below the jawline and shall consist both of a mustache and a full bearded chin, not to exceed one-quarter inch past the outer edge of the mouth.

Facial hair that is spotty or patchy is prohibited.

Personnel shall be clean-shaven except for a short and neatly trimmed mustache when participating in either a Superior Court trial or a Federal Court trial. The department reserves the right to require that any facial hair be removed if an officer fails to comply with the regulations set forth above, for reasons of officer safety (i.e. gas mask fit test), or otherwise deemed by the Chief of Police.

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1022.2.4 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

1022.2.5 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the department member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

- (a) Necklaces shall not be visible above the shirt collar.
- (b) Earrings shall be small and worn only in or on the earlobe.
- (c) One ring or ring set may be worn on each hand of the department member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.
- (d) One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.
- (e) Wristwatches shall be conservative and present a professional image.
- (f) Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

1022.3 TATTOOS

No member while on-duty or representing the Department in an official capacity shall have any objectively offensive tattoo or body art visible. Examples of offensive tattoos include but are not limited to those that exhibit or advocate discrimination; those that exhibit gang, supremacist, or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts, or other obscene material.

The Chief of Police shall determine if a tattoo is considered offensive and/or detrimental to the mission of the Duvall Police Department. The Chief of Police may grant an exception for pre-existing tattoos or body art after a written waiver is received and consideration of applicable local, state, and federal law.

Members who are on-duty or representing the Duvall Police Department in an official capacity are prohibited from displaying tattoos or body art on the head or neck. Employees are permitted to cover tattoos through use of uniform, appropriate apparel, cosmetics, bandage, or an approved device that does not detract from the employee's professional appearance.

1022.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited except with prior authorization of the Chief of Police. Such body alteration includes, but is not limited to:

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- (a) Tongue splitting or piercing.
- (b) The complete or transdermal implantation of any material other than hair replacement.
- (c) Abnormal shaping of the ears, eyes, nose or teeth.
- (d) Branding or scarification.

Uniform Regulations

1023.1 PURPOSE AND SCOPE

The uniform policy of the Duvall Police Department is established to ensure that uniformed officers will be reasonably identifiable to the public through the proper use and wearing of department uniforms (RCW 10.116.050).

Employees should also refer to the following associated policies:

- Department-Owned and Personal Property
- Body Armor
- Personal Appearance Standards

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Chief of Police or the authorized designee. That manual should be consulted regarding authorized equipment and uniform specifications.

1023.1.1 DEFINITIONS

Reasonably identifiable – The officer's uniform clearly displays the officer's name or other information that members of the public can see and the department can use to identify the officer (RCW 10.116.050).

1023.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

- (a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.
- (b) All peace officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) Personnel shall wear only the uniform specified for their rank and assignment.
- (d) The uniform is to be worn in compliance with the specifications set forth in the department's uniform specifications that are maintained separately from this policy.
- (e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.
- (f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.
- (g) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official department functions or events.

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- (h) If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off duty.
- (i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.
- (j) Mirrored sunglasses will not be worn with any Department uniform.
- (k) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or his/her designee.
 - 1. Wrist watch.
 - 2. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand.
 - 3. Medical alert bracelet.

1023.2.1 DEPARTMENT-ISSUED IDENTIFICATION

The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department-issued identification card at all times while on duty or when carrying a concealed weapon.

- (a) Whenever on duty or acting in an official capacity representing the department, employees shall display their department-issued identification in a courteous manner to any person upon request and as soon as practical.
- (b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Division Commander.

1023.3 UNIFORM CLASSES

1023.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. The Class A uniform is required for all sworn personnel. The Class A uniform includes the standard issue uniform with:

- (a) Long sleeve shirt with tie.
- (b) Polished shoes.

Boots with pointed toes are not permitted.

1023.3.2 CLASS B UNIFORM

All officers will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

- (a) The long or short sleeve shirt may be worn with the collar open. No tie is required.

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- (b) A white, navy blue or black crew neck t-shirt must be worn with the uniform.
- (c) All shirt buttons must remain buttoned except for the last button at the neck.
- (d) Shoes for the Class B uniform may be as described in the Class A uniform.
- (e) Approved all black unpolished shoes may be worn.
- (f) Boots with pointed toes are not permitted.

1023.3.3 CLASS C UNIFORM

The Class C uniform may be established to allow field personnel cooler clothing during the summer months or special duty. The Chief of Police will establish the regulations and conditions for wearing the Class C Uniform and the specifications for the Class C Uniform.

1023.3.4 SPECIALIZED UNIT UNIFORMS

The Chief of Police may authorize special uniforms to be worn by officers in specialized units such as Canine Team, SWAT, Bicycle Patrol, Motor Officers and other specialized assignments.

1023.3.5 FOUL WEATHER GEAR

The Uniform and Equipment Specifications lists the authorized uniform jacket and rain gear.

1023.4 INSIGNIA AND PATCHES

- (a) **Shoulder Patches** - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, three-quarters of an inch below the shoulder seam of the shirt and be bisected by the crease in the sleeve.
- (b) **Service stripes, stars, etc.** - Service stripes and other indicators for length of service may be worn on long sleeved shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of one and one-half inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only.
- (c) **The regulation nameplate, or an authorized sewn on cloth nameplate, shall be worn at all times while in uniform.** The nameplate shall display the employee's first and last name. If an employee's first and last names are too long to fit on the nameplate, then the initial of the first name will accompany the last name. If the employee desires other than the legal first name, the employee must receive approval from the Chief of Police. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.
- (d) **When a jacket is worn, the nameplate or an authorized sewn on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.**

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- (e) Assignment Insignias - Assignment insignias, (SWAT, FTO, etc.) may be worn as designated by the Chief of Police.
- (f) Flag Pin - A flag pin may be worn, centered above the nameplate.
- (g) Badge - The department-issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform.
- (h) Rank Insignia - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Police may authorize exceptions.

1023.4.1 MOURNING BADGE

Uniformed employees should wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

- (a) An officer of this department - From the time of death until midnight on the 14th day after the death.
- (b) An officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.
- (c) Funeral attendee - While attending the funeral of an out of region fallen officer.
- (d) National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.
- (e) As directed by the Chief of Police.

1023.5 CIVILIAN ATTIRE

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

- (a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.
- (b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits that are moderate in style.
- (c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style.
- (d) The following items shall not be worn on duty:
 - 1. T-shirt alone.
 - 2. Open toed sandals or thongs.
 - 3. Swimsuit, tube tops, or halter-tops.
 - 4. Spandex type pants or see-through clothing.

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5. Distasteful printed slogans, buttons or pins.
- (e) Variations from this order are allowed at the discretion of the Chief of Police or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.
- (f) No item of civilian attire may be worn on duty that would adversely affect the reputation of the Duvall Police Department or the morale of the employees.

1023.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, Duvall Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify himself/herself as an employee of the Duvall Police Department, to do any of the following:

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose, or contradict any social issue, cause or religion.
- (c) Endorse, support, or oppose, any product, service, company or other commercial entity.
- (d) Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast or any website.

1023.7 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT

- (a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department-issued item.
- (b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.
- (c) Replacement of items listed in this order as optional shall be done as follows:
 1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
 2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (See the Department-Owned and Personal Property Policy).

1023.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Duvall Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

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Duvall Police Department employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

1023.9 POLICY

The Duvall Police Department will provide uniforms for all employees who are required to wear them in the manner, quantity, and frequency agreed upon in the respective employee group's collective bargaining agreement. The Department may provide other department members with uniforms at the direction of the Chief of Police.

All uniforms and equipment issued to department members shall be returned to the Department upon termination or resignation.

Nepotism and Conflicting Relationships

1024.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination, or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

1024.1.1 DEFINITIONS

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder or investor in an outside business, company, partnership, corporation, venture or other transaction where the Department employee's annual interest, compensation, investment or obligation is greater than \$250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Nepotism - The practice of showing favoritism to relatives in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee who is vested with authority by law, rule or regulation, or to whom authority has been delegated.

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

1024.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department does not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply:

- (a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

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Nepotism and Conflicting Relationships

1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
 2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.
- (b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.
 - (c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.
 - (d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.
 - (e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive, or registered sex offender, or who engages in serious violations of state or federal laws.

1024.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

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1024.2.2 SUPERVISORS RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations, whenever possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations through the chain of command.

Domestic Violence Involving Law Enforcement Employees

1025.1 PURPOSE AND SCOPE

This policy establishes procedures, protocols and actions for investigating and reporting domestic violence involving employees of this and other law enforcement agencies. The intent of this policy is to ensure that law enforcement employees are held to the standards of the law regarding domestic violence (RCW 10.99.090).

1025.1.1 DEFINITIONS

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

Employee - Means any person currently employed with an agency.

Sworn Employee - Means a general authority Washington peace officer as defined in RCW 10.93.020, any person appointed under RCW 35.21.333, and any person appointed or elected to carry out the duties of the sheriff under RCW Chapter 36.28.

1025.2 DEPARTMENT RESPONSIBILITIES

The Duvall Police Department has the following obligations (RCW 10.99.030; RCW 10.99.090):

- (a) Provide pre-hire screening procedures reasonably calculated to disclose whether an applicant for a sworn employee position has a history of domestic violence, child abuse allegations, or has been subject to protective order.
- (b) Maintain ongoing and meaningful relationships with victim advocacy groups and other domestic violence professionals in the community.
- (c) Provide education to Duvall Police Department employees on the dynamics of interpersonal violence.
- (d) In response to observed behavior or at the request of the employee, the Duvall Police Department may offer or recommend intervention services to employees. If domestic violence is suspected, the referral should be to a domestic violence specialist.
- (e) Any employee who becomes aware of domestic violence committed by a sworn employee must immediately report that allegation to the employee's supervisor.
- (f) Recognize that employees who disclose that they have personally engaged in criminal acts of domestic violence are not entitled to confidentiality. Such acts shall be investigated administratively and criminally as appropriate.
- (g) Provide information to employing law enforcement agencies within 24 hours of a domestic violence or domestic dispute report involving a sworn officer.
- (h) Provide information on this domestic violence policy and programs under RCW 43.20A.735 to employees and make it available to employee families and the public.

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Domestic Violence Involving Law Enforcement Employees

- (i) Provide victims of domestic violence by Duvall Police Department employees a department point of contact to assist the victim through the investigative process. Consideration should be given to selecting a point of contact at least one rank higher than the perpetrator, and would ideally be someone other than the investigator.
- (j) Provide victims of domestic violence by Duvall Police Department employees contact information about public and private nonprofit domestic violence services and information regarding relevant confidentiality policies related to the victim's information.
- (k) Respond to Duvall Police Department employees who are alleged victims of violence at the hands of sworn employees of the Duvall Police Department. Safety concerns and domestic violence services information will be reviewed with the victim employee.
- (l) Provide for an impartial administrative investigation and appropriate criminal investigation of all acts of domestic violence allegedly committed by a sworn employee and appropriate sanctions when it is found that an employee has committed an act of domestic violence. Administrative investigations may be conducted by the Duvall Police Department or through agreements with other law enforcement agencies.
- (m) Consider whether to relieve a sworn employee of Department-issued weapons and suspend law enforcement powers pending resolution of an investigation.

1025.2.1 SUPERVISOR RESPONSIBILITIES

Supervisors are required to:

- (a) Be aware of behaviors in their subordinates that could be indicative of domestic violence and properly process observations of such behavior.
- (b) Ensure that domestic violence incidents are properly recorded and processed according to this policy.

1025.2.2 COMMAND DUTY OFFICER RESPONSIBILITIES

A command duty officer notified of an incident covered by this policy shall notify the Chief of Police promptly of such incident and:

- (a) If a Duvall Police Department employee is involved, the command duty officer shall:
 - 1. Determine if the involved employee's law enforcement powers shall be suspended and if a duty weapon and other department-owned equipment shall be removed pending investigation outcome and possible prosecutorial charging decision.
 - 2. Issue an administrative order prohibiting contact with the victim if appropriate.
 - 3. Forwarded information on the incident to the Operations Commander and/or the Chief of Police for review and further action.
 - 4. Respond or designate a command officer to respond to a scene if the involved employee is a sergeant or above or if the situation dictates command presence.
- (b) If an employee of another law enforcement agency is involved, the command duty officer shall:

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1. Verify command notification of the employing agency.
2. Verify the supervisor has offered assistance with removing weapons, police powers, or other applicable issues.
3. Ensure that the Duvall Police Department provides appropriate reports and any other requested documentation to the employing agency.

1025.2.3 DOMESTIC VIOLENCE SPECIALIST RESPONSIBILITIES

- (a) In all instances of law enforcement domestic violence, the Domestic Violence Specialist or the Domestic Violence Unit Supervisor shall:
 1. Review the report and assign the criminal investigation or coordinate with the agency of jurisdiction.
 2. Coordinate with the appropriate prosecutor's office regarding charging and prosecution.
 3. Coordinate with the appropriate domestic violence advocacy organization to assist with victim safety concerns. Victim notification of each step of the administrative process is critical to victim safety.
- (b) All completed investigations of domestic violence that reveal probable cause of a crime committed by any agency sworn employees or the agency head shall be promptly forwarded to the appropriate prosecuting authority for a charging decision.
- (c) For all situations involving an employee of this department, the Domestic Violence Specialist or Domestic Violence Unit Supervisor shall:
 1. Contact the victim.
 2. Introduce the point of contact.
 3. Provide an update regarding the administrative process.

1025.3 EMPLOYEE ACTIONS

Law enforcement employees have the following obligations or entitlements (RCW 10.99.090):

- (a) Employees are entitled to seek assistance through the employee assistance program, employee peer counselors, chaplains, or psychological professionals, however, in situations where family violence is indicated a referral to a domestic violence specialist is critical.
- (b) Employees with knowledge or information about any sworn employee in violation of this policy must report in writing to their supervisor or the Operations Commander as soon as possible, but no later than 24 hours. Failure to report may subject the employee to disciplinary action.
- (c) Employees who are victims of domestic violence are encouraged to request assistance, but are not subject to punitive measures for failing to report their abuse.
- (d) Employees should be alert to the likelihood of victim or witness intimidation and shall immediately take appropriate action. This action will include but is not limited to the report to their supervisor or the Operations Commander within 24 hours.

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- (e) Employees are expected to fully cooperate with the investigation of allegations under this policy but only as requested by a supervisor, the Operations Commander, or by court subpoena.
- (f) When a law enforcement agency responds to a call in which a sworn employee is alleged to have been involved in a domestic dispute or committed an act of domestic violence, the involved employee must immediately report that police response to the employee's supervisor. A written report must follow within 24 hours, subject to the agency's internal investigatory process.
- (g) When an employee becomes the subject of an investigation for child abuse or neglect, or becomes subject to an order under RCW 26.44.063 or an order of protection under RCW 7.105.100 et seq. or any equivalent order issued by another state or tribal court, that employee must immediately report the fact to the employee's supervisor. A written report must follow within 24 hours to include a copy of any order and any notices of court dates, appearances, and proceedings received by the employee.

1025.4 INCIDENT RESPONSE

Any notification of any incident of domestic violence involving any law enforcement officer requires a prompt response, full investigation, and a complete written report by this department (RCW 10.99.030). These incidents additionally require:

- (a) On-scene supervisory presence.
- (b) Notification through the chain of command to the Chief of Police of this department; and if the incident involves employees of another agency, notification of the agency head of the employing agency.
- (c) The Chief of Police may delegate responsibility for receiving such reports to a specialized unit and/or specific person. Anyone so designated the Domestic Violence Specialist or Domestic Violence Unit should have specialized training regarding the dynamics of violent relationships, victim safety and the role of advocacy. The point of contact or unit supervisor should review each referral for any potential conflict of interest
- (d) In the event of a report of domestic violence alleged to have been committed by the Chief of Police, prompt notification will be made to the employing entity's chief executive officer, or, in the case of an elected Sheriff, the County's Prosecutor.

1025.4.1 RADIO RESPONSE

Employees of Dispatch will ensure the following actions are taken:

- (a) Enter a call for service.
- (b) Notify the Shift Sergeant or appropriate supervisor. If no supervisor is available to respond to the scene, communications will notify an on-call supervisor or supervisor from another agency.
- (c) Prepare and preserve documentation of the facts of the call, including the 9-1-1 tape.

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1025.4.2 PATROL RESPONSE

A patrol officer responding to an incident described as domestic violence involving a law enforcement officer should, whenever possible, request a supervisory response.

- (a) The primary unit will conduct a thorough investigation, including, but not limited to:
 - 1. Photographs of the crime scene and any injuries identified.
 - 2. Statements from all witnesses, including children, if any.
 - 3. The Domestic Violence Supplemental Report Form.
 - 4. Seizure of any weapons used or referred to in the crime.
 - 5. Signed medical releases.
 - 6. Copies of dispatch (CAD) records.
 - 7. 9-1-1 call recording preserved.
 - 8. Statement of the victim; statement of the suspect.
 - 9. Determine if the victim requests any guns or specific weapons be removed for safekeeping and accommodate removal or explain the process for seeking a court order for removal.
 - 10. Complete the report as soon as possible, but prior to the completion of their shift.
- (b) Patrol units responding to suspicious circumstances, compelling third-party accounts of incidents, unexplained property damage, or other troubling events involving law enforcement officers will complete written reports of the incident.
- (c) A copy of all reports of the incident should be forwarded to the Domestic Violence Unit or Specialist. Access to the report should then be restricted to some form of "read only" version or physically secured.

1025.4.3 PATROL SUPERVISOR RESPONSE

A patrol supervisor shall:

- (a) Respond whenever practical to the scene of any domestic violence incident involving sworn employees of this department regardless of jurisdiction. Supervisors will coordinate information and offer assistance to the agency of jurisdiction to provide a complete investigation.
- (b) Respond to the scene of all domestic violence incidents within the jurisdiction of the Duvall Police Department involving any law enforcement officer.
- (c) Coordinate the investigation, applying appropriate resources and special units such as forensics, photography, domestic violence specialists, advocates and ensuring command notification.
- (d) Write a report on all incidents, whether deemed criminal or not and route it through the chain of command.

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- (e) In the event of the arrest of a sworn employee of the Duvall Police Department, contact the Chief of Police who will order the surrender of the officer's Department-issued weapons and identification. Consideration should be given to other agency equipment and inquiries made about voluntary surrender of personal weapons that may be secured for safekeeping.
- (f) In the event of the arrest of a sworn employee of another agency, contact that agency prior to custody transport and request authorization to seize that employee's agency-issued weapons or arrange for the employing agency to obtain them.
- (g) Endeavor to make a good faith effort to locate the suspect if there is probable cause for an arrest.
- (h) Explain the process to the victim, including the opportunity for applicable emergency protection orders, administrative no-contact orders, and confidentiality statutes and policies.
- (i) Provide the victim with a copy of this policy and DPD contact information, acting as the point of contact until another assignment is made.

1025.5 VICTIM SAFETY ASSISTANCE AND NOTIFICATION

The Duvall Police Department will work with community resources and domestic violence advocacy agencies and shall make available to the victim (RCW 10.99.090):

- (a) Information on how to obtain protective orders and/or removal of weapons from the victim's home.
- (b) Assistance with obtaining such orders in coordination with domestic violence victim advocates.
- (c) A copy of this policy and any agency confidentiality policy.
- (d) Information about public and private domestic violence advocacy resources to include the Washington State Domestic Violence Hotline.
- (e) Information related to relevant confidentiality policies related to the victim's information and public disclosure as provide by law.
- (f) The Duvall Police Department will coordinate victim notification regarding criminal and administrative investigative processes through the designated agency liaison in order to assist with victim safety.

Department Badges

1026.1 PURPOSE AND SCOPE

The Duvall Police Department badge and uniform patch as well as the likeness of these items and the name of the Duvall Police Department are the property of the Department and their use shall be restricted as set forth in this policy.

1026.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority and the use and display of departmental badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

1026.2.1 FLAT BADGE

Sworn officers receive a department issued flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of departmental policy as the uniform badge..

- (a) Should the flat badge become lost, damaged, or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in the Department Owned and Personal Property Policy.
- (b) An honorably retired officer may keep his/her flat badge upon retirement.
- (c) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

1026.2.2 NON-SWORN PERSONNEL

Badges and departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Parking Control, Dispatcher).

Non-sworn personnel shall not display any department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.

Non-sworn personnel shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

1026.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may purchase his/her assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

1026.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

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Department Badges

Department badges are issued to all sworn employees and non-sworn uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for Department use shall be subject to approval by the Chief of Police.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1026.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge shall not be used without the expressed authorization of the Chief of Police and shall be subject to the following:

- (a) The employee associations may use the likeness of the department badge for merchandise and official association business provided they are used in a clear representation of the association and not the Duvall Police Department. The following modifications shall be included:
 - 1. The text on the upper and lower ribbons is replaced with the name of the employee association.
 - 2. The badge number portion displays the initials of the employee association.
- (b) The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Chief of Police.

Temporary Modified-Duty Assignments

1027.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules, or current collective bargaining agreements or memorandums of understanding. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability or limitation that is protected under federal or state law.

1027.2 POLICY

Subject to operational considerations, the Duvall Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

1027.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the Washington Law Against Discrimination shall be treated equally, without regard to any preference for a work-related injury.

No position in the Duvall Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle or engaging in outside employment, or may otherwise limit them in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

1027.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

Employees seeking a temporary modified-duty assignment should submit a written request to their Division Commanders or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

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- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Division Commander will make a recommendation through the chain of command to the Chief of Police regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief of Police or the authorized designee shall confer with the Department of Human Resources or the City Attorney as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Shift Sergeant or Division Commander, with notice to the Chief of Police.

1027.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Division Commander.

1027.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but are not limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to the Division Commander that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

1027.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but are not limited to:

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- (a) Periodically apprising the Division Commander of the status and performance of employees assigned to temporary modified duty.
- (b) Notifying the Division Commander and ensuring that the required documentation facilitating a return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.

1027.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1027.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

If notified by an employee or the employee's representative regarding limitations related to pregnancy, childbirth, or related medical conditions, the Department should make reasonable efforts to provide an accommodation for the employee in accordance with federal and state law. The accommodation should be provided without unnecessary delay, as appropriate (42 USC § 2000gg-1; 29 CFR 1636.3; 29 CFR 1636.4; RCW 43.10.005.).

1027.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the City's personnel rules and regulations regarding family and medical care leave.

1027.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment may have their probation extended by a period of time equal to their assignment to temporary modified duty.

1027.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

Performance History Audits

1028.1 PURPOSE AND SCOPE

This policy provides guidance for the use of performance history audits. Performance history audits can help identify commendable performance as well as provide early recognition of training needs and other potential issues (e.g., problematic conduct). This policy addresses the responsibilities, performance indicators, and components of the audit; handling of collected data; and conducting appropriate interventions, when necessary.

1028.2 POLICY

The Duvall Police Department collects data to assist supervisors with evaluating the performance of their employees, including identifying problematic conduct and providing for appropriate interventions. While it is understood that the statistical compilation of data may be helpful to supervisors, the Department recognizes that it cannot account for, and must carefully balance such data with, the many variables in law enforcement, such as:

- Ability to detect crime.
- Work ethic.
- Assignment and shift.
- Physical abilities (ability to perform the job-related physical tasks).
- Randomness of events.

1028.3 RESPONSIBILITIES

Under the authority of the Administrative Services Division Commander, the Operations Commander is responsible for collecting performance indicators and other relevant data. The data will be compiled to generate biannual performance history audit reports that will be provided to the appropriate Division Commander. The Operations Commander will utilize confidential methods to compile and track information regarding performance indicators for each officer during each rating period in order to prepare the report. Though generated biannually, each report should contain data from a one-year time period.

The Administrative Services Division Commander should forward a copy of each performance history audit report to the City Attorney for review and retention as attorney work product and confidential personnel information.

1028.4 COMPONENTS OF PERFORMANCE HISTORY AUDITS

Performance history audits should include the following components:

- Performance indicators
- Data analysis
- Employee review
- Follow-up monitoring

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Performance History Audits

1028.4.1 PERFORMANCE INDICATORS

Performance indicators represent the categories of employee performance activity that the Chief of Police has determined may be relevant data for the generation and analysis of performance history audits. These indicators may include, but are not limited to, the frequency and/or number of:

- (a) Use of force incidents.
- (b) Involvement and conduct during vehicle pursuits.
- (c) Personnel complaints, including the findings.
- (d) Commendations, compliments, and awards from the Department and the public.
- (e) Claims and civil suits related to the employee's actions or alleged actions.
- (f) Canine bite incidents.
- (g) Personnel investigations.
- (h) Prosecuting attorney case rejections and the reasons.
- (i) Intentional or unintentional firearm discharges (regardless of injury).
- (j) Vehicle collisions.
- (k) Missed court appearances.
- (l) Documented counseling.

1028.4.2 DATA ANALYSIS

The Administrative Services Division Commander will review each performance history audit report and determine whether it should be provided to the officer's immediate supervisor for further consideration.

1028.4.3 EMPLOYEE REVIEW

Upon receipt of a performance history audit report, the supervisor will carefully review the report with the officer to assess any potential trends or other issues that may warrant intervention to improve officer performance and avoid unnecessary uses of force. These interventions could include informal counseling, additional training, or a recommendation for other action, including discipline. The officer shall date and sign the report and should be provided with a copy of the report upon request.

If a supervisor determines that an officer's performance warrants action beyond informal counseling, the supervisor shall advise the Division Commander of such recommendation. If the Division Commander concurs with the recommendation of the supervisor, the supervisor shall take steps to initiate the appropriate action.

If discipline or other adverse action is initiated against an officer as a result of a performance history audit, the officer shall be entitled to all rights and processes set forth in the Personnel Complaints Policy.

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Performance History Audits

1028.4.4 FOLLOW-UP MONITORING

Depending upon the results of each performance history audit, a determination should be made by the Administrative Services Division Commander, after discussion with the officer's immediate supervisor, about the need, type and duration of any follow-up. Performance indicators and data analysis will generally provide the basis upon which such decisions should be made.

1028.5 CONFIDENTIALITY OF DATA

Information, data, and copies of material compiled to develop performance history audit reports shall be considered confidential as part of the employee's personnel file and will not be subject to discovery or release except as provided by law. Access to performance history audit reports will be governed under the same process as access to an officer's personnel file, as outlined in the Personnel Records Policy.

Access to the underlying data will be governed by the process for access to the original records (such as police reports).

1028.6 RETENTION

Performance history audit reports and associated records shall be retained in accordance with the established records retention schedule.

Speech, Expression, and Social Networking

1029.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites, and provides guidelines for the regulation and balancing of member speech and expression with the needs of the Duvall Police Department.

This policy applies to all forms of communication including but not limited to digital media, print media, public or private speech, and use of all internet services, including the web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech, or expression that is protected under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit a member from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, about matters of public concern, such as misconduct or corruption.

Members are encouraged to consult with their supervisors regarding any questions arising from the application or potential application of this policy.

1029.2 POLICY

Members of public entities occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the Duvall Police Department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that members of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Department will carefully balance the individual member's rights against the needs and interests of the Department when exercising a reasonable degree of control over its members' speech and expression.

1029.3 SAFETY

Members should carefully consider the implications of their speech or any other form of expression when using the internet. Speech and expression that may negatively affect the safety of Duvall Police Department members, such as posting personal information in a public forum or posting a photograph taken with a Global Positioning System (GPS)-enabled camera, can result in compromising a member's home address or family ties. Members should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any member, a member's family, or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow department member.

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- Otherwise disclosing where another officer can be located off-duty.

1029.4 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT

To meet the safety, performance, and public-trust needs of the Duvall Police Department, the following are prohibited unless the speech is otherwise protected (e.g., a member speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation, or professionalism of the Department or its members.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Department and tends to compromise or damage the mission, function, reputation, or professionalism of the Department or its members. Examples may include:
 - 1. Statements that indicate disregard for the law or the state or U.S. Constitutions.
 - 2. Expression that demonstrates support for criminal activity.
 - 3. Participation in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the member as a witness. For example, posting to a website statements or expressions that glorify or endorse dishonesty, unlawful discrimination, or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the members of the Department (e.g., a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing members by informing criminals of details that could facilitate an escape or attempted escape).
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, digital media, or other recording obtained or accessible as a result of employment or appointment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.
- (g) Posting, transmitting, or disseminating any photographs, digital media or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the Duvall Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.

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Members must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1029.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While members are not restricted from engaging in the following activities as private citizens or as authorized members of recognized bargaining units or employee groups, members may not represent the Duvall Police Department or identify themselves in any way that could be reasonably perceived as representing the Department in order to do any of the following, unless specifically authorized by the Chief of Police:

- (a) Endorse, support, oppose, or contradict any political campaign or initiative.
- (b) Endorse, support, oppose, or contradict any social issue, cause, or religion.
- (c) Endorse, support, or oppose any product, service, company, or other commercial entity.
- (d) Appear in any commercial, social, or nonprofit publication; or any motion picture, film, video, or public broadcast; or on any website.

Additionally, when it can reasonably be construed that a member, acting in their individual capacity or through an outside group or organization, including as an authorized member of a recognized bargaining unit or an employee group, is affiliated with this department, the member shall give a specific disclaiming statement that any such speech or expression is not representative of the Duvall Police Department.

Members retain their rights to vote as they choose, to support candidates of their choice, and to express their opinions as private citizens, including as authorized members of recognized bargaining units or employee groups, on political subjects and candidates at all times while off-duty. However, members may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Members are also prohibited from directly or indirectly using their official authority to coerce, command, or advise another member to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes (5 USC § 1502).

1029.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published or maintained through file-sharing software or any internet site, including social media, that is accessed, transmitted, received, or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

The Department shall not require a member to disclose a personal username or password or open a personal social website unless otherwise allowed under Washington law (RCW 49.44.200).

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1029.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or the authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Department.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of their duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

1029.7 TRAINING

Subject to available resources, the Department should provide training regarding the limitations on speech, expression, and use of social networking to all members of the Department.

Accident, Illness and Injury Prevention

1030.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the Duvall Police Department, in accordance with the requirements of an Accident, Illness and Injury Prevention Program (AIIPP) (WAC 296-800-140 et seq.).

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related Citywide safety efforts.

1030.2 POLICY

The Duvall Police Department is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related accidents, illness and injuries. The Department will establish and maintain an AIIPP and will provide tools, training and safeguards designed to reduce the potential for accidents, illness and injuries. It is the intent of the Department to comply with all laws and regulations related to occupational safety.

1030.3 ACCIDENT, ILLNESS AND INJURY PREVENTION PLAN

The Administrative Services Division Commander is responsible for developing an accident, illness and injury prevention plan that shall include (WAC 296-800-14005):

- (a) A description of the entire accident, illness and injury plan, including workplace safety and health training programs.
- (b) A safety orientation that covers all components of the AIIPP.
- (c) Regularly scheduled safety meetings.
- (d) Posted or distributed safety information (WAC 296-800-19005; WAC 296-800-20005).
- (e) A system for members to anonymously inform management about workplace hazards.
- (f) Establishment of a safety and health committee that will (WAC 296-800-130):
 - 1. Meet regularly.
 - 2. Prepare a written record of safety and health committee meetings.
 - 3. Review the results of periodic scheduled inspections.
 - 4. Review investigations of accidents and exposures.
 - 5. Make suggestions to command staff for the prevention of future incidents.
 - 6. Review investigations of alleged hazardous conditions.
 - 7. Submit recommendations to assist in the evaluation of member safety suggestions.

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8. Assess the effectiveness of efforts made by the Department to meet applicable standards (WAC 296-800-100 et seq.).
- (g) Establishing a process to ensure workplace accidents involving a fatality or in-patient hospitalization of any member are reported as required to the Washington Department of Labor and Industries (WAC 296-27-031).
- (h) On-the-job review and training of the practices necessary to perform the initial job assignments in a safe manner and how to properly address hazards.
- (i) Instruction on reporting injuries and location of first-aid facilities.
- (j) The use and care of required personal protective equipment (PPE).
- (k) The proper actions to take during emergencies, including the routes for exiting work areas.
- (l) Identification of the hazardous gases, chemicals or materials, along with the instructions on their safe use and emergency action following accidental exposure.
- (m) The development, supervision, implementation and enforcement of training programs to improve the skill, awareness and competency of all members regarding occupational safety and health (WAC 296-800-14020).

1030.3.1 SAFETY COMMITTEE

The Duvall Police Department maintains a safety committee to communicate and evaluate safety and health issues that may affect members and to promote a safe and healthy work environment. The safety committee should include employee-elected and department-selected members. The number of employee-elected members must equal or exceed the number of department-selected members. A chairperson of the committee shall be elected (WAC 296-800-13020).

The safety committee will:

- (a) Review safety and health inspection reports to help correct safety standards.
- (b) Evaluate accident investigations conducted since the last meeting to determine if the causes of the unsafe situation were identified and corrected.
- (c) Evaluate the AIIPP and discuss recommendations for improvement, if needed.
- (d) Document attendance.
- (e) Write down the subject discussed.
- (f) Prepare minutes of each meeting that shall be made available for review by safety and health consultation personnel of the Washington Department of Labor and Industries.

1030.4 ADMINISTRATIVE SERVICES DIVISION COMMANDER RESPONSIBILITIES

The responsibilities of the Administrative Services Division Commander include but are not limited to:

- (a) Managing, implementing, and enforcing a plan to reduce the incidence of member accident, illness, and injury (WAC 296-800-14025).

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- (b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:
 - 1. New member orientation that includes a discussion of safety and health policies and procedures.
 - 2. Regular member review of the accident, illness, and injury prevention plan.
- (c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.
- (d) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes but is not limited to:
 - 1. Informing members of the accident, illness, and injury prevention guidelines.
 - 2. Recognizing members who perform safe work practices.
 - 3. Ensuring that the member evaluation process includes member safety performance.
 - 4. Ensuring department compliance to meet standards regarding the following:
 - (a) Communicable diseases (WAC 296-823-100 et seq.)
 - (b) PPE (WAC 296-800-160 et seq.)
 - (c) Respiratory protection (WAC 296-800-160)
 - (d) First aid (WAC 296-800-150 et seq.)
 - (e) Safe workplace (WAC 296-800-110 et seq.)
 - (f) Emergency Action Plan and Fire Prevention Plan (WAC 296-24-567)
 - (g) Walking-working surfaces (WAC 296-24-735 et seq.; WAC 296-24-740 et seq.).
- (e) Making available a form to document inspections, unsafe conditions or work practices, and actions taken to correct unsafe conditions and work practices.
- (f) Making available a form to document individual incidents or accidents.
- (g) Making available a form to document the safety and health training of each member. This form will include the member's name or other identifier, training dates, type of training, and training providers.
- (h) Conducting and documenting a regular review of the illness and injury prevention plan.

1030.5 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include, but are not limited to:

- (a) Ensuring member compliance with accident, illness and injury prevention guidelines and answering questions from members about this policy.
- (b) Training, counseling, instructing or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.

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- (c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.
- (d) Completing required forms and reports relating to accident, illness and injury prevention; such forms and reports shall be submitted to the Administrative Services Division Commander.
- (e) Notifying the Administrative Services Division Commander when:
 - 1. New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
 - 2. New, previously unidentified hazards are recognized.
 - 3. Occupational accidents, illnesses and injuries occur.
 - 4. New and/or permanent or intermittent members are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
 - 5. Workplace conditions warrant an inspection.

1030.6 HAZARDS

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on the appropriate form. This form should be forwarded to the Administrative Services Division Commander via the chain of command.

The Administrative Services Division Commander will take appropriate action to ensure the accident, illness and injury prevention plan addresses potential hazards upon such notification.

1030.7 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The Administrative Services Division Commander shall ensure that the appropriate documentation is completed for each inspection.

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1030.7.1 EQUIPMENT

Members are charged with daily vehicle inspections of their assigned vehicles and of their PPE prior to working in the field. Members shall complete the appropriate form if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

1030.8 INVESTIGATIONS

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- (a) A visit to the accident scene as soon as possible.
- (b) An interview of the injured member and witnesses.
- (c) An examination of the workplace for factors associated with the accident/exposure.
- (d) Determination of the cause of the accident/exposure.
- (e) Corrective action to prevent the accident/exposure from reoccurring.
- (f) Documentation of the findings and corrective actions taken.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Occupational Disease and Work-Related Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

1030.9 TRAINING

The Administrative Services Division Commander shall work with the Training Sergeant to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices (WAC 296-800-14020). Training shall be provided:

- (a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.
- (b) To all members with respect to hazards specific to each member's job assignment.
- (c) To all members given new job assignments for which training has not previously been provided.
- (d) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.
- (e) Whenever the Department is made aware of a new or previously unrecognized hazard.

1030.9.1 TRAINING TOPICS

The Training Sergeant shall ensure that training includes:

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- (a) Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.
- (b) Use of appropriate clothing, including gloves and footwear.
- (c) Use of respiratory equipment.
- (d) Availability of toilet, hand-washing and drinking-water facilities.
- (e) Provisions for medical services and first aid.
- (f) Handling of bloodborne pathogens and other biological hazards.
- (g) Prevention of heat and cold stress.
- (h) Identification and handling of hazardous materials, including chemical hazards to which members could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).
- (i) Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.
- (j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.
- (k) Back exercises/stretchers and proper lifting techniques.
- (l) Avoidance of slips and falls.
- (m) Good housekeeping and fire prevention.
- (n) Other job-specific safety concerns.

1030.10 RECORDS

Records and training documentation relating to accident, illness and injury prevention will be maintained in accordance with the established records retention schedule.

Safety committee records shall be retained for a minimum of one year (WAC 296-800-13020).

Line-of-Duty Deaths

1031.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Duvall Police Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Chief of Police may also apply some or all of this policy for a non-line-of-duty member death, or in situations where members are injured in the line of duty and the injuries are life-threatening.

1031.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of an officer during the course of performing law enforcement-related functions while on- or off-duty, or a non-sworn member during the course of performing assigned duties.

For an officer, a line-of-duty death includes death that is the direct and proximate result of a personal injury sustained in the line of duty (34 USC § 10281).

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin, or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

1031.2 POLICY

It is the policy of the Duvall Police Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

1031.3 INITIAL ACTIONS BY COMMAND STAFF

- (a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Shift Sergeant and Dispatch.
 1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).
- (b) The Shift Sergeant should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.
- (c) If the member has been transported to the hospital, the Shift Sergeant or the authorized designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.

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- (d) The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

1031.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Chief of Police, Shift Sergeant, or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department chaplain.

Notifying members should:

- (a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
- (b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity, and current location (e.g., small children at home, children in school).
- (c) Plan for concerns such as known health concerns of survivors or language barriers.
- (d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital. Notifying members should remain at the hospital while the survivors are present.
- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities, and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.
- (g) Offer to call other survivors, friends, or clergy to support the survivors and to avoid leaving survivors alone after notification.
- (h) Assist the survivors with meeting child care or other immediate needs.

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- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes, and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
- (j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivors' names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.
- (m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other Duvall Police Department members may be apprised that survivor notifications are complete.

1031.4.1 OUT-OF-AREA NOTIFICATIONS

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

- (a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.
- (b) The Department Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief of Police.

1031.5 NOTIFYING DEPARTMENT MEMBERS

Supervisors or members designated by the Chief of Police are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shifts. Members reporting for duty from their residences should be instructed to contact their supervisors as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

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1031.6 LIAISONS AND COORDINATORS

The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including but not limited to:

- (a) Department Liaison.
- (b) Hospital Liaison.
- (c) Survivor Support Liaison.
- (d) Wellness Support Liaison.
- (e) Funeral Liaison.
- (f) Mutual aid coordinator.
- (g) Benefits Liaison.
- (h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed. The Department should consider seeking assistance from surrounding law enforcement agencies to fill liaison and coordinator positions, as appropriate.

1031.6.1 DEPARTMENT LIAISON

The Department Liaison should be a Division Commander or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison's responsibilities include but are not limited to:

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System.
- (b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
- (d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
- (e) Coordinating all official law enforcement notifications and arrangements.
- (f) Making necessary contacts for authorization to display flags at half-staff.
- (g) Reminding department members of appropriate information-sharing restrictions regarding the release of information that could undermine future legal proceedings.

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- (h) Coordinating security checks of the member's residence as necessary and reasonable.
- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1031.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

- (a) Establish a command post or incident command system, as appropriate, to facilitate management of the situation and its impact on hospital operations (e.g., influx of people, parking).
- (b) Arrange for appropriate and separate waiting areas for:
 - 1. The survivors and others whose presence is requested by the survivors.
 - 2. Department members and friends of the deceased member.
 - 3. Media personnel.
- (c) Ensure, as practicable, that any suspects who are in the hospital and their families or friends are not in proximity to the member's survivors or Duvall Police Department members (except for members who may be guarding a suspect).
- (d) Arrange for survivors to receive timely updates regarding the member before information is released to others.
- (e) Arrange for survivors to have private time with the member, if requested.
 - 1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
 - 2. The Hospital Liaison should accompany the survivors into the room, if requested.
- (f) Stay with survivors and provide them with other assistance as needed at the hospital.
- (g) If applicable, explain to the survivors why an autopsy may be needed.
- (h) Make arrangements for hospital bills to be directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment, and that the member's residence address, insurance information, and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting their actions at the conclusion of duties.

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1031.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Division Commander. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- The selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include but are not limited to:

- (a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes, and other locations, as appropriate.
- (b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.
- (c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.
- (d) Providing assistance with travel and lodging arrangements for out-of-town survivors.
- (e) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:
 - 1. Items should not be delivered to the survivors until they are ready to receive the items.
 - 2. Items not retained as evidence should be delivered in a clean, unmarked box.
 - 3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
 - 4. The return of some personal effects may be delayed due to ongoing investigations.
- (f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.
 - 1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
- (g) Working with the Wellness Support Liaison for survivors to have access to available counseling services.

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- (h) Coordinating with the department's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).
- (i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal, and administrative investigations.
- (j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (k) Introducing survivors to prosecutors, victim's assistance personnel, and other involved personnel as appropriate.
- (l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (m) Inviting survivors to department activities, memorial services (e.g., as applicable, the Annual Candlelight Vigil at the National Law Enforcement Officers Memorial), or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

1031.6.4 WELLNESS SUPPORT LIAISON

The Wellness Support Liaison should work with the department wellness coordinator or the authorized designee and other liaisons and coordinators to make wellness support and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the Wellness Support Liaison include but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for wellness support and counseling services, including:
 - 1. Members involved in the incident.
 - 2. Members who witnessed the incident.
 - 3. Members who worked closely with the deceased member but were not involved in the incident.
- (b) Making arrangements for members who were involved in or witnessed the incident to be relieved of department responsibilities until they can receive wellness support.

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- (c) Making wellness support and counseling resources (e.g., peer support, Critical Incident Stress Debriefing) available to members as soon as reasonably practicable following the line-of-duty death.
- (d) Coordinating with the Survivor Support Liaison to inform survivors of available wellness support and counseling services and assisting with arrangements as needed.
- (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional wellness support or counseling services are needed.

1031.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison, and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include but are not limited to:

- (a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
- (b) Completing funeral notification to other law enforcement agencies.
- (c) Coordinating the funeral activities of the Department, including but not limited to the following:
 - 1. Honor Guard
 - (a) Casket watch
 - (b) Color guard
 - (c) Pallbearers
 - (d) Bell/rifle salute
 - 2. Bagpipers/bugler
 - 3. Uniform for burial
 - 4. Flag presentation
 - 5. Last radio call
- (d) Briefing the Chief of Police and command staff concerning funeral arrangements.
- (e) Assigning an officer to remain at the family home during the viewing and funeral.
- (f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.
- (g) Addressing event-related logistical matters (e.g., parking, visitor overflow, public assembly areas).

1031.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

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- (a) Traffic control during the deceased member's funeral.
- (b) Area coverage so that as many Duvall Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform duties in accordance with the Outside Agency Assistance Policy.

Where practicable, the [agencyHead] should appoint a mutual aid coordinator to identify external resources in advance of any need (e.g., regional honor guard teams, county- or state-wide resources).

1031.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and will assist them in applying for benefits. Responsibilities of the Benefits Liaison include but are not limited to:

- (a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury Reporting Policy).
- (b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the following:
 - 1. Public Safety Officers' Benefits Program, including financial assistance available through the Public Safety Officers' Educational Assistance (PSOEA) Program, as applicable (34 USC § 10281 et seq.).
 - 2. Social Security Administration.
 - 3. Department of Veterans Affairs.
- (c) Researching and assisting survivors with application for state and local government survivor benefits.
 - 1. Death benefit (RCW 41.26.510)
 - 2. Education benefit (RCW 28B.10.567; RCW 28B.15.380; RCW 28B.15.520)
 - 3. Retirement benefits (RCW 41.04.393)
- (d) Researching and assisting survivors with application for other survivor benefits such as:
 - 1. Private foundation survivor benefits programs.
 - 2. Survivor scholarship programs.
- (e) Researching and informing survivors of support programs sponsored by police associations and other organizations.
- (f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.
 - 1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.

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- (g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.
- (h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

1031.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Chief of Police and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

- (a) Establishing methods for purchasing and monitoring costs related to the incident.
- (b) Providing information on finance-related issues, such as:
 - 1. Paying survivors' travel costs if authorized.
 - 2. Transportation costs for the deceased.
 - 3. Funeral and memorial costs.
 - 4. Related funding or accounting questions and issues.
- (c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.
- (d) Providing accounting and cost information as needed.

1031.7 PUBLIC INFORMATION OFFICER

In the event of a line-of-duty death, the department's PIO should be the department's contact point for the media. As such, the PIO should coordinate with the Department Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Instruct department members to direct any media inquiries to the PIO.
- (c) Prepare necessary press releases.
 - 1. Coordinate with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
 - 2. Disseminate important public information, such as information on how the public can show support for the department and deceased member's survivors.
- (d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.
- (f) If requested, assist the member's survivors with media inquiries.
 - 1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.

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- (g) Release information regarding memorial services and funeral arrangements to department members, other agencies, and the media as appropriate.
- (h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media have obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should notify media when survivor notifications have been made.

1031.8 DEPARTMENT CHAPLAIN

The Department chaplain may serve a significant role in line-of-duty deaths. Chaplain duties may include but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support, or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

1031.9 INVESTIGATION OF THE INCIDENT

The Chief of Police should make necessary assignments to conduct thorough investigations of any line-of-duty death and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends, or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

1031.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Chief of Police may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

1031.11 NON-LINE-OF-DUTY DEATH

The Chief of Police may authorize certain support services for the death of a member not occurring in the line of duty.

Wellness Program

1032.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on establishing and maintaining a proactive wellness program for department members.

The wellness program is intended to be a holistic approach to a member's well-being and encompasses aspects such as physical fitness, mental health, and overall wellness.

Additional information on member wellness is provided in the:

- Chaplains Policy.
- Line-of-Duty Deaths Policy.
- Drug- and Alcohol-Free Workplace Policy.

1032.1.1 DEFINITIONS

Definitions related to this policy include:

Critical incident – An event or situation that may cause a strong emotional, cognitive, or physical reaction that has the potential to interfere with daily life.

Critical Incident Stress Debriefing (CISD) – A standardized approach using a discussion format to provide education, support, and emotional release opportunities for members involved in work-related critical incidents.

Peer support – Mental and emotional wellness support provided by peers trained to help members cope with critical incidents and certain personal or professional problems.

Peer supporter – A member or retired member of the Duvall Police Department who has received training to provide emotional support, moral support, and counseling to a member who needs those services resulting from an incident in an official capacity or to deal with other stress that is impacting the member's performance of official duties. It also includes a nonemployee counselor who has been designated by the Duvall Police Department to provide those same services (RCW 5.60.060).

1032.2 POLICY

It is the policy of the Duvall Police Department to prioritize member wellness to foster fitness for duty and support a healthy quality of life for department members. The Department will maintain a wellness program that supports its members with proactive wellness resources, critical incident response, and follow-up support.

1032.3 WELLNESS COORDINATOR

The Chief of Police should appoint a trained wellness coordinator. The coordinator should report directly to the Chief of Police or the authorized designee and should collaborate with advisers (e.g., Department of Human Resources, legal counsel, licensed psychotherapist, qualified health

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professionals), as appropriate, to fulfill the responsibilities of the position, including but not limited to:

- (a) Identifying wellness support providers (e.g., licensed psychotherapists, external peer support providers, physical therapists, dietitians, physical fitness trainers holding accredited certifications).
 - 1. As appropriate, selected providers should be trained and experienced in providing mental wellness support and counseling to public safety personnel.
 - 2. When practicable, the Department should not use the same licensed psychotherapist for both member wellness support and fitness for duty evaluations.
- (b) Developing management and operational procedures for department peer support members, such as:
 - 1. Peer support member selection and retention.
 - 2. Training and applicable certification requirements.
 - 3. Deployment.
 - 4. Managing potential conflicts between peer support members and those seeking service.
 - 5. Monitoring and mitigating peer support member emotional fatigue (i.e., compassion fatigue) associated with providing peer support.
 - 6. Using qualified peer support personnel from other public safety agencies or outside organizations for department peer support, as appropriate.
- (c) Verifying members have reasonable access to peer support or licensed psychotherapist support.
- (d) Establishing procedures for CISDs, including:
 - 1. Defining the types of incidents that may initiate debriefings.
 - 2. Steps for organizing debriefings.
- (e) Facilitating the delivery of wellness information, training, and support through various methods appropriate for the situation (e.g., phone hotlines, electronic applications).
- (f) Verifying a confidential, appropriate, and timely Employee Assistance Program (EAP) is available for members. This also includes:
 - 1. Obtaining a written description of the program services.
 - 2. Providing for the methods to obtain program services.
 - 3. Providing referrals to the EAP for appropriate diagnosis, treatment, and follow-up resources.
 - 4. Obtaining written procedures and guidelines for referrals to, or mandatory participation in, the program.

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5. Obtaining training for supervisors in their role and responsibilities, and identification of member behaviors that would indicate the existence of member concerns, problems, or issues that could impact member job performance.
- (g) Assisting members who have become disabled with application for federal government benefits such as those offered through the Public Safety Officers' Benefits Program (34 USC § 10281 et seq.).
 1. The coordinator should work with appropriate Department liaisons to assist qualified members and survivors with benefits, wellness support, and counseling services, as applicable, when there has been a member death (see the Line-of-Duty Deaths Policy for additional guidance).

1032.4 DEPARTMENT PEER SUPPORT

1032.4.1 PEER SUPPORT MEMBER SELECTION CRITERIA

The selection of a department peer support member will be at the discretion of the coordinator. Selection should be based on the member's:

- Desire to be a peer support member.
- Experience or tenure.
- Demonstrated ability as a positive role model.
- Ability to communicate and interact effectively.
- Evaluation by supervisors and any current peer support members.

1032.4.2 PEER SUPPORT MEMBER RESPONSIBILITIES

The responsibilities of department peer support members include:

- (a) Providing pre- and post-critical incident support.
- (b) Presenting department members with periodic training on wellness topics, including but not limited to:
 1. Stress management.
 2. Suicide prevention.
 3. How to access support resources.
- (c) Providing referrals to licensed psychotherapists and other resources, where appropriate.
- (d) Referrals should be made to department-designated resources in situations that are beyond the scope of the peer support member's training.

1032.4.3 PEER SUPPORT MEMBER TRAINING

A department peer support member should complete department-approved training prior to being assigned.

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1032.5 CRITICAL INCIDENT STRESS DEBRIEFINGS

A Critical Incident Stress Debriefing should occur as soon as practicable following a critical incident. The coordinator is responsible for organizing the debriefing. Notes and recorded statements shall not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a critical incident.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law, or a valid court order.

Attendance at the debriefing should only include peer support members and/or peer supporters, and those directly involved in the incident.

1032.6 PEER SUPPORT COMMUNICATIONS

Although the Department will honor the sensitivity of communications with peer support members, such communications are not confidential, except:

- Communications between a qualified peer supporter and a member are considered to be privileged except where allowed by law (RCW 5.60.060).
- Communications to crisis referral services by members and all records related to the communications shall be confidential except as allowed by RCW 43.101.425.

1032.7 PHYSICAL WELLNESS PROGRAM

The coordinator is responsible for establishing guidelines for any on-duty physical wellness program, including the following:

- (a) Voluntary participation by members
- (b) Allowable physical fitness activities
- (c) Permitted times and locations for physical fitness activities
- (d) Acceptable use of department-provided physical fitness facilities and equipment
- (e) Individual health screening and fitness assessment
- (f) Individual education (e.g., nutrition, sleep habits, proper exercise, injury prevention) and goal-setting
- (g) Standards for physical fitness incentive programs. The coordinator should collaborate with the appropriate entities (e.g., human resources, legal counsel) to verify that any standards are nondiscriminatory.
- (h) Maintenance of physical wellness logs (e.g., attendance, goals, standards, progress)
- (i) Ongoing support and evaluation

1032.8 WELLNESS PROGRAM AUDIT

At least annually, the coordinator or the authorized designee should audit the effectiveness of the department's wellness program and prepare a report summarizing the findings. The report shall

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not contain the names of members participating in the wellness program, and should include the following information:

- Data on the types of support services provided
- Wait times for support services
- Participant feedback, if available
- Program improvement recommendations
- Policy revision recommendations

The coordinator should present the completed audit to the Chief of Police for review and consideration of updates to improve program effectiveness.

1032.9 TRAINING

The coordinator or the authorized designee should collaborate with the Training Sergeant to provide all members with regular education and training on topics related to member physical and mental health and wellness, including but not limited to:

- The availability and range of department wellness support systems.
- Suicide prevention.
- Recognizing and managing mental distress, emotional fatigue, post-traumatic stress, and other possible reactions to trauma.
- Alcohol and substance disorder awareness.
- Countering sleep deprivation and physical fatigue.
- Anger management.
- Marriage and family wellness.
- Benefits of physical exercise and proper nutrition.
- Effective time and personal financial management skills.

Training materials, curriculum, and attendance records should be forwarded to the Training Sergeant as appropriate for inclusion in training records.

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Attachments

Washington State Law Enforcement Records Retention Schedule.pdf

This schedule applies to: Law Enforcement Agencies

Scope of records retention schedule

This records retention schedule covers the public records of local law enforcement agencies relating to the functions of law enforcement, criminal case investigation, and the management of the agency's assets and human resources. It is to be used in conjunction with the *Local Government Common Records Retention Schedule (CORE)* and other approved schedules that relate to the functions of the agency.

All current approved records retention schedules can be accessed online at: <http://www.sos.wa.gov/archives/RecordsRetentionSchedules.aspx>.

Disposition of public records

Public records covered by records series within this records retention schedule must be retained for the minimum retention period as specified in this schedule. Washington State Archives strongly recommends the disposition of public records at the end of their minimum retention period for the efficient and effective management of local resources.

Public records designated as Archival (Permanent Retention), Permanent, or Non-Archival with a retention period of "Life of the Agency" must not be destroyed. Records designated as Archival (Appraisal Required) or Potentially Archival must be appraised by the Washington State Archives before disposition. Public records must not be destroyed if they are subject to ongoing or reasonably anticipated litigation. Such public records must be managed in accordance with the agency's policies and procedures for legal holds. Public records must not be destroyed if they are subject to an existing public records request in accordance with chapter [42.56 RCW](#). Such public records must be managed in accordance with the agency's policies and procedures for public records requests.

In addition to the minimum retention requirements specified in this schedule, there may be additional (longer) retention requirements mandated by federal, state and/or local statute, grant agreement, and/or other contractual obligations.

Revocation of previously issued records retention schedules

All previously approved disposition authorities for records that are covered by this retention schedule are revoked, including those listed in all general and agency unique retention schedules. Local government agencies must take measures to ensure that the retention and disposition of public records is in accordance with current, approved records retention schedules.

Authority

This records retention schedule was approved by the Local Records Committee in accordance with [RCW 40.14.070](#) on January 26, 2017.

Signature on File

For the State Auditor: Cindy Evans

Signature on File

For the Attorney General: Matt Kernutt

Signature on File

The State Archivist: Steve Excell

Consular Notification Fax Sheet.pdf

DUVALL POLICE CONSULAR NOTIFICATION

26225 NE Burhen Way, PO Box 1500, Duvall WA 98019

425.788.1519 / fax: 425.788.1169

NOTIFICATION OF ARREST OR DETENTION OF A NATIONAL OF YOUR COUNTRY

DATE/TIME: _____

Embassy/Consulate of _____ in _____
(COUNTRY) (CITY) (STATE)

We arrested/detained the following foreign national, who we understand is a national of your

Country on _____
(DATE)

Name: _____

Date of Birth/Place of Birth: _____

Nationality/Country: _____

Passport Issuing Nations: _____

Passport Number: _____

This person has been or may be charged with the following offense(s): _____

For more information, **please call** _____ Between the hours of _____

Please refer to **case number** _____

ADDITIONAL INFORMATION: _____

MANDATORY ADVISEMENT STATEMENT

If the foreign national's country IS NOT on the mandatory notification list, the foreign national must be informed of the following:

"As a non-United States citizen who is being arrested or detained, you are entitled to have us notify your country's consular representatives here in the United States. A consular official from your country may be able to help you obtain legal counsel, and may contact your family and visit you in detention, among other things. If you want us to notify your country's consular officials, you can request this notification now, or at any time in the future. After your consular officials are notified, they may call or visit you. Do you want us to notify your country's consular officials?"

If the foreign national's country IS on the list of mandatory notification countries, the foreign national must be advised of the following, regardless of the foreign national's wishes:

"Because of your nationality, we are required to notify your country's consular representatives here in the United States that you have been arrested or detained. After your consular officials are notified, they may call or visit you. You are not required to accept their assistance, but they may be able to help you obtain legal counsel and may contact your family and visit you in detention, among other things. We will be notifying your country's consular officials as soon as possible."

MANDATORY NOTIFICATION COUNTRIES

ALGERIA	ANTIGUA AND BARBUDA	ARMENIA	AZERBAIJAN
BAHAMAS, THE	BARBADOS	BELARUS	BELIZE
BRUNEI	BULGARIA	CHINA ¹	COSTA RICA
CYPRUS	CZECH REPUBLIC	DOMINICA	FIJI
GAMBIA, THE	GEORGIA	GHANA	GRENADA
GUYANA	HONG KONG ²	HUNGARY	JAMAICA
KAZAKHSTAN	KIRIBATI	KUWAIT	KYRGYZSTAN
MALAYSIA	MALTA	MAURITIUS	MOLDOVIA
MONGOLIA	NIGERIA	PHILIPPINES	POLAND (nonpermanent residents only)
ROMANIA	RUSSIA	ST. KITTS AND NEVIS	ST. LUCIA
ST. VINCENT AND THE GRENADINES	SEYCHELLES	SIERRA LEONE	SINGAPORE
SLOVAKIA	TAJIKISTAN	TANZANIA	TONGA
TRINIDAD AND TOBAGO	TUNISIA	TURKMENISTAN	TUVALU
UKRAINE	UNITED KINGDOM ³	U.S.S.R. ⁴	UZBEKISTAN
ZAMBIA	ZIMBABWE		

¹ Notification is not mandatory in the case of persons who carry "Republic of China" passports issued by Taiwan. Such persons should be informed without delay that the nearest office of the Taipei Economic and Cultural Representative Office ("TECRO"), the unofficial entity representing Taiwan's interests in the United States, can be notified at their request.

² Hong Kong reverted to Chinese sovereignty on July 1, 1997, and is now officially referred to as the Hong Kong Special Administrative Region, or "SAR." Under paragraph 3(f)(2) of the March 25, 1997, U.S.-China Agreement on the Maintenance of the U.S. Consulate General in the Hong Kong Special Administrative Region, U.S. officials are required to notify Chinese officials of the arrest or detention of the bearers of Hong Kong passports in the same manner as is required for bearers of Chinese passports-- i.e., immediately, and in any event within four days of the arrest or detention.

³ United Kingdom includes England, Scotland, Wales, Northern Ireland and Islands and the British dependencies of Anguilla, British Virgin Islands, Bermuda, Montserrat, and the Turks and Caicos Islands. Their residents carry British passports.

⁴ Although the U.S.S.R. no longer exists, some nationals of its successor states may still be traveling on its passports. Mandatory notification should be given to consular officers for all nationals of such states, including those traveling on old U.S.S.R. passports. The successor states are listed separately above.

DV Evaluations and Assessments.pdf

APPENDIX A

Domestic Violence Evaluations and Assessments^{1,2}

Appendix A is an overview of issues³ related to domestic violence (DV) evaluations that may appear before the courts: criminal, civil, family law, dependency, or juvenile courts. Specialized domestic violence evaluations may have been requested by the court or introduced as part of the case by lawyers, professionals related to the courts, or the parties themselves. DV evaluations may be a standalone evaluation or be a subset of another evaluation.

I. Domestic Violence Evaluations are specialized evaluations of domestic violence-specific issues and are conducted using DV-specific evaluation protocols.

A. Domestic violence evaluations for court proceedings address a wide variety of questions⁴:

- Whether or not specific conduct that did occur fits the behavioral definition of domestic violence?
- If the conduct is domestic violence, then who is the adult victim and/or who is the DV perpetrator of that conduct?

¹ This appendix focuses primarily on domestic violence evaluations/assessments of the perpetrator used in court proceedings; some of the comments and examples may also be relevant to evaluations for domestic violence adult victims and or their children. It is beyond the scope of this appendix to handle this topic in an exhaustive manner. It should be taken only as a primer for judicial officers, which highlights some of the dilemmas surrounding such evaluations. Also this appendix is limited to domestic violence evaluations only and does not address issues related to other types of non-domestic violence forensic evaluations, except where they specifically intersect with domestic violence evaluations. For this discussion, the terms DV evaluation and assessment are used interchangeably.

² See Chapter 2 for coverage of lethality assessments. That detail will not be repeated in this appendix; although, lethality assessment is always part of the domestic violence assessment.

³ There is little direct research on DV evaluations or assessments protocols. What is presented in here is the consensus of experts in the field and based on the author's seminars for judges and publications: A. Ganley, *Domestic Violence, Parenting Evaluations, and Parenting Plans: Practice Guide for Parenting Evaluators in Family Court Proceedings* (2009), available online through <http://www.kccadv.org/reports/family-law-reports/>; A. Ganley & M. Hobart, *Social Worker's Practice Guide to Domestic Violence*, Children's Administration, Washington State Department of Social and Health Services (2010, 2012R)

⁴ At the close of this appendix (pgs. 13-24) there are examples of questions that evaluators ask parties for purposes of conducting the evaluation and which judicial officers can also use in considering domestic violence in a specific case.

- If domestic violence has been or is present, what are the risks of future danger? To whom? And by whom? (Assessment of lethality and dangerousness?)
- What have been the impacts/harms of domestic violence on the adult victim?
- What have been the impacts/harms of domestic violence on the children?
- How does the domestic violence affect the parenting of the adult victim? Of the domestic violence perpetrator?
- What ongoing or future risks of harm does the domestic violence perpetrator pose to the adult victim? To children? To others?
- Is the DV perpetrator amenable to treatment/motivated to change?
- Are there co-occurring issues for the DV perpetrator that may negatively impact treatment/change?
- For court review: has the domestic violence perpetrator stopped the pattern of assaultive and coercive behaviors? Become a safe parent? A safe citizen?

B. Multiple Evaluations in DV Cases:

- **Not all evaluations in domestic violence cases are DV evaluations.** There may be different types of evaluations in DV cases. Sometimes a case before the court has multiple and competing evaluations. Knowing the limitations as well as the strengths of the different evaluations assists the judicial officer (1) in deciding which evaluation if any the court would order and/or (2) in understanding the relevance of DV evaluations brought to cases. Behavioral assessment techniques have been shown to be critical for assessing domestic violence, which is a behavioral problem rather than a personality problem. Often mental health evaluations (psychological or psychiatric) do not include **behavioral assessments** of domestic violence conduct. Therefore, they have limited value in addressing the standard questions before the court for DV cases:
 - Determining whether or not domestic violence occurred.
 - Determining who is or who is not a DV perpetrator (or DV victim).
 - Assessing impact of the entire pattern of assaultive and coercive behavior on the adult victim and children.
 - Determining future risks to adult victim.
 - Determining future risks to children posed by domestic violence.
- **Mental Health/Psychiatric Evaluations.** Standard mental health evaluations focus on personality, motivation, cognitive psychological functioning, and use psychological tests and tools (see page 8 for cautions regarding psychological testing in DV cases) in addition to interviews. Psychiatric evaluations do the above and include medical assessment techniques as well. Typically these evaluations do not systematically gather the information regarding person's

behaviors or conduct, which is standard procedure for a Domestic Violence Evaluation. Standard mental health or psychiatric evaluations do not provide the specific information needed for establishing a parenting plan or child welfare service plan, such as whether the party's mental health issue (or DV issue) affects their parenting capacities, whether the identified mental health (or DV issue) barrier to parenting are short or long term, and if the mental health (or DV issues) are resolvable through specific conditions of the parenting plan or child welfare service.

- **Substance Abuse Evaluations.** These focus on assessing and individuals for substance abuse and/or addiction issues. There are standards for substance abuse evaluations (including procedures and tests that may be used). They do not assess for co-occurring issues (domestic violence, sexual deviancy, etc.).
- **Sexual Deviancy Evaluations.** These are similar to substance abuse evaluations in that their purpose is to focus on one issue. This may be an appropriate evaluation as an adjunct evaluation when there are questions about a co-occurring issue of sexual deviancy.
- **Parenting Evaluations:** the focus of this evaluation is on assessing the specific parenting capacities of specific parents of specific children. There is a great deal of variety in how effective parenting evaluations are for cases with domestic violence. Traditional parenting evaluation protocols do not routinely screen for domestic violence and only address the issue if parents alleged domestic violence. Even then, they do not use behavioral assessment tools in the interviews with the parties. In addition, they frequently do not integrate standardized domestic violence assessment protocols in assessing identified domestic violence in the case.

Both mental health and parenting evaluations have other limitations in common: high cost, often difficult to obtain in communities, failure to address trauma, failure to assess domestic violence, and, too often, they are culturally or linguistically inappropriate. For domestic violence cases mental health evaluations, parenting evaluations, substance abuse, sexual deviancy evaluations frequently fail to capture the specifics of the abuser's pattern of assaultive and coercive behaviors and the impact of that conduct on the legal questions before the court.

C. Use of specialized domestic violence evaluations/assessments in different courts.

- **Criminal Proceedings.** There may be stand-alone domestic violence evaluations or DV risk assessments to address safety issues before, during and after court. Such DV evaluations may also be used to provide information for charging, as part of the testimony given at trial, or for sentencing purposes.

- **Dependency court proceedings.** As of 2009, the Washington State Department of Social and Health Services, Children's Administration has adopted domestic violence-specific policies⁵ which shifted to (1) universal (regardless of the allegation) screening/routine identification of domestic violence repeated at each stage of a child welfare case, (2) if domestic violence is identified in the case, then workers will conduct a specialized assessment of risks posed to children by identified domestic violence, and 3) case decision-making and service plans based on this Specialized Domestic Violence Assessment. The Children's Administration has produced a practice guide so workers are able to conduct this routine screening and the specialized assessment of domestic violence as part of their safety assessment role rather than to refer out all domestic violence evaluations to specialists outside Child Welfare. As part of reasonable efforts, DSHS Children's Administration is responsible for following its domestic violence-specific policies. See Chapter 11, Attachment 2 for more information. A domestic violence evaluation may be offered by Child Welfare workers or may be sought by the parents who are party to the case.
- **Family Law Proceedings.** There may be either stand-alone domestic violence evaluations or a domestic violence evaluation may be a focused part of another evaluation. Washington allows psychologists to conduct limited service evaluations related to parenting evaluations (WAC 246-924-467, limited services related to parenting evaluations) on certain topics (domestic violence, substance abuse, sexual deviancy, mental health issues) without the evaluator having to conduct a full parenting evaluation. For some cases, such a focused domestic violence evaluation is all that is needed. Having multiple evaluations may be burdensome to both the family and the court. In other cases, the domestic violence evaluation can be conducted as a subset of a parenting evaluation or a mental health evaluation. Those conducting a domestic violence evaluation within another evaluation still needs to follow the domestic violence evaluation protocol for that subset and have the same qualifications as professionals doing the stand-alone domestic violence evaluations.

D. Evaluating the evaluations. It is important that the court stay clear on:

- The legal questions of this case before the court.
- The purpose of the domestic violence evaluation and its relevance to those legal questions before the court.
- The reliability, validity, and relevance of the evaluation methods used in the domestic violence evaluation.
- The quality of the data and conclusions from the domestic violence evaluation.
- The qualifications and experience of a competent domestic violence evaluator.

⁵ A. Ganley & M. Hobart, *Social Worker's Practice Guide to Domestic Violence*, Children's Administration, Washington State Department of Social and Health Services(2010, R 2012) .

II. Domestic Violence Evaluations:

A. Which Court? What are the Legal Questions? Can a DV evaluation address the questions before the court?

A specialized domestic violence evaluation can be helpful to the court in responding to certain legal questions before the court. A domestic violence evaluation conducted by a competent DV evaluator can provide invaluable domestic violence specific information to a court faced with making complicated decisions that have far-reaching implications in the lives of family members.

1. Criminal court proceedings

Domestic violence evaluation may be offered to assist the court in determining whether or not an individual committed a crime:

- a. Did this defendant engage in this behavior or commit these acts? Was their conduct behavior a crime (e.g., assault, stalking, harassment) or not (e.g., self-defense, accident)?**

Domestic violence evaluations *alone* cannot determine whether or not someone engaged in certain behaviors. The domestic violence evaluator is rarely a witness to the events and may be interviewing only one party and gathering input from other parties. Evaluators are not the triers of fact and do not render legal opinions. Occasionally, in the course of an evaluation by a skilled domestic violence evaluator, the domestic violence perpetrator will self-report descriptions of behaviors that fit the behavioral and legal definitions of domestic violence and confirms that domestic violence occurred. Or in the course of the evaluation the domestic violence perpetrator may specifically use a controlling tactic of abuse (such as threatening to harm to victim or to the evaluator or to the judicial officer). In such cases, that information about or direct observation of conduct would be useful to the court. However, the lack of such collateral reports to the evaluator or the denial of domestic violence behaviors to the DV evaluator cannot be used to confirm that domestic violence did not occur. The court considers information in addition to the domestic violence evaluation to determine whether domestic violence behaviors constituted a crime (e.g. assault, stalking, arson, menacing, harassment) or not (the conduct was self-defense, accident, etc.)

b. Whether or not the criminal behavior was committed under duress? Whether or not there are other mitigating circumstances?

Once again, the domestic violence evaluator is not the trier of fact. Domestic violence evaluators may render professional opinions on the motivation and meaning of the identified conduct which may address the questions before the court involving mitigating circumstances. For example, a domestic violence evaluation in a case may reveal that the domestic violence victim/defendant engaged in the criminal act of robbery under threat of physical harm from the domestic violence perpetrator (i.e., domestic violence victims compelled to crime by DV perpetrators).

c. Sentencing:

Domestic violence evaluations may also assist the court in determining appropriate conditions for sentencing:

- Is the criminal conduct that has been adjudicated to have occurred actually domestic violence or not? (Does the criminal conduct fit the behavioral definition of domestic violence or not?)
- How lethal is the domestic violence? Future risk?
- Would the offender benefit or not from a batterer's treatment program?
- Is the domestic violence perpetrator amenable to treatment?

While domestic violence evaluations alone cannot determine whether or not the criminal act took place, the domestic violence evaluation can render an opinion as to whether or not this behavior is part of an ongoing pattern of assaultive and coercive behaviors known as domestic violence. Domestic violence is a pattern of behavior, not an isolated individual event. So knowing whether or not the assault or other criminal act constitute part of a pattern of assaultive and coercive behaviors defined as domestic violence is important in determining danger assessment, effective interventions, court orders, and sentence. For example, the facts of the case may clearly establish that the person did push the other person against a wall (i.e., committed assault), but unless this is part of a pattern of assaultive and coercive behaviors, that assault may not be domestic violence, and the offender would not benefit from in a domestic violence treatment program. For example, a if domestic violence victim retaliates after having endured repeated domestic violence by assaulting the domestic violence perpetrator, that assault is not part of an ongoing pattern of coercive control. The court would sentence on the assault issue, but not

call it domestic violence invoking domestic violence intervention strategies.

A domestic violence evaluation (or the court) may conclude that even though the offender committed the crime and the crime is part of a pattern of assaultive and coercive behaviors called domestic violence, the evaluation provides information that the domestic violence perpetrator is not amenable to treatment because he or she:

- totally denies his/her abusive conduct or justifies it; and/or
- is too high risk to repeat lethal domestic violence. For such cases domestic violence interventions programs would be contraindicated.

2. Civil court proceedings (family law, dependency, juvenile, protection orders, and tort cases).

A domestic violence evaluation may be relevant to a variety of other questions before the court:

- Is there domestic violence in this case? If so, who is the perpetrator? Who is the adult victim?
- Are there lethality and safety issues for the adult victim? Children? Community? Court? Imminent? Or future?
- Impact of the domestic violence on the adult victim?
- Impact of the domestic violence on the children?
- Impact on the victim's and/or domestic violence perpetrator's parenting?
- Custody issues? Residential access? Visitation? Parental decision-making regarding children?
- How does the specific history of domestic violence impact the parenting plans? How can a parenting plan be constructed that will keep both the adult victim and the children safe and support their resiliency? How can the parenting plan (1) decrease the abuser's ability to continue to exercise power and control over the victim and children and (2) engage the abuser in becoming a safe and responsible parent?
- How does the history or presence of domestic violence affect the child welfare decision-making and services for both parents and for the children in a specific case? Visitation?
- Damage assessment for tort cases involving domestic violence?

B. Elements of a Specialized Domestic Violence Assessment

The court should expect the following to be clearly stated in the Domestic Violence Evaluation:

1. **Purpose:** List of those questions before the court to be addressed specifically by this Domestic Violence evaluation.
2. **Domestic Violence Evaluation Methods Used:**
 - a. **Behavioral Assessment Interviews conducted with the parties and with collaterals (dates and time spent).**

Domestic violence evaluations rely heavily on behavioral assessment interview strategies and are a departure from many of the clinical interview techniques used by parenting evaluators and or in psychological evaluations of a party. These domestic violence behavioral assessment protocols are different than the allegation models used by many parenting evaluators.⁶ Behavioral assessment techniques have been shown to be the most useful in assessing domestic violence, which is a behavioral problem rather than a personality problem.

- b. **List all Materials reviewed for evaluation.**

Domestic violence evaluations should be conducted using multiple sources of data

- c. **Tests (if used) administered and interpreted**

Caution: Psychological testing is NOT useful for the following:

- Determining whether or not domestic violence occurred
- Determining who is or who is not a perpetrator (or victim)
- Determining future risks to adult victim
- Determining future risks to children posed by domestic violence

Many of the tests appearing in evaluations are psychological tests regarding personality. Domestic violence is a behavior problem, not a personality problem, and is exhibited by individuals from a wide variety of personality types, including those who test clinically normal. It is impossible to determine

⁶ For full comparison of the techniques used ...see A.Ganley, *Domestic Violence, Parenting Evaluations, and Parenting Plans: Practice Guide for Parenting Evaluators in Family Court Proceedings*, (2009), available online through <http://www.kccadv.org/reports/family-law-reports/>

whether or not someone is domestically violent by looking at results of a personality test. Being a victim of domestic violence is due to the behavior of another, and victims of domestic violence can have any personality type. Some victims may test with clinically significant characteristics, as a result of living with domestic violence, and these so-called personality “traits” often disappear when victim is free of the abuse and coercion. Some have personality or psychiatric diagnoses independent of being victims of domestic violence but their diagnosis does not justify DV perpetrators’ use of domestic violence against them. Psychological tests or diagnoses, if used, need to be interpreted in light of the information about the perpetrator’s domestic violence tactics.

Psychological tests cannot rule out risk to adult victims posed by domestic violence perpetrators. The current risk assessments involve interviewing and gathering information about the behavioral pattern, information about the offender, and the current context—not about the personality profiles of either party.

Psychological tests cannot determine risk to children from domestic violence. There has been some progress in developing instruments to measure risk of child maltreatment. However, these tools were not designed to measure risk to children posed by intimate partner violence. Whenever psychological tests are used in domestic violence evaluations, or in other evaluations for custody evaluations or for parenting plans, they must be interpreted in the context of a detailed assessment of the domestic violence.

However, psychological tests (personality and cognitive testing) may be helpful for treatment purposes. Understanding a person’s personality style or how they function may suggest which treatment approaches need to be used. Alone, they are not useful in identifying whether or not there is domestic violence and whether or not there is future risk.

3. Definition of domestic violence used in evaluation.

Most of the questions needing to be addressed by a domestic violence assessment require the use of both the behavioral definition of domestic violence and the legal definitions (see Chapter 2). Because domestic violence is a pattern of behavior with a variety of effects and posing a variety of risks, any assessment that determines yes or no domestic violence, based on a limited legal definition of domestic violence applied to one incident (see Chapter 2) is generally not useful to the court. Furthermore, limiting the evaluations simply to the legal definitions of domestic violence is inadequate for assessing dangerousness and for assessing the complex issues involved in family and dependency courts.

Evaluators use a wide range of definitions for domestic violence. For example, some think there is no domestic violence unless there has been significant documented physical injury to adult victim or child and therefore claim there is no domestic violence in the case. They may base their determination on outcome rather than on behavior engaged in by the offender, and in doing so, may place individuals at risk for future harm. Others may think there is no domestic violence unless there has been an arrest or conviction for domestic violence if the assault that occurred is distant history or against another partner. Others focus solely on the physical assaults. **At a minimum, the evaluator should state in the report or testimony the definition of domestic violence used for the evaluation so the court is able to understand the evaluator's opinions.**

4. Domestic violence evaluation questions and topics

a. Questions:

- Whether or not there is domestic violence? If there is, who is the adult victim and who is the domestic violence perpetrator? This should be clearly stated for the court.
- If there is no domestic violence, then the evaluator would state the basis for the no domestic violence conclusion. The domestic violence assessment would stop there.

b. Elements of Specialized Assessment of Identified Domestic Violence:

If there is alleged domestic violence, then the specialized DV assessment of the identified domestic violence should include the following:

- **Detailed description of the pattern of abuse *over the course of the time*:** physical, sexual, and psychological attacks (stalking, threats, reproductive coercion, emotional abuse, isolation, controlling tactics, etc.), economic coercion, and use of children against adult victim.
- **A description of the time period considered for the assessment:** throughout the course of the relationship, including the time period after separation, up to the date of the evaluation. Oftentimes evaluators only consider behavior during the relationship and ignore the behavior that continues after the relationship has supposedly ended. Domestic violence does not occur only in marriages or cohabitating relationships. The pattern or coercive conduct occurs throughout and after legal proceedings. There may be a shift in tactics, such as using the court system against the domestic violence victim or sabotaging the parenting plan, but domestic violence perpetrators continue their patterns of coercive conduct after separation.

- **Impacts of domestic violence on adult victim:** physical and mental health, education, employment, housing, social/family/community relationships, access to resources, autonomy, degree of control over the victim enforced by the domestic violence abuser, etc.
- **Impact of domestic violence on children:** including but not limited to impact on parenting by adult victim, and on parenting by perpetrator,⁷ as well as impact on the child's safety, health, housing, education, social networks, religious affiliations, access to resources, etc.
- **Lethality assessment** (see Chapter 2, Section IV)
- **Co-occurring issues:** substance abuse, mental illness, sexual deviancy, poverty, etc.
- **Protective factors:** in adult victim, children, DV perpetrator, community, including cultural issues as related to protective factors.
- **Demographic data about parties and children**

Some of the evaluations will need to complete certain sections in more detail depending on the court.

5. Qualifications for a Competent Domestic Violence Evaluator

- a. Types of evaluators:
 - Psychologists, social workers, psychiatrists, lawyers
 - Family court service evaluators (King County)
 - Professional parenting evaluators
 - GALS (lawyers or mental health specialists) domestic violence specialists
 - Domestic violence specialists
 - For Child Welfare: court proceedings: social workers using Children's Administration tools of safety assessment, structured decision-making assessment, family assessment, and who specialize in domestic violence cases following the 2010 DV practice guide
- b. Contributors to DV evaluations (do not conduct DV evaluations)

⁷ Appendix B.

- Treating therapists for parents, child
- CASA (volunteer or professionals), GALS
- Child care providers, parenting coaches, etc.

c. **Qualifications: specialized DV training, not necessarily degrees.**

- **Specialized education in domestic violence and domestic violence specific evaluation methodologies.** To conduct domestic violence evaluation, the evaluator must have specialized education in domestic violence dynamics, domestic violence-specific screening protocols, and domestic violence assessment protocols, domestic violence risk assessment, and in safety planning, as well as experience in working with domestic violence perpetrators, victims, and their children.

A professional may be a highly skilled forensic expert, parenting evaluator, mental health expert, or child welfare expert, but not be able to do a competent domestic violence evaluation. For the most part, psychiatry, psychology, and social work graduate-level education provides little, if any, education in the area of domestic violence. Consequently, to do a domestic violence evaluation, and to integrate that domestic violence information into their assessments, professionals need to take continuing education seminars in specific domestic violence-related topics and evaluation methodologies, as well as have direct experience working with domestic violence perpetrators, adult victims, and their children.

Judicial officers should consider carefully (specifically ask evaluators) what qualifies the professional to conduct domestic violence evaluations.

- **Evaluator's consultation with domestic violence specialists** If an evaluator does not have this specialized training and experience, then the evaluator should consult with a domestic violence specialist and incorporate that information into their assessment of the case. This is especially important in family law and dependency cases with the complicated factors surrounding parenting capacities. The consultation should be done prior to interviewing the parties in order to select the most appropriate evaluation protocols and then again when coming to conclusions and or recommendations. This consult should be noted in the report or testimony before the court.

- **Therapists should not conduct domestic violence evaluations for their own clients.**

The role of the evaluator and the therapist is very different. While therapists can provide some useful information to evaluators or to the court (especially if they routinely gather behavioral information from their clients), their therapeutic role with the client may compromise their objectivity or their value to the client may be undermined when therapists are used as an evaluator.

Mental health professionals too often do not routinely screen for domestic violence, even though the standard of care has moved toward routine screening at least for domestic violence victimization for all patients (there is a growing trend in health care to screen for domestic violence perpetration as well).⁸ Consequently, some professionals do not even know whether or not their clients have experienced domestic violence as a victim or perpetrator, because they do not do routine screening. The professional may mistakenly think clients will bring up these issues on their own, and assume that if it was not brought up, then it did not happen. In family law and child welfare cases when adult victims raise domestic violence concerns, professionals often mistakenly assume that the adult victims are merely doing so to have the advantage in a divorce or custody case and dismiss the adult victims' concerns.

- **State-certified domestic violence perpetrator programs** by state standards provide to the court appropriate signed releases of information about clients status, treatment, and participation in the program (see State standards, Appendix B.).

Domestic violence perpetrator treatment programs may have a policy not to do domestic violence evaluations for the courts with their own clients or even for those not in the treatment phase of the program. There are multiple reasons why the programs may take this or a modified position:

- Competent evaluations, assessments, reports, or testimony for courts take a lot of time. Many programs have limited staff. It is difficult to do treatment assessments, maintain the active treatment program, and do separate domestic violence

⁸ K. McCloskey and N. Grigsby, "The Ubiquitous Clinical Problem of Adult Intimate Partner Violence: The Need for Routine Assessment," *Professional Psychology: Research and Practice* 36, no. 3 (2005): 264-275.

evaluations on individuals who often do not want to participate in or are not appropriate for the treatment phase of the program.

- An actual, or the appearance of, conflict of interest.
 - It results in a situation where clients are more focused on the evaluation than on their participation in rehabilitation.
-

**SAMPLE INTERVIEW QUESTIONS
ASSESSMENT OF RISK POSED TO CHILDREN
BY DOMESTIC VIOLENCE**

Anne L. Ganley, Ph.D.

-
- ~~Domestic Violence: Initial Interview Comments and Questions~~
 - Interview Questions Re: Domestic Violence Perpetrator's Pattern of Assaultive and Coercive Behavior
 - Interview Questions Re: the Impact of Domestic Violence on the Adult Victim
 - Interview Questions Re: the Impact of Domestic Violence on Children
 - Information to Consider in Assessing Protective Factors
 - Interview Questions Re: the Outcome of the victim's Past Help-Seeking
 - Assessing the Lethality Risk of Domestic Violence
 - Domestic Violence Lethality Assessment: Factors to Consider

This material was adapted from the Family Violence Prevention Fund's publication *Domestic Violence: A National Curriculum for Child Protective Services, 1996*, written by Anne L. Ganley, PhD and Susan Schechter, MS.

DOMESTIC VIOLENCE: SAMPLE INITIAL INTERVIEW COMMENTS AND QUESTIONS

- All families disagree and have conflicts. I am interested in how your family fights (argues, resolves conflict). I am interested in **HOW** you and your partner communicate when upset.
- What happens when you and your partner disagree and your partner wants to get his/her way?
- Have you ever been hurt or injured in an argument (have you ever injured...)? Has your partner (have you) ever used physical force against you or anyone else or property during an argument? Has your partner threatened /intimidated you? Have you ever felt threatened or intimidated by your partner? How?
- If your partner uses physical force against a person or property in arguments with you, tell me about one time that happened. Tell me about the worst or most violent episode. What was the most recent episode? Are you afraid of you or your children being harmed or injured?
- Have you ever used physical force against your partner? If so, tell me about the worst episode. What was the most recent episode? Is your partner afraid of you?
- Have the children ever been hurt or injured in any of these episodes? Have the children been present? Are the children afraid of your partner? Afraid of you?
- How frequently do the violent episodes occur? Have there been any changes in the frequency or severity of the abuse in the last month or the last year? Is any of the abuse (physical, sexual, psychological) getting worse or happening more often? Have the police or any other agency been involved?

INTERVIEW QUESTIONS FOR ASSESSING DOMESTIC VIOLENCE PERPETRATOR'S PATTERN OF ASSAULTIVE AND COERCIVE BEHAVIORS

For each question listed below, if the adult victim (or domestic violence perpetrator) answers yes, encourage a description of exactly what happened. Monitor responses as they unfold and adjust your inquiries accordingly; you do not have to ask every suggested question. For example, sometimes in telling a story of an episode, the victim or perpetrator will supply many illustrations of domestic violence tactics inventoried below.

1. Physical Assaults

- a. Has your partner used physical force against you? (Have you... against your partner?)
- b. Has your partner pushed, shoved, grabbed, shaken you? (Have you...your partner?)
- c. Has your partner restrained you, blocked your way, and pinned you down? (Have you...your partner?)
- d. Has your partner hit you? Open hand? Closed hand? Struck you with object? (Have you...?)
- e. Has your partner choked you? Used weapons against you? (Have you...?)
- f. Has your partner assaulted you physically in any other way? (Have you...?)

2. Sexual Assaults

- a. Has your partner pressured you for sex when you did not want it? If so, describe how. (Have you...?)
- b. Has your partner manipulated or coerced you into sex at a time or in a way that you did not want? If so, how? (Have you...?)
- c. Has your partner physically forced you to have sex at a time or in a way that you did not want? Has your partner injured you sexually? Forced you to have unsafe sex? Prevented you from using birth control? Force pregnancy or termination or pregnancy, (Have you...to your partner?)

Continued...

HANDOUT 4—5

Continued...

3. Psychological Assaults

- a. Has your partner threatened violence against you, the children, others or self? (Have you...?)
- b. Has your partner used violence against the children, family, friends, or others? (Have you...?)
- c. Has your partner attacked property or pets, stalked, harassed, or intimidated you in any other way? Has your partner threatened to harm you? How does your partner frighten you? (Have you...?)
- d. Has your partner humiliated you? In what ways does your partner hurt you emotionally? What names or put-downs does your partner use against you? (Have you...?)
- e. Does your partner attempt to isolate you? Attempt to control your time, your activities, and your friends? Does your partner follow you, listen to phone calls, and open mail? (Do you...?)

4. Economic coercion

- a. Who makes the financial decisions? How are finances handled?
- b. Has your partner tried to control you through money (resources)? If so, how? (Have you...?)

5. Use of children to control partner

- a. Has your partner threatened or used violence against the children? Sexual abuse against children?
- b. Does your partner use the children against you? If so, how?
- c. Does your partner sabotage your parenting? Obstruct visitation?
- d. Has your partner taken or threatened to take the children?
- e. Has your partner threatened to harm the children? Interfered with your care for the children?
- f. Has your partner made the children watch or participate in your being abused? Made the children spy on you?
- g. Has your partner ever threatened to report you to Child Protective Services? Have you reported your partner to CPS? Immigration?
- h. Have you done any of the above?

INTERVIEW QUESTIONS FOR ASSESSING THE IMPACT OF DOMESTIC VIOLENCE ON THE ADULT VICTIM

When a victim or perpetrator acknowledges domestic violence, ask for elaboration as follows:

1. **What kinds of injuries or health problems have you (has your partner) had due to the domestic violence?**
 - a. Loss of appetite or excessive eating? Sleep disturbances? Increased use of alcohol or drugs? Headaches, pain?
 - b. Increased illnesses or medical problems?
2. **What kind of psychological and emotional problems are you (is your partner) having?**
 - a. Difficulties concentrating, depression, anxiety, fears, feelings of being numb, nightmares? Are you (is your partner) taking any medications for these problems?
 - b. Have you (has your partner) tried to hurt or thought about hurting yourself (herself)? Do you (does your partner) have a plan? Do you (does your partner) have a sense of failure?
 - c. Have you (your partner) thought of hurting or harming your partner (you)? Do you (your partner) have a plan? Do you (or your partner) have thoughts of hurting someone else?
 - d. Are you having trouble caring for the children?
3. **In what ways does your partner control you? (Do you control your partner in any of the following ways?)**
 - a. Do you have to get your partner's permission (or does your partner have to get your permission) for any of the following:
 - What you wear?
 - What time you go to bed? Your daily schedule?
 - Who you see? What appointments you have?
 - Your discipline of the children? Where you work?

Continued...

HANDOUT 4—6

Continued...

- How you spend your money?
 - How much time you spend with your partner?
 - Talking with CPS? Therapists? Outside resources (church, treatment ,etc)
- b. What would happen if you (he/she) did something your partner (you) opposed? What would happen if CPS wanted you (your partner) to do something your partner (you) opposed?

HANDOUT 4—7

INTERVIEW QUESTIONS FOR ASSESSING THE IMPACT OF THE DOMESTIC VIOLENCE ON THE CHILDREN

1. Injuries or health impact to children?

What kinds of health issues does your child have? Medical problems due to the domestic violence? Injuries or other health effects? Bruises, broken bones, black eyes, burns, pain, unconsciousness due to hitting or choking? Injuries from weapons? Has your child's health changed in recent months?

2. Psychological and emotional Impact?

Have there been any emotional changes? Withdrawal, depression, increased irritability, anxiety, nightmares? Are you aware of any suicidal thoughts or acts by the child?

3. Behavioral Problems?

Have your children had behavior problems in family, school, and peer relationships? Have your children used physical force or threats of physical force against you or others? Are the children dealing with anger in ways that disturb you? Problems in eating, sleeping, running away, alcohol or drug abuse, cutting themselves, harming animals, destroying toys?

4. Social Problems?

Have your children suffered social disruption due to the domestic violence: moves, changing schools, isolation from friends, loss of family members, etc.? Social relationships with family, peers, other adults? Problems in learning?

5. How does the domestic violence impact the adult victim's parenting of the children?

Is the domestic violence interfering with your ability to take care of the child, to consider the child's best interests, to keep the child safe? Do you feel supported in parenting the child? By the perpetrator? By others?

6. How does the domestic violence impact the parenting of the domestic violence perpetrator?

Is the perpetrator able to take care of the child, to consider the child's best interests, to keep the child safe? Does the perpetrator support the parenting of the adult victim? Does the perpetrator undermine the parenting of the victim or expect the victim to be the sole parent? Does the perpetrator use the children to control the adult victim? Does the perpetrator use physical force against the children?

INFORMATION TO CONSIDER IN ASSESSING PROTECTIVE FACTORS

Gather information about protective factors from all sources, including adult victims, perpetrators, and others with knowledge of family and community.

1. Victim resources include factors such as the victim's

- a. Resistance to the perpetrator's or community's victim-blaming.
- b. Belief in herself and/or her children.
- c. Willingness to seek help.
- d. Use of available money, time, and material goods.
- e. Work skills.
- f. Parenting skills.
- g. Ability to plan for the children's safety.
- h. Knowledge of the abuser and the situation.
- i. Health and physical strength.
- j. Use of safety strategies for herself and the children.

2. Children's resources include such factors as the children's

- a. Age and developmental stage.
- b. Positive relationships with adult victim, siblings, other family members, and neighbors.
- c. Actions during violence.
- d. Help-seeking behavior.
- e. Instructions from the adult victim or perpetrator about what to do.
- f. Ability to carry out safety plans.

3. Community resources for victim safety and perpetrator accountability include

- a. Victim advocacy/support services.
- b. Effective criminal justice response to domestic violence (police, prosecutors, courts, and corrections).
- c. Effective civil or family court response to domestic violence.
- d. Welfare and social services.
- e. Effective health care.
- f. Accessible safe housing.
- g. Community of faith.
- h. Family/friends of the victim and/or perpetrator.
- i. Rehabilitation programs for domestic violence perpetrators.
- j. Accessible substance abuse treatment for either survivors or perpetrators. *Continued...*

HANDOUT 4—8

Continued...

4. A perpetrator's resources to stop the abuse include

- a. Halting abuse of the victim or children during the CI'S process.
- b. Acknowledgement of abusive behavior as a problem.
- c. Acknowledgement of responsibility for stopping abuse.
- d. Cooperation with current efforts to address abusive behavior.
- e. Awareness of the negative consequences of abusive behaviors on the victim, children, and the abuser's physical well-being, self-image, legal status, social relationships, and employment.
- f. Cooperation during the interviews.
- g. Commitment to victim safety.
- h. Demonstration of ability to comply with court orders.
- i. Successfully stopping abuse in the past.
- j. Respect for limits set by victim and/or other agencies.
- k. Support for parenting efforts of adult victim.
- l. Consideration of children's best interests over parental rights.

INTERVIEW QUESTIONS FOR ASSESSING THE OUTCOME OF THE VICTIM'S PAST HELP-SEEKING

Understanding past outcomes of seeking help is important for current and future planning. These questions are directed primarily to the adult victim, although modified versions can be posed to the perpetrator or the children.

1. Does the extended family know about the violence? Who knows? What has been the response? Do you feel safe in talking with them about the problem?
2. Is there anyone outside the family (friends, co-workers, and clergy) who knows about the violence? How have they responded? Have you felt supported? Do you feel it is safe to talk with them?
3. Have the police been called? Who called them? What was their response? Did that help you?
4. Have you gone to court for a protection order? To press charges? To get a divorce? What was the experience like for you?
5. Have you ever left home to protect yourself or the children? What happened? Was this helpful to you? Were you able to take the children?
6. Have you ever gone to a counselor or to medical personnel for help with this issue? What happened?
7. Have you ever used a DV services program? What happened?
8. Has your partner ever gone to counseling or to a program for the domestic violence? What happened?

ASSESSING THE LETHALITY RISK OF DOMESTIC VIOLENCE

Domestic Violence can pose risk of injury or death to

1. adult victim
2. children
3. community members
4. perpetrators

Due to the behaviors of

1. perpetrator
2. adult victim
3. children

Gather information from

1. adult victim
2. children
3. other family members
4. perpetrator
5. others (probation, police, counselors, anyone having contact with family)

DOMESTIC VIOLENCE LETHALITY ASSESSMENT: FACTORS TO CONSIDER

- 1. Domestic violence perpetrator's access to the victim**
- 2. Pattern of the perpetrator's abuse**
 - a. frequency/severity of the abuse in current, concurrent, past relationships
 - b. use and presence of weapons
 - c. threats to kill
 - d. hostage taking, stalking
 - e. past criminal record
- 3. Perpetrator's state of mind**
 - a. obsession with victim, jealousy
 - b. ignoring negative consequences of his violence
 - c. depression/desperation
- 4. Individual factors that reduce behavioral controls of either victim or perpetrator**
 - a. substance abuse
 - b. certain medications
 - c. psychosis, other major mental illnesses
 - d. brain damage
- 5. Suicidality of victim, children, or perpetrator**
- 6. Adult victims' use of physical force**
- 7. Children's use of violence**
- 8. Situational factors**
 - a. separation violence/victim autonomy
 - b. presence of other major stresses
- 9. Past failures of systems to respond appropriately**

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