CHIEF'S PREFACE

As the Chief of Police for the City of Pacific, I hereby adopt by reference all Departmental 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

MISSION, VISION, VALUES

MISSION

Our mission is to make the City of Pacific a Safe place to live, work, and play.

VISION

The Pacific Police Department will be recognized as the standard of excellence in small-city policing.

- Internally, every employee will believe the Pacific Police Department is a great place to work.
- The community will believe the Pacific Police Department is a proactive, progressive, and professional organization committed to making our city a safe place to live, work, and play.

VALUES

Positive Attitude

- Enthusiasm for coming to work
- Fun
- It's contagious.
- It's a personal choice.
- It's a shared responsibility.

Excellence & Quality in All That We Do

- Creativity and Innovation
- Professional Pride
- This is how we build our reputation.
- This is our product.

Accountability

- To each other
- To the organization
- To the profession
- To the community
- It starts with us

Integrity & Ethical Behavior

- Do the right thing at the right time
- It is the core of everything we do

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

- Personal and professional pride

Clear Direction

- All levels of management
- Shared responsibility for clarity
- With limited resources, this is a must

Teamwork

- Acheiving more through partnerships
- Hierarchical responsibility versus shared responsibility
- We are on the same team
- We are part of a system
- We need to know and understand our role in this system

Learning

- Individual and team roles
- We are a learning organization
- Must constantly be looking at ways of improving
- Status quo is not an option

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Table of Contents

Chief's Preface 1

Law Enforcement Code of Ethics 2

Mission, Vision, Values 3

Chapter 1 - Law Enforcement Role and Authority 9
100 - Law Enforcement Authority 10
102 - Law Enforcement Certification 11
104 - Oath of Office 12
106 - Policy Manual 13

Chapter 2 - Organization and Administration 16
200 - Organizational Structure and Responsibility 17
203 - Departmental Directive 20
205 - Emergency Management Plan 21
209 - Electronic Mail 23
211 - Administrative Communications 25
214 - Staffing Levels 26
216 - Concealed Pistol License 27
218 - Retiree Concealed Firearms 32
219 - Training Policy 34

Chapter 3 - General Operations 38
300 - Use of Force 39
302 - Use of Force Review Boards 47
304 - Handcuffing and Restraints 50
305 - Control Devices and Techniques 55
306 - Conducted Energy Device 58
307 - Officer-Involved Shootings and Deaths 64
309 - Firearms 73
311 - Vehicle Pursuits 83
313 - Officer Response to Calls 96
317 - Domestic Violence 99
319 - Search and Seizure 105
321 - Temporary Custody of Juveniles 108
323 - Abuse of Vulnerable Adults 118
325 - Discriminatory Harassment 123
327 - Child Abuse 128
329 - Missing Persons 134
331 - Public Alerts 140
333 - Victim Witness Assistance 146
335 - Hate Crimes 149
337 - Conduct 152

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

339 - Information Technology Use 163
341 - Report Preparation 166
342 - Media Relations 170
344 - Court Appearance And Subpoenas 174
347 - Mutual Aid and Outside Agency Assistance 178
350 - Registered Offender Information 180
352 - Major Incident Notification 184
354 - Death Investigation 186
356 - Identity Theft 188
362 - Limited English Proficiency Services 189
364 - Communications with Persons with Disabilities 194
366 - Chaplain 199
370 - DNA samples 202
371 - Public Safety Camera System 204
373 - Child and Dependent Adult Safety 207
375 - Service Animals 210
377 - Volunteer Program 212
379 - Off-Duty Law Enforcement Actions 218
381 - Reserve Officers 220
382 - Native American Graves Protection and Repatriation 226
383 - Extreme Risk Protection Orders 228
384 - Department Use of Social Media 232

Chapter 4 - Patrol Operations 235

400 - Patrol Function 236
401 - Lojack Use and Policy 238
402 - Bias-Based Policing 242
403 - Patrol Officer Priorities 245
406 - Crime and Disaster Scene Integrity 246
410 - Ride-Along Policy 248
412 - Hazardous Material Response 251
414 - Hostage and Barricade Incidents 254
416 - Response to Bomb Calls 256
418 - Emergency Detentions 259
420 - Citation Releases 262
422 - Arrest or Detention of Foreign Nationals 264
424 - Rapid Response and Deployment 272
427 - Immigration Violations 274
429 - Emergency Utility Service 278
432 - Aircraft Accidents 279
434 - Field Training Officer Program 282
436 - Obtaining Air Support 285
438 - Contacts and Temporary Detentions 286
440 - Criminal Organizations 290
443 - Mobile Audio Video 294
445 - Mobile Digital Computer Use 298
448 - Bicycle Patrol Assignment 301

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

451 - Foot Pursuits 304
459 - Homeless Persons 311
460 - Public Recording of Law Enforcement Activity 313
461 - Shift Sergeants 316
462 - Medical Aid and Response 317
463 - Medical Marijuana 323

Chapter 5 - Traffic Operations 328
500 - Traffic Function and Responsibility 329
502 - Traffic Collision Reporting 333
510 - Vehicle Towing and Release 335
512 - Vehicle Impound Hearings 338
514 - Impaired Driving 339
516 - Traffic Citations 341
520 - Disabled Vehicles 343
524 - Unauthorized 24 Hour Vehicle Violations 344
526 - Vehicle Seizure and Forfeiture 345

Chapter 6 - Investigation Operations 348
600 - Investigation and Prosecution 349
604 - Asset Forfeiture 352
606 - Confidential Informants 359
607 - Sexual Assault Investigations 363
608 - Operations Planning and Deconfliction 368
609 - Eyewitness Identification 374
610 - Brady Material Disclosure 378

Chapter 7 - Equipment 380
700 - Department Owned and Personal Property 381
702 - Personal Communication Devices 383
703 - Vehicle Use 386
704 - Vehicle Maintenance 392
707 - Personal Protective Equipment 395

Chapter 8 - Support Services 400
800 - Property and Evidence 401
802 - Records 410
806 - Records Maintenance and Release 413
808 - Protected Information 422
810 - Computers and Digital Evidence 426
811 - Animal Control Procedures 430

Chapter 9 - Custody 433
900 - Temporary Custody of Adults 434
902 - Custodial Searches 446
903 - Court Transportation 451
904 - Prison Rape Elimination 456

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Chapter 10 - Personnel 466
1000 - Recruitment and Selection 467
1002 - Promotional and Transfer Policy 474
1003 - Nepotism and Conflicting Relationships 476
1004 - Reporting of Employee Convictions 479
1007 - Grievance Procedure 481
1009 - Seat Belts 483
1013 - Drug- and Alcohol-Free Workplace 485
1015 - Sick Leave 488
1017 - Communicable Diseases 490
1019 - Smoking and Tobacco Use 498
1020 - Personnel Complaints 499
1024 - Body Armor 508
1025 - Personnel Records 510
1028 - Request for Change of Assignment 515
1030 - Employee Commendations 516
1032 - Fitness for Duty 520
1034 - Meal Periods and Breaks 523
1036 - Payroll Records 524
1038 - Overtime Compensation Requests 525
1040 - Outside Employment 527
1042 - Occupational Disease and Work-Related Injury Reporting 532
1044 - Personal Appearance Standards 534
1046 - Uniform Regulations 536
1048 - Discipline 542
1052 - Domestic Violence Involving Law Enforcement Employees 546
1054 - Department Badges 552
1056 - Temporary Modified-Duty Assignments 554
1059 - Employee Speech, Expression and Social Networking 558
1061 - Special Assignments and Promotions 562
1062 - Anti-Retaliation 564
1063 - Evaluation of Employees 567

Attachments . . . . . .

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Chapter 1 - Law Enforcement Role and Authority

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

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

100.2 PEACE OFFICER POWERS

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

100.3 CONSTITUTIONAL REQUIREMENTS

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

100.3.1 ADVISEMENT OF RIGHTS

Federal case law requires that officers advise a person who is in custody,or the functional equivalent of arrest, of their right to counsel prior to interrogation. Washington criminal court rules require that police advise an arrestee of the right to counsel after making an arrest.

The language used to advise suspects will be that on the card issued to each employee for that purpose or that language which is found on this Department's Rights Advisement Form. NOTE: It may be necessary for the employee to testify in court as to the precise language used to warn the suspect of his/her rights and the precise language by which the suspect waived these rights.

100.4 POLICY

It is the policy of the Pacific 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Law Enforcement Certification

102.1 PURPOSE AND SCOPE

All sworn officers employed by the Pacific Police Department shall receive certification by CJTC prior to assuming law enforcement duties and responsibilities, and shall begin attending an approved academy within the first six months of employment (RCW 43.101.095(1) and 43.101.200(1)).

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Oath of Office

104.1 PURPOSE AND SCOPE

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

104.1.1 OATH OF OFFICE

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

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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Policy Manual

106.1 PURPOSE AND SCOPE

The manual of the Pacific 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.

106.2 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.

106.2.1 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 Pacific 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 Pacific Police Department reserves the right to revise any policy content, in whole or in part.

106.2.2 STAFF

Policy Reviewing staff shall consist of the following:

- Chief of Police
- Lieutenant
- Sergeants

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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

106.2.3 OTHER PERSONNEL

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

106.3 AUTHORITY

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

106.3.1 ACCEPTABLE ABBREVIATIONS

The following abbreviations are acceptable substitutions in the manual:

- Departmental Directives may be abbreviated as "DD" .
- Policy Manual sections may be abbreviated as "Section 106.X" or "§ 106.X".

106.3.2 DEFINITIONS

The following words and terms shall have these assigned meanings, 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 Pacific

CJTC - The Criminal Justice Training Commission

Department /PPD - The Pacific Police Department

DOL - The Department of Licensing

Employee/Personnel - Any person employed by the Department.

Juvenile - Any person under the age of 18 years.

Manual - The Pacific Police Department Policy Manual

May - Indicates a permissive, discretionary or conditional action.

Member - Any person who is employed or appointed by the Pacific Police Department including sworn officers, reserve officers, non-sworn employees and volunteers.

Officer/Sworn - Those employees, regardless of rank, who are sworn employees of the Pacific Police Department .

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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

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

Rank - The job classification held by an officer.

RCW - The Revised Code of Washington

Shall or Will - Indicates a mandatory action.

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

USC - United States Code

WAC - The Washington Administrative Code

WSP - The Washington State Patrol

106.3.3 DISTRIBUTION OF MANUAL

An electronic version of the Policy Manual will be made available to all employees in the Department. The electronic version will be limited to the viewing and printing of specific sections. No changes shall be made to the electronic version without authorization.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Chapter 2 - Organization and Administration

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

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

200.2 SECTIONS

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

- Administration Section
- Patrol Section
- Detective Section

200.2.1 ADMINISTRATION SECTION

The Administration Section is commanded by the Chief of Police. The Chief provides general management direction and control for the Administration Section. The Section includes the office of the Chief of Police and the administrative support staff.

200.2.2 PATROL SECTION

The Patrol Section consists of uniformed patrol officers. The Lieutenant will divide the supervision responsibilities for patrol as evenly as possible.

200.2.3 DETECTIVE SECTION

The Detective Section consists of a detective. In addition, a patrol officer/investigator may be assigned to assist the detective when manpower permits.

200.3 COMMAND PROTOCOL

200.3.1 ORDERS

Members shall respond to and make a good faith and reasonable effort to comply with the lawful orders, directions, assigned duties, or instructions of superior officers and other proper authority. This includes orders or directives from a superior relayed by an employee of the same or lesser rank. Failure to obey is insubordination and is subject to disciplinary action.

200.3.2 CONFLICTING ORDERS

Employees who are given an otherwise proper order which is in conflict with a previous order, rule, regulation, or directive, shall respectfully inform the supervisor or superior officers issuing the order of the conflict.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

If the superior officer or supervisor issuing the order does not alter or retract the conflicting order, the order shall stand. Under these circumstances, the responsiblity for the conflict shall be upon the superior officer or supervisor. Employees shall obey the conflicting order and shall not be held responsible for disobedience of the order, rule, regulation, or directive previously issued. As soon as practicable, the employee will notify his/her immediate supervisor of the conflicting order and the actions taken by the employee.

200.3.3 ILLEGAL ORDERS

Employees shall not obey any order which they know or should know would require them to commit any illegal act. If in doubt as to the legality of an order, employees shall request the issuing supervisor to clarify the order or to confer with higher authority.

200.3.4 SUCCESSION OF COMMAND

The Chief of Police exercises command over all personnel in the Department. During planned absences, the Chief of Police will designate the Lieutenant to serve as the acting Chief of Police. In the absence of the Chief of Police and under circumstances where he has not designated the next in command, the ranking supervisor will be the next in line for command authority within the Department. Descending order of rank will determine the descending chain of command.

(a) Lieutenant

(b) Sergeant

(c) Detective (Corporal)

200.3.5 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Department. Generally, each employee shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated, authority may exist by policy or special assignment (e.g., K-9, SWAT), any supervisor may temporarily direct any subordinate if an operational necessity exists.

200.4 CHAIN OF COMMAND

Chain of command refers to levels of authority in the Department. The chain of command provides employees at all levels with a supervisor to whom they may ask questions or report problems.

When employees don't follow the established chain of command, they undermine the authority of their direct supervisor. When an employee communicates a problem to a higher level of authority, bypassing their direct supervisor, the supervisor doesn't have an opportunity to correct the problem.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Managers, while familiar with higher level strategies and planning, may not be prepared to correct operational issues or the day to day activities of front line employees. It's more efficient to direct complaints or report problems to the supervisor or manager at the lowest level before escalating the issue to upper management employees.

Employees will conduct Department business through the chain of command unless procedures or orders from proper authority dictate otherwise.

Exceptions to abiding by the chain of command are:

(a) An emergency situation where an employee's immediate supervisor cannot be consulted before the next higher level of command should be consulted.

(b) An employee who is reporting actions or work issues involving their immediate superior may consult the next higher level of command. Complaints of misconduct or work issues involving the Chief of Police will be made to Human Resources.

(c) An employee meeting with a command level officer above the rank of their immediate supervisor for the purposes of discussing private or personal matters that may be relevant to the workplace. The employee should notify the immediate supervisor of the intended meeting but need not disclose the private or personnel details to be discussed at the meeting.

200.5 INCIDENT COMMAND

Only one person shall be in command and responsible for any specific incident. In general, command of an incident will be determined by which officer was assigned the call or which officer arrives on scene first.

A supervisor may assume command of an incident at any time by announcing to those present at the scene and over the radio that they have assumed command.

A superior ranked officer's appearance on the scene does not automatically place them in charge of that scene, unless they assume control and announce they are taking command. If the superior ranked officer does not announce assumption of command but begins giving signifcant direction or countermands previously given instructions, on scene personnel should clarify if the superior officer has assumed incident command. A request by a superior ranked officer for a briefing from on scene personnel, or the making of minor recommendations, does not constitute assumption of incident command by the superior officer.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Departmental Directive

203.1 PURPOSE AND SCOPE

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

203.1.1 DEPARTMENTAL DIRECTIVE PROTOCOL

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

Departmental Directives will have a 60 day consideration period which provides Staff with the opportunity to consider all aspects of the Departmental Directive. At the end of 60 days the Departmental Directive will be incorporated into policy or rescinded. The 60 day consideration period may be extended at the direction of the Chief if further consideration is deemed necessary.

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

Any Departmental Directives issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number "01" For example, 08-01 signifies the first Departmental Directive for the year 2008.

203.2 RESPONSIBILITIES

203.2.1 STAFF

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

203.2.2 CHIEF OF POLICE

The Chief of Police shall issue all Departmental Directives.

203.3 ACCEPTANCE OF DEPARTMENTAL DIRECTIVES

All employees are required to read and obtain any necessary clarification of all Departmental Directives. All employees are required to acknowledge through Lexipol the receipt and review of any new Departmental Directive. Acknowledgement of policy updates will be maintained through the use of Lexipol by the Training Manager.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Emergency Management Plan

205.1 PURPOSE AND SCOPE

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

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

205.1.1 PACIFIC CODES

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

205.2 ACTIVATING THE EMERGENCY PLAN

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

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

205.2.1 RECALL OF PERSONNEL

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

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

205.3 LOCATION OF EMERGENCY MANAGEMENT PLAN

The manual for the employees is available in Administration, the Shift Sergeant's office and in Valleycom. All supervisors should familiarize themselves with the Emergency Management Plan and what roles police personnel will play when the plan is implemented. The Training Manager should ensure that all personnel receive periodic training on the Emergency Management Plan.

The Lieutenant or the authorized designee shall ensure that all copies of the Emergency Management Plan manual are kept current and available to all personnel.

205.4 BUILDING EVACUATION PLAN

In the event of a disaster or emergency which requires evacuation of the public safety services building, all employees shall follow implemented evacuation plans and posted exit strategies. The

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

posted exit strategies shall include any special directions for physically impaired employees (WAC 296.24.567).

205.5 UPDATING OF MANUALS

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

205.6 TRAINING

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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Electronic Mail

209.1 PURPOSE AND SCOPE

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

209.2 E-MAIL RIGHT OF PRIVACY

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

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

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

209.3 PROHIBITED USE OF E-MAIL

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

E-mail messages addressed to the entire department are only to be used for official business related items that are of particular interest to all users and must be approved by the Chief of Police or the Lieutenant. Personal advertisements are not acceptable.

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

209.4 MANAGEMENT OF E-MAIL

Because the e-mail system is not designed for long-term retention of messages, e-mail that the employee desires to save or that becomes part of an official record should be printed and/or stored

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

in another database. Users of e-mail are solely responsible for the management of their mailboxes. Messages should be purged manually by the user at least once per week. All messages in excess of one month will be deleted at regular intervals from the server computer.

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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Administrative Communications

211.1 PURPOSE AND SCOPE

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

211.2 CHIEF'S MEMO

Chief's memo 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.

211.3 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Staffing Levels

214.1 PURPOSE AND SCOPE

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

214.2 MINIMUM STAFFING LEVELS

Minimum staffing levels should result in the scheduling of at least one police officer on duty at all times and one supervisor on duty or available according to the posted schedule.

214.2.1 SUPERVISION DEPLOYMENTS

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

With prior authorization from the Patrol Sergeant, thesenior officer on duty may act as the Shift Sergeant**for a limited period of time according to the collective bargaining agreement.**

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Concealed Pistol License

216.1 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.

216.1.1 APPLICATION OF POLICY

[ccwApplicationOfPolicy]

216.2 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).

216.3 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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

days, the Chief of Police has 60 days to issue a license. The Chief of Police must accept completed applications for concealed pistol licenses during regular business hours (RCW 9.41.070).

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

216.3.1 REQUIRED WARNINGS

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

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

The license shall contain a description of the major differences between state and federal law and an explanation of the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law. The application shall contain questions about the applicant's

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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.

216.3.2 DOCUMENTATION AND FEES

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

216.4 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.

216.5 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).

216.6 REVOCATION OF LICENSES

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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(a) Discovery that the person was ineligible under RCW 9.41.070 for a concealed pistol license when applying for the license or license renewal.

(b) Conviction of the licensee of an offense, or commitment of the licensee for mental health treatment, that makes a person ineligible under RCW 9.41.040 to possess a firearm.

(c) Conviction of the licensee for a third violation of RCW Chapter 9.41 within five calendar years.

(d) An order that the licensee forfeit a firearm under RCW 9.41.098(1)(d).

(e) Upon notification from the Department of Licensing that the licensee has lost his/her right to possess a firearm as identified in RCW 9.41.047.

216.6.1 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)).

216.6.2 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.

216.7 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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(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.

216.8 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.

216.9 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.

216.10 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 mental disorder or substance use disorder (RCW 9.41.049).

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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Retiree Concealed Firearms

218.1 PURPOSE AND SCOPE

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

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

218.2 QUALIFIED RETIREES UNDER RCW 9.41.060

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

(a) Has obtained an identification card from this department that has been signed by the Chief of Police and states that the officer was retired for service or physical disability.

(b) Has not been convicted or found not guilty by reason of insanity of a crime making him/her ineligible for a concealed pistol license.

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

218.3 QUALIFIED RETIREES UNDER 18 USC 926C

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

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

218.4 ISSUANCE OF RETIREE IDENTIFICATION CARD

The Administration Supervisor is responsible for issuing identification cards to qualified retirees. The identification card issued to any qualified and honorably retired officer should minimally contain the following:

(a) A photograph of the retiree.

(b) The retiree's name and date of birth.

(c) The date of retirement.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(d) The name, address and phone number of the Pacific Police Department.

(e) If applicable, a notation that: "This person qualifies as an honorably retired law enforcement officer under RCW 9.41.060(10)."

218.5 ISSUANCE OF FIREARMS CERTIFICATE

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

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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Training Policy

219.1 PURPOSE AND SCOPE

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

219.2 PHILOSOPHY

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

219.3 OBJECTIVES

The objectives of the Training Program are to:

(a) Enhance the level of law enforcement service to the public.

(b) Increase the technical expertise and overall effectiveness of our personnel.

(c) Provide for continued professional development of department personnel.

219.4 TRAINING PLAN

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

(a) All sworn members will successfully complete an annual in-service training program of no less than 24 hours that includes the training required by the CJTC (WAC 139-05-300).

1. Successful completion of the CJTC's two-hour annual online crisis intervention course shall be included in the 24 hours (RCW 43.101.427).

(b) All officers must complete a minimum of 40 hours of continuing de-escalation and mental health training every three years as provided in WAC 139-11-020 and WAC 139-11-060.

1. This training may substitute the annual 24 hours in-service requirement under WAC 139-05-300 in the year the officer completes the 40-hour violence de-escalation training.

(c) All sworn members will successfully complete an annual in-service training program on the department use of force and deadly force policies.

(d) All sworn members will successfully complete in-service training on less-than-lethal weapons every two years.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(e) Full-time supervisors or managers will receive appropriate training and certification required by CJTC.

(f) All sworn members will successfully complete the National Incident Management System (NIMS) introductory training course.

(g) Members who will serve as school resource officers will receive training for school resource officers (RCW 28A.320.124).

(h) Any request for exemption, waiver, extension, or variance from any requirement of CJTC training must be made under WAC 139-03-030 and corresponding information be made available to the public in accordance with the Records Maintenance and Release Policy (WAC 139-11-030).

219.5 TRAINING DOCUMENTATION

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

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

219.6 TRAINING PROCEDURES

(a) All employees assigned to attend training shall attend unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to:

1. Court appearances
2. First choice vacation
3. Sick leave
4. Physical limitations preventing the employee's participation.
5. Emergency situations

(b) When an employee is unable to attend mandatory training, that employee shall:

1. Notify his/her supervisor as soon as possible, but no later than one hour prior to the start of training.
2. Document his/her absence in a memorandum to his/her supervisor.
3. Make arrangements through his/her supervisor and the Training Manager to attend an alternate date.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

219.7 TRAINING COMMITTEE

The Training Manager shall establish a Training Committee, which will serve to assist with identifying training needs for the Department.

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

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

(a) Any incident involving the death or serious injury of an employee.

(b) Incidents involving a high risk of death, serious injury or civil liability.

(c) Incidents identified by a supervisor as appropriate to review to identify possible training needs.

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

The Training Manager 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.

219.8 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) are contained in a web-accessed system that provides training on the Pacific 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 Manager.

Personnel assigned to participate in DTBs shall only use login credentials assigned to them by the Training Manager. Personnel should not share their password with others and should frequently change their password to protect the security of the system. After each session, employees 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.

Employees who are assigned to participate in the DTB program should complete each DTB at the beginning of their shift or as otherwise directed by their supervisor. Employees should not allow uncompleted DTBs to build up over time. Personnel may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

DTB system can be accessed from any internet-active computer, employees shall only take DTBs as part of their on-duty assignment unless directed otherwise by a supervisor.

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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Chapter 3 - General Operations

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Use of Force

300.1 PURPOSE AND SCOPE

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

300.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

300.2 POLICY

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

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

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

300.2.1 DUTY TO INTERCEDE

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

300.3 USE OF FORCE

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

The "reasonableness" of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

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

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

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

300.3.1 USE OF FORCE TO EFFECT AN ARREST

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

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

(a) Immediacy and severity of the threat to officers or others.

(b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.

(c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).

(d) The effects of drugs or alcohol.

(e) Subject's mental state or capacity.

(f) Proximity of weapons or dangerous improvised devices.

(g) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.

(h) The availability of other options and their possible effectiveness.

(i) Seriousness of the suspected offense or reason for contact with the individual.

(j) Training and experience of the officer.

(k) Potential for injury to officers, suspects and others.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(l) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer.

(m) The risk and reasonably foreseeable consequences of escape.

(n) The apparent need for immediate control of the subject or a prompt resolution of the situation.

(o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.

(p) Prior contacts with the subject or awareness of any propensity for violence.

(q) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

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

(a) The degree to which the application of the technique may be controlled given the level of resistance.

(b) Whether the person can comply with the direction or orders of the officer.

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

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

300.3.4 CAROTID CONTROL HOLD

The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential forinjury, the use of the carotid control hold is subject to the following restrictions:

(a) The officer shall have successfully completed department-approved training in the use and application of the carotid control hold.

(b) The carotid control hold may only be used when circumstances perceived by the officer at the time indicate that such application reasonably appears necessary to control a person in any of the following circumstances:

1. The subject is violent or physically resisting.

2. The subject, by words or actions, has demonstrated an intention to be violent and reasonably appears to have the potential to harm, him/herself or others.

(c) The application of a carotid control hold on the following 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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of applying a carotid control hold:

1. Females who are known to be pregnant
2. Elderly individuals
3. Obvious juveniles
4. Individuals who appear to have Down syndrome or who appear to have obvious neck deformities or malformations, or visible neck injuries

(d) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until examined by paramedics or other appropriate medical personnel.

(e) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the subject lost consciousness as a result.

(f) Any officer attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.

(g) The use or attempted use of the carotid control hold shall be thoroughly documented by the officer in any related reports.

300.3.5 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers may only use techniques and methods taught by the Pacific Police Department for this specific purpose.

300.4 DEADLY FORCE APPLICATIONS

Use of deadly force is justified in the following circumstances:

(a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.

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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes any of the following:

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

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

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

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

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure or law.

Supervisors will review each use of force reported by an Officer under their supervision. They shall make recommendations, when appropriate, for individual training based on that review, as well as recommendations regarding department training. Those recommendations should be forwardedvia the chain of command to the Chief of Police. Each reviewer should comment on the use of force, whether it is justified, the statement of the officer, whether training is in order for individuals, or the department as a whole, and any other appropriate and related comments.The Chief of police will be responsible for consulting with the training Sergeant to determine whether the scenario should be presented to the staff for training discussion purposes. Additionally, the Chief of police shall review every use of force situation to determine whether there are patterns or trends on the part of department members that would benefit from training. This information will be shared with the training sergeant who shall insure that department training addresses any concerns or issues that would benefit the whole department.

Training needs identified as the result of a use of force shall be identified and the training provided within 1 month; however, this time period may be extended with the permission of the Chief of Police.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

This review by the Chief of Police shall occur at least yearly and shall be documented on an annual basis in an accreditation report.

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

(a) The suspect is injured, rendered unconscious, or alleges injury;
(b) A use of force to overcome agressive, assaultive, violent, or potentially violent resistance;
(c) The suspect indicates intent to pursue litigation;
(d) Discharge of an electronic control device;
(e) Use of chemical agents
(f) Application of a restraint device other than handcuffs, shackles or belly chains, and flex cuffs;
(g) Application of a carotid restraint;.
(h) Use of personal body weapons;
(i) Use of impact weapons to include less lethal devices;
(j) Firearms discharge other than training at a range
(k) An individual alleges any of the above has occurred.

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

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

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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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

300.7 SUPERVISOR RESPONSIBILITY

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

(a) Obtain the basic facts from the involved officers . Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.

(b) Ensure that any injured parties are examined and treated.

(c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:

1. The content of the interview should not be summarized or included in any related criminal charges.
2. The fact that a recorded interview was conducted should be documented in a report.
3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.

(d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.

(e) Identify any witnesses not already included in related reports.

(f) Review and approve all related reports.

(g) Determine if there is any indication that the subject may pursue civil litigation.

1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.

(h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

At the end of the year, the Lieutenant shall do a written analysis of the uses of force and submit that report to the Chief of Police. The report should not contain; names of officers, suspects, or case numbers, and should include:

(a) The identification of any trends in the use of force by any members.

(b) Training needs recommendations.

(c) Equipment needs recommendations.

(d) Policy revision recommendations

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Use of Force Review Boards

302.1 PURPOSE AND SCOPE

This policy establishes a process for the Pacific 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.

302.2 POLICY

The Pacific 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.

302.3 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.

302.4 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 Chief of Police will assign a sergeant who is not the involved member's supervisor to convene the Use of Force Review Board as necessary. Any supervisor who becomes aware of an incident requiring a board review will notify the Chief of Police of such need. The involved employee's Sergeant or supervisor will also ensure that all relevant reports, documents, and materials are available for consideration and review by the board.

302.4.1 COMPOSITION OF THE BOARD

The Sergeant should select five Use of Force Review Board members from the following, as appropriate:

- Detective
- The involved member's Sergeant

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

- Training Officer
- A supervisor who is not assigned to supervise the involved member
- 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 squad as the involved employee will serve as chairperson.

302.4.2 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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

actions, investigations, or reviews are appropriate. The Chief of Police's final findings will be forwarded to the involved employee's Sergeant 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Handcuffing and Restraints

304.1 PURPOSE AND SCOPE

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

304.2 POLICY

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

304.3 USE OF RESTRAINTS

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

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

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

304.3.1 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.

304.3.2 RESTRAINT OF PREGNANT PERSONS

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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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

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

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

304.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

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

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

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

In situations where one pair of handcuffs does not appear sufficient to restrain the 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.

304.5 APPLICATION OF SPIT HOODS

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

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

Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Officers should provide

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

assistance during the movement of a restrained person due to the potential for impairing or distorting that person's vision. Officers should avoid commingling those wearing spit hoods with others and detainees.

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

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

304.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

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

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

304.7 APPLICATION OF LEG RESTRAINT DEVICES

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

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

(a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a 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).

304.7.1 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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

(c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.

(d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.

(e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.

(f) When transported by emergency medical services, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

304.8 REQUIRED DOCUMENTATION

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

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

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

(a) The factors that led to the decision to use restraints.

(b) 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.

304.9 TRAINING

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

(a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.

(b) Response to complaints of pain by restrained persons.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.

(d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Control Devices and Techniques

305.1 PURPOSE AND SCOPE

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

305.2 POLICY

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

305.3 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 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.

305.4 RESPONSIBILITIES

305.4.1 SUPERVISOR RESPONSIBILITIES

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

305.4.2 FIREARMS INSTRUCTOR RESPONSIBILITIES

The Firearms Instructor 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 Firearms Instructor or the designated instructor for a particular control device. The inspection shall be documented.

305.4.3 USER RESPONSIBILITIES

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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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

305.5 BATON GUIDELINES

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

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

305.6 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, oleoresin capsicum (OC) 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.

305.6.1 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.

305.6.2 TREATMENT FOR OC SPRAY EXPOSURE

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

305.7 TRAINING FOR CONTROL DEVICES

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

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

(b) All training and proficiency for control devices will be documented in the officer's training file.

(c) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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.

305.8 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Conducted Energy Device

306.1 PURPOSE AND SCOPE

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

306.2 POLICY

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

306.3 ISSUANCE AND CARRYING OF TASERS

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

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

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

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

When carrying while in uniform, officers shall carry the TASER device in a weak-side holster on the side opposite the duty weapon.

(a) All TASER devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.

(b) Whenever practicable, officers should carry two or more cartridges on their person when carrying the TASER device.

(c) Officers shall be responsible for ensuring that their issued TASER device is properly maintained and in good working order.

(d) Officers should not hold both a firearm and the TASER device at the same time.

306.4 VERBAL AND VISUAL WARNINGS

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

(a) Provide the individual with a reasonable opportunity to voluntarily comply.

(b) Provide other officers and individuals with a warning that the TASER device may be deployed.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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

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

306.5 USE OF THE TASER

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

306.5.1 APPLICATION OF THE TASER DEVICE

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

(a) The subject is violent or is physically resisting.

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

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

306.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

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

(a) Individuals who are known to be pregnant.

(b) Elderly individuals or obvious juveniles.

(c) Individuals with obviously low body mass.

(d) Individuals who are handcuffed or otherwise restrained.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.

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

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

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

306.5.3 TARGETING CONSIDERATIONS

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

306.5.4 MULTIPLE APPLICATIONS OF THE TASER DEVICE

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

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

(a) Whether the probes are making proper contact.

(b) Whether the individual has the ability and has been given a reasonable opportunity to comply.

(c) Whether verbal commands, other options or tactics may be more effective.

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

306.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers should take appropriate actions to control and restrain the individual to minimize the need for longer or multiple exposures to the CED. As soon as practicable, officers shall notify a

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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

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

306.5.7 OFF-DUTY CONSIDERATIONS
Officers are not authorized to carry department TASER devices while off-duty.

Officers shall ensure that TASER devices 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.

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

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

(a) Identification of all personnel firing TASER devices

(b) Identification of all witnesses

(c) Medical care provided to the subject

(d) Observations of the subject's physical and physiological actions

(e) Any known or suspected drug use, intoxication or other medical problems

306.7 MEDICAL TREATMENT
Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel should remove TASER device probes from a person's body. Used TASER device 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 TASER device probes or 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:

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(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 TASER device probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).

(e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

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

306.8 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the TASER may be used. A supervisor should respond to all incidents where the TASER was activated. If a supervisor is not on duty, the senior officer on duty is responsible to fulfill the supervisor responsibilities at the scene.

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

306.9 TRAINING

Personnel who are authorized to carry the TASER device 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 TASER device as a part of their assignment for a period of six months or more shall be recertified by a department-approved TASER device instructor prior to again carrying or using the device.

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

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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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

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

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

The Training Manager should ensure that all training includes:

(a) A review of this policy.

(b) A review of the Use of Force Policy.

(c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.

(d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest, and groin.

(e) Handcuffing a subject during the application of the TASER device and transitioning to other force options.

(f) De-escalation techniques.

(g) Restraint techniques that do not impair respiration following the application of the TASER device.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Officer-Involved Shootings and Deaths

307.1 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.

307.2 POLICY

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

307.3 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.

307.4 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.

307.4.1 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 Pacific Police Department would control the investigation if the suspect’s crime occurred in City of Pacific.

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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

307.4.2 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.

307.4.3 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. It is the policy of the Pacific Police Department to request outside independent investigation of any officer-involved shooting or death of any suspect that occurs when a suspect is in the custody of the Pacific Police Department.

307.4.4 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).

307.5 INVESTIGATION PROCESS

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

307.5.1 UNINVOLVED OFFICERS RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved PPD 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.

307.5.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved PPD 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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.

(b) If necessary, the supervisor may administratively order any PPD 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 Valleycom. If feasible, sensitive information should be communicated over secure networks.

(d) Take command of and secure the incident scene with additional PPD members until properly relieved by another supervisor or other assigned personnel or investigator.

(e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.

1. Each involved PPD officer should be given an administrative order not to discuss the incident with other involved officers or PPD 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 he/she is provided with a comparable replacement weapon or transported by other officers.

307.5.3 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 Sergeant.

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

307.5.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Chief of Police
- Lieutenant and Sergeants
- Outside agency investigators rollout team
- Outside agency investigators (if appropriate)
- Civil liability response team
- Psychological/peer support personnel
- Chaplain

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

- Medical Examiner (if necessary)
- Involved officer's agency representative (if requested)
- Public Information Officer

307.5.5 INVOLVED OFFICERS
The following shall be considered for the involved officer:

(a) Any request for legal or union representation will be accommodated.

1. Involved PPD 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-PPD 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 PPD officer. A licensed psychotherapist may also be provided to any other affected PPD 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) The Department will consider communications between qualified peer counselors and involved officers to be privileged (RCW 5.60.060).

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 PPD 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.

307.6 CRIMINAL INVESTIGATION

The independent investigations team will be responsible for the criminal investigation into the circumstances of any officer-involved shooting or death.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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) PPD supervisors and the Lieutenant should not participate directly in any voluntary interview of PPD 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.

307.6.1 REPORTS BY INVOLVED PPD OFFICERS

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

While the involved PPD 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 PPD officer of the right to consult with legal counsel prior to completing any such criminal report.

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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

307.6.2 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.

307.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Detective 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 Detective 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 Sergeant.

307.7 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 PPD officers to determine conformance with department policy. This investigation will be conducted under the supervision of the Lieutenant and will be considered a confidential peace officer personnel file.

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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(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 Lieutenant shall complete all relevant information and reports necessary for the Department to determine compliance with applicable policies.

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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

307.8 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.

307.9 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.

307.10 DEBRIEFING

Following an officer-involved shooting or death, the Pacific Police Department should conduct both a critical incident/stress debriefing and a tactical debriefing.

307.10.1 CRITICAL INCIDENT/STRESS DEBRIEFING

A critical incident/stress debriefing should occur as soon as practicable. The Administration Sergeant is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law or a valid court order.

Attendance at the debriefing shall only include those members of the Department directly involved in the incident, which can include support personnel (e.g., dispatcher, other non-sworn). Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the Department, including supervisory and Lieutenant personnel.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

307.10.2 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.

307.11 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 available to the Shift Sergeant, Detective Sergeant and Public Information Officer in the event of inquiries from the media.

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

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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Firearms

309.1 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.

309.2 POLICY

The Pacific 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.

309.3 AUTHORIZED FIREARMS, AMMUNITION, AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Firearms Instructor or qualified 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 Chief of Police or designee 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.

309.3.1 HANDGUNS

The authorized department-issued handgun is the Glock, 17, 9mm. The following additional handguns are approved for on-duty use:

MAKE	MODEL	CALIBER

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Glock	19, 34, 35, 45	9mm
Sig Sauer	P320 variants	9mm
Walther	PPQ	9mm
Smith & Wesson	M&P	9mm
CZ	P10, P07, P09	9mm

309.3.2 SHOTGUNS

The only shotgun issued by the department is theRemington 870 and it is only to be used as a less lethal weapon.The following additional personally-owned shotguns are approved for on-duty use with lethal ammunition approved by the department:

MAKE	MODEL	CALIBER
Beretta	1301 Tactical	12 Gauge
Benelli	M2, M3, M4	
Mossberg	500, 590, 935	
Remington	870	

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

309.3.3 PATROL RIFLES

The authorized department-issued patrol rifle is the AR-15 style rifle. The following additional patrol rifles are approved for on-duty use:

MAKE	MODEL	CALIBER
IWI	Tavor	5.56mm/.223

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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(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 or vault in the patrol vehicle.

309.3.4 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 Firearms Instructor 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 Firearms Instructor, who will maintain a list of the information.

309.3.5 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 Firearms Instructor 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(h) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Firearms Instructor, who will maintain a list of the information.

309.3.6 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 and carried 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) Prior to carrying any off-duty firearm, the member shall demonstrate to the Firearms Instructor that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.

(d) The member will successfully qualify with the firearm prior to it being carried.

(e) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Firearms Instructor, who will maintain a list of the information.

(f) 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.

(g) Members shall only carry department-authorized ammunition.

(h) When armed, officers shall carry their badges and Pacific Police Department identification cards under circumstances requiring possession of such identification.

309.3.7 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 Firearms Instructor 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

309.4 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.

309.4.1 REPAIRS OR MODIFICATIONS

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

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 Firearms Instructor.

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

309.4.2 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.

309.4.3 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 Firearms Instructor. 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.

309.4.4 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 Firearms Instructor. 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.

309.5 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 Firearms Instructor.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present or where the barrels are pointed in a safe direction.

(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 Firearms Instructor approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Firearms Instructor will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

309.5.1 INSPECTION AND STORAGE

Firearms shall be inspected regularly and upon access or possession by another person. 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.

309.5.2 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.

309.5.3 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

309.6 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to successfully complete training quarterly with their duty firearms. In addition to quarterly training, all members will qualify at least annually with their duty firearms. Members will qualify with off-duty and secondary firearms at least twice 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.

309.6.1 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:

(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.

309.7 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 Sergeant 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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

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

309.7.2 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.

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

309.8 FIREARMS INSTRUCTOR DUTIES
The range will be under the exclusive control of the Firearms Instructor. All members attending will follow the directions of the Firearms Instructor. The Firearms Instructor will maintain a roster of all members attending the range and will submit the roster to the Training Manager after each range date. Failure of any officer to sign in and out with the Firearms Instructor 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 Firearms Instructor 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 Firearms Instructor 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 Firearms Instructor.

The Firearms Instructor 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 Firearms Instructor shall complete and submit to the Training Manager 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 Firearms Instructor

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Training Manager.

309.9 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 Pacific Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief of Police or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).

(c) The Pacific Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Pacific 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

309.10 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 Pacific Police Department identification card whenever carrying such firearm.

(b) The officer is not the subject of any current disciplinary action.

(c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.

(d) The officer will remain subject to this and all other department policies (including qualifying and training).

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

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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Vehicle Pursuits

311.1 PURPOSE AND SCOPE

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

311.1.1 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 road block.

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

Watch Commander - The senior supervisor or manager either on-duty or on-call.

311.2 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

311.3 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.

311.3.1 WHEN TO INITIATE A PURSUIT

Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect, who has been given an appropriate signal to stop by a law enforcement officer, is attempting to evade arrest or detention by fleeing in a vehicle.

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

(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.

(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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and 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.

311.3.2 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 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

311.4 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.

311.4.1 MOTORCYCLES

When involved in a pursuit, police department motorcycles should be replaced by marked emergency vehicles as soon as practicable.

311.4.2 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.

311.4.3 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 he/she 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 him/herself or others.

The primary pursuing officer should 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(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.

311.4.4 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.

311.5 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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.

311.5.1 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.

311.5.2 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 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.

311.5.3 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 unless the responding officers can reasonably articulate the need for an emergency response.

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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

311.6 SUPERVISORY CONTROL AND RESPONSIBILITIES

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

The field supervisor of the officer initiating the pursuit, or if unavailable, the nearest supervisor or manager, 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 his/her 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.

(j) Controlling and managing Pacific Police Department officers when a pursuit enters another jurisdiction.

(k) Preparing a post-pursuit review and documentation of the pursuit as required.

311.6.1 LIEUTENANT RESPONSIBILITIES

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

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

311.7 VALLEYCOM

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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

311.7.1 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.

311.8 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.

311.9 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.

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.

311.9.1 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 Pacific 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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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.

311.9.2 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 Pacific 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.

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.

311.10 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.

311.10.1 WHEN USE IS AUTHORIZED

Whenever practicable, an officer shall seek approval from a supervisor before employing any intervention to stop the pursued vehicle. 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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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.

311.10.2 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 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.

311.10.3 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 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. Supervisory approval is required, when circumstances allow, before executing a PIT Maneuver at speeds of 40 miles per hour or more. If no supervisor is on duty, the pursuing officer shall notify a supervisor as soon as practical.

(c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officers'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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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.

(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.

311.11 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

311.12 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, assigned 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.
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 should direct a documented review and analysis of department vehicle pursuits to minimally include policy suitability, policy compliance and training needs.

311.13 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

311.14 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Officer Response to Calls

313.1 PURPOSE AND SCOPE

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

313.1.1 POLICY

Officers responding to routine calls shall observe all traffic laws and proceed without the use of emergency lights and siren.

Officers dispatched to emergency calls should continuously operate emergency lighting equipment, and shall sound the siren as reasonably necessary as described in (RCW 46.61.035).

Responding with emergency light(s) and siren does not relieve the officer of the duty to continue to drive with due regard for the safety of all persons. The use of any other warning equipment without a emergency lights and siren does not provide any exemption from the law (RCW 46.61.035; WAC 204-21-130).

313.2 RESPONSE TO CALLS

Officers should only use an emergency response when so dispatched or when circumstances reasonably indicate an emergency response is required. These circumstances include but are limited to:

(a) There is a threat of serious injury to an officer .

(b) An officer is in actual pursuit.

(c) There is imminent danger to a citizen and the immediate presence of an officer might save lives or prevent serious injury.

(d) When an officer requires immediate assistance to control a volatile situation.

(e) Where there is reliable information regarding a felony in-progress situation.

(f) An officer's attempt to overtake traffic violators.

313.3 REQUESTING EMERGENCY ASSISTANCE

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

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

- The unit number.
- The location.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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

313.3.1 NUMBER OF UNITS ASSIGNED
Normally, only one unit should respond to an emergency call Code-3 unless the Shift Sergeant or the field supervisor authorizes an additional unit(s).

313.4 INITIATING CODE 3 RESPONSE

If an officer believes a Code-3 response to any call is appropriate, the officer shall immediately notify Valleycom. Generally, two units, at a minimum, should respond Code-3 to any situation. Should another officer believe a Code-3 response is appropriate, Valleycom shall be notified and the senior officer or field supervisor will make a determination as to whether two or more officers driving Code-3 is appropriate.

313.5 RESPONSIBILITIES OF RESPONDING OFFICER(S)

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

The decision to continue a Code-3 response is at the discretion of the officer. If, in the officer's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of red and blue lights and siren at the legal speed limit. In such an event, the officer should immediately notify Valleycom. An officer shall also discontinue the Code-3 response when directed by a supervisor.

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

313.6 COMMUNICATIONS RESPONSIBILITIES

A dispatcher shall assign a Code-3 response when an officer requests emergency assistance or available information reasonably indicates that the public is threatened with serious injury or death and immediate police response is needed. In all other circumstances, the dispatcher shall obtain authorization from the Shift Sergeant or a field supervisor prior to assigning units Code-3 . The dispatcher shall:

(a) Attempt to assign the closest available unit to the location requiring assistance.

(b) Immediately notify the Shift Sergeant.

(c) Confirm the location from which the unit is responding.

(d) Notify and coordinate allied emergency services (e.g., fire and ambulance).

(e) Continue to obtain and broadcast information as necessary concerning the response and monitor the situation until it is stabilized or terminated.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(f) Control all radio communications during the emergency and coordinate assistance under the direction of the Shift Sergeant or field supervisor.

313.7 SUPERVISORY RESPONSIBILITIES

Upon being notified that a Code-3 response has been initiated, the Shift Sergeant or the field supervisor shall verify the following:

(a) The proper response has been initiated.

(b) No more than those units reasonably necessary under the circumstances are involved in the response.

(c) Affected outside jurisdictions are being notified as practical.

The field supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing units into or out of the response if necessary. If, in the supervisor's judgment, the circumstances require additional units to be assigned a Code-3 response, the supervisor may do so.

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

When making the decision to authorize a Code-3 response, the Shift Sergeant or the field supervisor should consider the following:

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

313.8 FAILURE OF EMERGENCY EQUIPMENT

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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Domestic Violence

317.1 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.

317.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

317.2 POLICY

The Pacific 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.

317.3 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.

317.4 INVESTIGATIONS

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

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

(b) When practicable, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(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 Detective 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).

(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. Marital status of suspect and victim.

2. Whether the suspect lives on the premises with the victim.

3. Claims by the suspect that the victim provoked or perpetuated the violence.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

4. The potential financial or child custody consequences of arrest.
5. The physical or emotional state of either party.
6. Use of drugs or alcohol by either party.
7. Denial that the abuse occurred where evidence indicates otherwise.
8. A request by the victim not to arrest the suspect.
9. Location of the incident (public/private).
10. Speculation that the complainant may not follow through with the prosecution.
11. The racial, cultural, social, professional position, or sexual orientation of the victim or suspect.

(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.

317.4.1 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.

317.4.2 IF NO ARREST IS MADE

If no arrest is made, the officer shall:

(a) Advise the parties of any options, including but not limited to:

1. Voluntary separation of the parties.
2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).

(b) Document the incident in a report.

317.5 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.

(f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.

(g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.

(h) Seek or assist the victim in obtaining an emergency order if appropriate.

317.6 DISPATCH ASSISTANCE

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

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

317.7 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.

317.7.1 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.

317.8 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 his/her notice or receipt of the order, his/her 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(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.

317.9 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, he/she shall make an arrest pursuant to the criteria in RCW 10.31.100 and RCW 10.99.030(2)(a).

(c) When an officer has confirmed that a valid court order exists and has probable cause to believe the defendant has violated that order, the officer shall make a physical arrest (RCW 10.99.055; RCW 10.31.100(2)). 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).

317.10 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 Detective 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 Specialist 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 Specialist 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).

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

317.11 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.

1. If the subject indicates by word or action that he/she will not comply with a request to surrender firearms, dangerous weapons, or a concealed pistol license, consideration should be given to obtaining a search warrant for seizure.

(c) Issue a receipt for any surrendered items.

1. The officer should ensure the original receipt is forwarded to the Records Specialist as soon as practicable for filing with the court.

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

317.12 ORDERS TO SHOW CAUSE

When the Department receives notice from the court of an order to show cause regarding the surrender of weapons, the Detective 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 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 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 court order is not in full compliance with the terms, including the basis for the belief.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Search and Seizure

319.1 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 Pacific Police Department personnel to consider when dealing with search and seizure issues.

319.2 POLICY

It is the policy of the Pacific 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.

319.3 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

319.3.1 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 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 stimulator device when an emergency situation exists (RCW 9.73.260).

319.4 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.

319.5 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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

- 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Temporary Custody of Juveniles

321.1 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 Pacific Police Department (34 USC § 11133).

321.1.1 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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.

321.2 JUVENILE OFFENDERS

Juveniles may be taken into custody (RCW 13.40.040(1)):

(a) Pursuant to a court order.

(b) Without a court order, by an officer if grounds exist for the arrest of an adult in identical circumstances.

(c) When his/her parole has been suspended.

321.2.1 CONSTITUTIONAL RIGHTS ADVISEMENT

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

321.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the Pacific 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 Pacific 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.

321.3.1 DETENTION REQUIREMENTS

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

(a) Access to toilets and washing facilities

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(b) Access to drinking water

(c) As soon as practicable after being taken to a place of temporary confinement, and except where physically impossible, advise and provide the juvenile an opportunity to make a reasonable number of phone calls to a parent, guardian, responsible relative, employer, or attorney. A reasonable number of phone calls is generally three.

(d) Blankets and clothing necessary to assure the comfort of the juvenile shall be provided if the juvenile's clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

321.3.2 NON-CONTACT REQUIREMENTS

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

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

(a) There will be no communication between the juvenile and adult prisoners allowed.

(b) If an adult prisoner, including an inmate worker, is present with the juvenile in the same room or area, an Pacific Police Department employee trained in the supervision of inmates shall maintain a constant side-by-side presence with either the juvenile or adult prisoner to assure there is no communication between the juvenile and adult prisoner.

(c) Situations in which a juvenile and adult prisoner may be in the same room or corridor shall be limited to:

1. Booking.
2. Medical screening.
3. Inmate worker presence while performing work necessary for the operation of the Pacific Police Department such as meal service and janitorial service.
4. Movement of persons in custody within the Pacific Police Department.

321.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Pacific 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 Pacific 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Any juvenile taken into custody shall be released to the care of the juvenile's parent, legal guardian, or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable 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)).

321.4.1 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 Pacific 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).

321.4.2 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).

321.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Pacific 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.

321.4.4 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(h) Is a material witness.

321.4.5 DISPOSITIONS

(a) Any juvenile not transferred to a juvenile facility shall be released to one of the following:

1. Parent or legal guardian.
2. An adult member of his/her immediate family.
3. An adult person specified by the parent/guardian.
4. An adult person willing to accept responsibility, when the juvenile's parents are unavailable as approved by the senior officer.

(b) If the six hour time limit has expired, the juvenile should be transported to a juvenile facility to accept custody.

(c) After an officer has taken a juvenile into temporary custody for a violation of law, the following dispositions are authorized:

1. The arresting officer may counsel or admonish the juvenile and recommend no further action be taken.
2. If the arresting officer or the supervisor believes that further action is needed, the juvenile will be released to a responsible person as listed above, and such juvenile will be advised that follow-up action will be taken by a detective. The detective assigned to the case will then determine the best course of action, such as diversion or referral to court. The detective will contact the parents and advise them of the course of action.
3. The arresting officer may complete all required reports and forward them to the detective for processing.
4. The juvenile may be transferred to a juvenile facility with authorization of the appropriate supervisor.

(d) If a juvenile is to be transported to a juvenile facility, the following forms shall accompany the juvenile:

1. Copies of all associated incident/crime reports.
2. Any other forms as required by the juvenile facility.
3. Any personal property taken from the juvenile at the time of detention.

321.4.6 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).

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

321.5 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).

321.6 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 Pacific 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.

321.7 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 Pacific Police Department shall maintain a constant, immediate presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

321.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Pacific Police Department shall ensure the following:

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(a) The Shift Sergeant should be notified if it is anticipated that a juvenile may need to remain at the Pacific Police Department more than four hours. This will enable the Shift Sergeant to ensure no juvenile is held at the Pacific 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).

(o) Discipline is not administered to any juvenile, nor will juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse.

321.9 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 Pacific Police Department when the juvenile presents

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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.

321.9.1 PREGNANT JUVENILES

Juveniles who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

321.10 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).

321.11 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.

321.11.1 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.

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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(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.

321.12 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY OF A JUVENILE

The Patrol Sergeant will ensure procedures are in place to address the suicide attempt, death or serious injury of any juvenile held at the Pacific 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 Detective 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.

321.13 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.

321.14 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

A juvenile offender may be photographed and fingerprinted as provided by RCW 43.43.735.

321.15 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

321.15.1 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.

(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 Specialist and the appropriate Detective Section supervisors to ensure that personnel of those bureaus act within legal guidelines.

321.16 RELIGIOUS ACCOMMODATION

Juveniles have the right to the same religious accommodation as adults in temporary custody (see the Temporary Custody of Adults Policy).

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Abuse of Vulnerable Adults

323.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with direction and understanding of their role in the prevention, detection, and intervention in incidents of vulnerable adult abuse. It is the policy of the Pacific Police Department to treat reports of violence against vulnerable adults as high priority criminal activity that is to be fully investigated regardless of the relationship between the victim and suspect.

323.2 DEFINITIONS

For purposes of this policy, the following definitions are provided (RCW 74.34.020).

Abandonment - Action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

Abuse - The willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. Abuse includes sexual abuse, mental abuse, physical abuse, and exploitation of a vulnerable adult.

Consent - Express written consent granted after the vulnerable adult or his/her legal representative has been fully informed of the nature of the services to be offered and that the receipt of services is voluntary.

DSHS - The Department of Social and Health Services.

Exploitation - An act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

Financial exploitation - The illegal or improper use, control over or withholding of the property, income, resources, or trust funds of the vulnerable adult by any person or entity for profit or advantage.

Mental abuse - Any willful action or inaction resulting in mental or verbal abuse. Mental abuse includes, but is not limited to, coercion, harassment, inappropriately isolating a vulnerable adult from family, friends, or regular activity, and verbal assault that includes ridiculing, intimidating, yelling, or swearing.

Neglect - A pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or an act or omission that demonstrates a serious disregard of consequences of such a magnitude as to

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

constitute a clear and present danger to the vulnerable adult's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100.

Physical abuse - The willful action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, prodding, or the use of chemical restraints or physical restraints unless the restraints are consistent with licensing requirements, and includes restraints that are otherwise being used inappropriately.

Self-neglect - The failure of a vulnerable adult, not living in a facility, to provide for him/herself the goods and services necessary for the vulnerable adult's physical or mental health, and the absence of which impairs or threatens the vulnerable adult's well-being. This definition may include a vulnerable adult who is receiving services through home health, hospice, or a home care agency, or an individual provider when the neglect is not a result of inaction by that agency or individual provider.

Sexual abuse - Any form of non-consensual sexual contact, including but not limited to, unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual abuse includes any sexual contact between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under RCW Chapter 71A.12, and a vulnerable adult living in that facility or receiving service from a program authorized under RCW Chapter 71A.12, whether or not it is consensual.

Vulnerable adult- Includes a person 60 years of age or older who has the functional, mental, or physical inability to care for him/herself; is found to be incapacitated under RCW Chapter 11.88; has a developmental disability as defined under RCW 71A.10.020; is admitted to any facility; is receiving services from home health, hospice, or home care agencies licensed or required to be licensed under RCW Chapter 70.127; is receiving services from an individual provider; who self-directs his/her own care and receives services from a personal aide.

323.3 MANDATORY NOTIFICATION

Members of the Pacific Police Department shall notify the Washington State Department of Social and Health Services (DSHS) when there is reasonable cause to believe that abandonment, abuse, financial exploitation or neglect of a vulnerable adult has occurred. Members shall also notify DSHS when there is reason to suspect sexual assault or physical assault or reasonable cause to believe that an act has caused fear of imminent harm. The medical examiner or coroner shall also be notified when there is reason to suspect that the death of a vulnerable adult was caused by abuse, neglect or abandonment by another person (RCW 74.34.035).

For purposes of notification (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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

- Abuse is willful action or inaction that inflicts injury, unreasonable confinement or restraint, sexual abuse, physical abuse, financial exploitation, mental abuse, intimidation or punishment as provided.
- A vulnerable adult is a person who is:

(a) (a) 60 years or older who has the functional, mental or physical inability to care for himself/herself.

(b) Is found by the superior court to be incapacitated under RCW 11.88.005 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 (assisted living facility, nursing home or other facility licensed by DSHS).

(e) Is receiving services from an individual provider or licensed home health, hospice or home care agency.

(f) Self-directs his/her own care and receives services from a personal aide under RCW 74.39.001 et seq.

323.3.1 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.

323.4 OFFICER RESPONSE

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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

323.4.1 INITIAL RESPONSE

Officers may be called upon to effect a forced entry as the first responder to the scene of a suspected elder abuse. Entry should be immediate when it appears reasonably necessary to protect life or property. When the need for an emergency entry is not evident, officers should seek supervisory approval. Officers must be prepared to provide emergency care pending the arrival of medical personnel, if not already present.

323.4.2 STABILIZE THE SITUATION

Officers must quickly assess the situation in an effort to ensure the immediate safety of all persons. Officers shall also consider the following:

(a) Attempt to identify the victim, suspect and witnesses as well as the roles and relationships of all parties. Parties should be interviewed separately whenever possible. Frequently it is wrongfully assumed that vulnerable adults are incapable of accurately reporting the incident. Do not automatically discount the statement of an elderly person.

(b) Preserve the crime scene where evidence may be present. All persons should be removed from the scene until it has been photographed and processed. Any evidence such as injuries that may change in appearance should be photographed immediately.

(c) Assess and define the nature of the problem. Officers should assess the available information to determine the type(s) of abuse that may have taken place or the potential for abuse in the future that may be eliminated by our intervention.

(d) Make on-scene arrests when appropriate. Immediate arrest of an abuser (especially when the abuser is a family member or caretaker) may leave the elderly victim without necessary support and could result in institutionalization. The effect of an arrest on the victim should be considered and weighed against the assessed risk and the competent victim's desires. The present and future safety of the victim is of utmost importance and institutionalization is generally preferable to continued abuse.

323.4.3 SUPPORT PERSONNEL

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

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

323.4.4 EMERGENCY PROTECTIVE ORDERS

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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

threat of abuse (other than financial abuse alone), the officer should make an attempt to obtain a protective order against the person alleged to have committed or threatened such abuse pursuant to RCW 74.34.110; RCW 74.34.150; RCW 74.34.210; or other applicable statutes.

323.5 ELDER ABUSE REPORTING

Every allegation of vulnerable adult abuse shall be documented. Reporting of cases of vulnerable adult abuse is confidential and will only be released as per the Release of Records and Information Policy. The following information should be provided in addition to the general information provided on the crime report (RCW 74.34.035(7) and RCW 74.34.040):

- The name and address of the person making the report
- The name of address of the vulnerable adult and the name of the facility or agency providing care for the vulnerable adult
- The name and address of the legal guardian or alternate decision maker
- The nature and extent of the abandonment, abuse, financial exploitation, neglect, or self-neglect
- The identity of the alleged perpetrator if known
- Other information that may be helpful in establishing the extent of abandonment, abuse, financial exploitation, neglect, or the cause of death of the deceased vulnerable adult

323.6 CONFIDENTIALITY OF REPORTING PARTY

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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Discriminatory Harassment

325.1 PURPOSE AND SCOPE

This policy is intended to prevent department members from being subjected to discrimination or sexual harassment. Nothing in this policy creates a legal or employment right or duty that is not created by law.

325.2 POLICY

The Pacific Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against employees in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The non-discrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

325.3 DISCRIMINATION PROHIBITED

325.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by an employee that adversely affects an applicant or employee and is based on race, color, religion, sex, age, national origin or ancestry, genetic information, disability, military service, sexual orientation and other classifications protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment, can include making derogatory comments, crude and offensive statements or remarks, making slurs or off-color jokes, stereotyping, engaging in threatening acts, making indecent gestures, pictures, cartoons, posters or material, making inappropriate physical contact, or using written material or department equipment and/or systems to transmit or receive offensive material, statements or pictures. Such conduct is contrary to department policy and to the department's commitment to a discrimination free work environment.

Retaliation is treating a person or applicant differently or engaging in acts of reprisal or intimidation against the person because he/she has engaged in protected activity, filed a charge of discrimination, participated in an investigation or opposed a discriminatory practice. Retaliation will not be tolerated.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

325.3.2 SEXUAL HARASSMENT

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or an employee because of that person's sex.

Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors or other verbal, visual or physical conduct of a sexual nature when:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment position or compensation.

(b) Submission to, or rejection of, such conduct is used as the basis for employment decisions affecting the member.

(c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

325.3.3 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles or standards, including:

(a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the Washington State Human Rights Commission.

(b) Bona fide requests or demands by a supervisor that an employee improve his/her work quality or output, that the employee report to the job site on time, that the employee comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and employee.

325.4 RESPONSIBILITIES

This policy applies to all department personnel. All members shall follow the intent of these guidelines in a manner that reflects department policy, professional law enforcement standards and the best interest of the Department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory or harassing conduct or known violations of this policy to a supervisor. Any employee who is not comfortable with reporting violations of this policy to his/her immediate supervisor may bypass the chain of command and make the report to a higher ranking supervisor or manager. Complaints may also be filed with the Chief of Police, Personnel Director or the Mayor.

Any member who believes, in good faith, that he/she has been discriminated against, harassed, subjected to retaliation, or who has observed harassment or discrimination, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

325.4.1 SUPERVISOR RESPONSIBILITY
Each supervisor and manager shall:

(a) Continually monitor the work environment and strive to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.

(b) Take prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment or retaliation.

(c) Ensure their subordinates understand their responsibilities under this policy.

(d) Ensure that employees who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.

(e) Notify the Chief of Police in writing of the circumstances surrounding any reported allegations or observed acts of discrimination/harassment no later than the next business day. This includes information that was received on a confidential basis.

325.4.2 SUPERVISOR'S ROLE
Because of differences in individual values, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing or retaliatory. Supervisors and managers shall be aware of the following considerations:

(a) Behavior of supervisors and managers should represent the values of the Department and professional law enforcement standards.

(b) False or mistaken accusations of discrimination, harassment or retaliation have negative effects on the careers of innocent members.

(c) Supervisors and managers must act promptly and responsibly in the resolution of such situations.

(d) Supervisors and managers shall make a timely determination regarding the substance of any allegation based upon all available facts.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling employees or issuing discipline, in a manner that is consistent with established procedures.

325.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved members should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination or harassment shall be fully documented, and promptly and thoroughly investigated. The participating or opposing member should be protected against

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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

325.5.1 SUPERVISORY RESOLUTION

Members who believe they are experiencing discrimination, harassment or retaliation should be encouraged to inform the individual that his/her behavior is unwelcome, offensive, unprofessional or inappropriate. However, if the member feels uncomfortable, threatened or has difficulty expressing his/her concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

325.5.2 FORMAL INVESTIGATION

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

The employee assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records, department owned equipment, and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint or for offering testimony or evidence in any investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include, but not be limited to, details of the specific incident, frequency and dates of occurrences and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, Personnel Director, or the Mayor.

325.5.3 EQUAL OPPORTUNITY EMPLOYMENT COMPLAINTS

No provision of this policy shall be construed to prevent any employee from seeking legal redress outside the Department. Employees who believe that they have been harassed or discriminated against are entitled to bring complaints of employment discrimination to federal, state and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Employees are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

325.6 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and actions taken to remedy the complaint.

325.7 DOCUMENTATION OF COMPLAINTS

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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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

325.8 TRAINING

All new employees shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new employee. The employee shall certify by signing the prescribed form that he/she has been advised of this policy, is aware of and understands its contents and agrees to abide by its provisions during his/her term of employment.

All employees shall review on an annual basis, 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.

325.8.1 QUESTIONS REGARDING DISCRIMINATION OR SEXUAL HARASSMENT

Members with questions regarding discrimination or sexual harassment are encouraged to contact a supervisor, manager, the Chief of Police, Personnel Director or the Mayor, or they may contact the Washington State Human Rights Commission at 800-233-3247.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Child Abuse

327.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Pacific Police Department members are required to notify the Department of Children, Youth, and Families, Child Protective Services (CPS) of suspected child abuse.

327.2 DEFINITIONS

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

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

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

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

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

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

327.3 MANDATORY NOTIFICATION

Members of the Pacific Police Department shall notify CPS when a report of abuse or neglect of a child is received or when there is reasonable cause to believe that a child has suffered abuse or neglect (RCW 26.44.030).

For purposes of notification, abuse or neglect of a child includes sexual abuse, sexual exploitation, or injury inflicted by any person under circumstances that cause harm to the child's health, welfare or safety, excluding lawful discipline, or the negligent treatment or maltreatment by a person who is responsible for, or providing care to, a child (RCW 26.44.020).

Officers shall promptly notify CPS whenever a child under 16 years of age is in a vehicle being driven by the child’s parent, guardian, legal custodian, sibling or half-sibling and that person is being arrested for a drug or alcohol-related driving offense (RCW 46.61.507).

If, during an investigation of drug manufacturing, an officer discovers that a child is present at the investigation site, the officer shall notify CPS immediately (RCW 26.44.200).

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

327.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (RCW 26.44.030(5)):

(a) In emergency cases, notification to CPS should be made immediately when the child's welfare is endangered but in all such cases within 24 hours.

(b) In non-emergency cases, notification to CPS shall be made within 72 hours after a report is received.

(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 police department shall forward all case dispositions to CPS.

327.3.2 POLICE REPORTS

Officers responding to incidents of suspected child abuse where it cannot initially be shown that a crime occurred shall document the incident in a general report as "suspended". No suspected child abuse report is required if the incident is documented in a general or miscellaneous report. Information related to suspended referrals in files or reports of child abuse or neglect may not be maintained for longer than six years and at the end of six years from receipt of the unfounded report, the information shall be purged unless an additional report has been received in the intervening period (RCW 26.44.031).

327.3.3 CONTACTING SUSPECTED CHILD ABUSE VICTIMS

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

(a) Exigent circumstances exist. For example:

1. A reasonable belief that medical issues need to be addressed immediately.
2. It is reasonably believed that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.

(b) A court order or warrant has been issued.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(c) A 911 call reporting domestic violence.

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

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

327.3.4 RELEASE OF REPORTS

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

327.4 INVESTIGATION RESPONSIBILITY

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

(a) Responsibility for the investigation, the collection of evidence, and preliminary preparation for prosecution of all cases of child abuse and molestation.

(b) Investigating the deaths of children that could be attributed to abuse or molestation.

(c) Investigating any instance of Sudden Unexplained Infant Death (SUID).

(d) Investigating reports of unfit homes, child abandonment, child endangering or neglect.

(e) Providing follow-up compliance calls on reports of suspected child abuse.

(f) Providing appropriate training to patrol personnel.

(g) Coordinating with other enforcement agencies, social service agencies, and school administrators in the application and enforcement of the laws regarding child abuse cases.

327.4.1 INTERVIEWING CHILD VICTIMS

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

327.5 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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.

(c) Any relevant statements the child may have made and to whom he/she made the statements.

(d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.

(f) Whether the child victim was transported for medical treatment or a medical examination.

(g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.

(h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.

(i) Previous addresses of the victim and suspect.

(j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

(k) Applicable local protocol regarding child abuse investigations (RCW 26.44.180 et seq.).

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

327.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact CPS. Generally, removal of a child from his/her family, guardian or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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 the child is abused or neglected and that the child would be injured or could not be taken into custody if it were necessary to first obtain a court order (e.g., the child could be taken and concealed).

327.6.1 SAFE HAVEN LAW

A parent is not guilty of abandonment when leaving a newborn 72 hours old or younger with a qualified person at the emergency department of a licensed hospital or a fire station while personnel are present (RCW 13.34.360). The qualified person shall notify CPS. CPS shall assume custody of the newborn.

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

327.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

327.9 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.

327.9.1 SUPERVISOR RESPONSIBILITIES

The Detective 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 Detective 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.

327.9.2 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 Detective Section Supervisor so an interagency response can begin.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Missing Persons

329.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

329.1.1 DEFINITIONS

Definitions related to this policy include:

At risk - This includes persons who:

(a) Are 13 years of age or younger.

(b) Regardless of age, are believed or determined to be experiencing one or more of the following circumstances:

1. Missing under unexplained, involuntary or suspicious circumstances and is believed to be in danger because of age, health, mental or physical disability, in combination with environmental or weather conditions, or it is believed that the person is unable to return to safety without assistance.
2. Out of the zone of safety for his/her chronological age and developmental stage.
3. Mentally or behaviorally disabled.
4. Drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening.
5. Absent from home for more than 24 hours before being reported to law enforcement as missing.
6. In a life-threatening situation.
7. In the company of others who could endanger his/her welfare.
8. Absent in a way that is inconsistent with established patterns of behavior and cannot be readily explained. Most children have an established and reasonably predictable routine.
9. Involved in a situation that would cause a reasonable person to conclude the person should be considered at risk.

Missing person - Any person who is reported missing to law enforcement when that person's location is unknown.

Missing person networks - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC) and the Washington Crime Information Center (WACIC).

329.2 POLICY

The Pacific 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 Pacific Police Department gives missing person cases priority over property-

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

related cases and does not require a specific amount of time to have passed before beginning a missing person investigation.

329.2.1 INVESTIGATION DILIGENCE

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

(a) Make an assessment of reasonable steps to be taken to locate the person.

(b) If the missing person is under 16-years of age, or there is evidence the person is at-risk or endangered, the Department should broadcast a "be-on-the-lookout" radio transmission without delay within this jurisdiction.

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

329.2.2 TASK FORCE ON MISSING AND EXPLOITED CHILDREN

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

(a) Direct assistance and case management.

(b) Technical assistance.

(c) Personnel training.

(d) Referral for assistance from local, state, national, and international agencies.

(e) Coordination and information sharing among local, state, interstate, and federal law enforcement and social service agencies.

329.2.3 ENDANGERED AND RUNAWAY JUVENILES

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

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

(b) If there is reason to believe, based upon the totality of the circumstances that the juvenile would be in danger if not taken into custody. In such case the officer shall report the circumstance and custody to the Department of Social and Health Services.

(c) The juvenile is in violation of the City of Pacific curfew ordinance.

(d) A juvenile court has determined that the juvenile has violated a placement order or has issued a court order to take custody of a juvenile.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(e) There is reasonable suspicion that a child is being unlawfully harbored in violation of RCW 13.32A.080.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody. The officer should also inform the juvenile of the reason for the custody.

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

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

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

329.2.4 CRIME INFORMATION CENTER

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

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

329.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Detective 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

329.3.1 TRANSMITTING REPORTS TO OTHER JURISDICTIONS

When the Pacific Police Department takes a missing person report on a person who lives outside of this jurisdiction, the Records Section should promptly notify and forward a copy of the report to the agencies having jurisdiction over the missing person's residence and where the missing

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

person was last seen. If the missing person is under 16 or there is evidence that the person may be at-risk, the reports should also be forwarded within no more than 24 hours to the jurisdiction of the agency where the missing person was last seen.

329.3.2 NOTIFICATIONS

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

329.3.3 AT-RISK AND ENDANGERED REQUIREMENTS

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

329.3.4 MISSING OVER 30 DAYS OR WHEN CRIMINAL ACTIVITY SUSPECTED

When a person reported missing has not been found within 30 days of the report or at any time when foul play is suspected, the handling officer or detective shall contact the county coroner or medical examiner to determine if that office has any information concerning the missing person. If after conferring with the coroner or medical examiner, the person is still determined to be missing the handling officers shall complete the following:

(a) File a missing person's report with the Washington State Patrol missing and unidentified persons unit.

(b) Initiate the collection of DNA samples from the known missing person and their family members for nuclear and mitochondrial DNA testing along with the necessary consent forms.

(c) Ask the missing person's family or next of kin to give written consent to request the person's dental records.

    1. Whenever possible, obtain diagnostic quality copies or original records of the missing person's dental records. As soon as possible DNA samples shall be submitted to the appropriate lab, and dental records shall be submitted to the Washington State Patrol missing and unidentified persons unit (RCW 43.43.751 and 68.50.320).

(d) In all missing person cases, the assigned detective should attempt contact with the reporting party no less than every three months in order to verify the status of the reported missing person. After twelve months, contacts with the reporting party should be attempted yearly. All verifications should be reported to WSP via ACCESS.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

329.4 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.

329.5 INITIAL INVESTIGATION

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

(a) Respond to a dispatched call as soon as practicable.

(b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.

(c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).

(d) Broadcast a “Be on the Look-Out” (BOLO) bulletin if the person is under 16 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 16 years of age or may be at risk.

(e) Ensure that entries are made into the appropriate missing person networks, as follows:

1. Immediately, when the missing person is at risk.
2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.

(f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.

(g) Collect and/or review:

1. A photograph and fingerprint card of the missing person, if available.
2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
3. Any documents that may assist in the investigation, such as court orders regarding custody.
4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).

(h) When circumstances permit and if appropriate, attempt to determine the missing person’s location through his/her telecommunications carrier (RCW 80.36.570).

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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).

329.6 SCHOOL NOTIFICATION

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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Public Alerts

331.1 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.

331.2 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.

331.3 RESPONSIBILITIES

331.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the Pacific Police Department should notify their supervisor, Shift Sergeant or Detective 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.

331.3.2 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 Sergeant 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 Sergeant

331.4 WASHINGTON STATEWIDE AMBER ALERT PLAN

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

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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

331.4.1 ALERT CRITERIA

The following criteria must exist prior to requesting an AMBER Alert:

(a) The child is under 18 years of age and is known to have been abducted. The child is not a runaway or a throw-away child.

(b) The abducted child is believed to be in danger of death or serious bodily injury.

(c) The AMBER Alert activation should occur within four hours of the qualifying event unless circumstances or the timeliness of the information warrant otherwise.

(d) There must be enough descriptive information to believe that an AMBER Alert activation will assist in the recovery of the child, including:

1. Where the abduction took place.
2. A physical description of the child: height, weight, age, hair color and length, eye color, clothing worn when the child was last seen, and any distinguishing physical characteristics.
3. A physical description of the abductor: height, weight, age, hair color and length, eye color, clothing worn when the suspect last seen, and any distinguishing physical characteristics.
4. Place last seen.
5. Description of the vehicle: color, make, model, license number, approximate year.

(e) The incident must be reported to and investigated by a law enforcement agency.

331.4.2 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) Collect the information required by the plan.

(b) Contact the Washington State Patrol (WSP) to request an activation of the Washington Statewide AMBER Alert Plan and the Portal.

1. The WSP initiates the state AMBER Alert process at the request of local law enforcement and notifies the Washington State Department of Transportation (WSDOT), Emergency Management Division (EMD) and Washington State Patrol ACCESS (A Central Computerized Enforcement Service System).
2. The WSP provides AMBER Alert cancellation notification to WSDOT, EMD and ACCESS.

(c) Provide the information required in the plan.

(d) Designate or assume the role of point of contact.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

331.4.3 INITIAL NOTIFICATIONS

Upon initiation of an AMBER Alert, the Shift Sergeant or supervisor shall:

(a) Ensure prompt entry of information into the Washington Crime Information Center (WACIC) and National Crime Information Center (NCIC) databases.

(b) Promptly notify the Chief of Police, Lieutenant, and the appropriate Sergeant of any AMBER Alert activation.

(c) Ensure the preparation of an initial press release that includes all the information required by the Washington Statewide AMBER Alert Plan, and any other available information that might aid in locating the child, such as:

1. A photograph.
2. Detail regarding location of incident, direction of travel, potential destinations, etc., if known.
3. Name and telephone number of the Public Information Officer or other authorized point of contact to handle media and law enforcement liaison.
4. A telephone number and point of contact for the public to call with leads or information.

(d) Consider the following resources or contacts if direct action is dictated by the circumstances.

1. National Center for Missing and Exploited Children (NCMEC):
   (a) Provides and monitors the Cyber Tip Link.
   (b) Posts missing children alerts.
   (c) Provides educational materials for children, teachers, and the public.
   (d) Provides statistical information.
2. Local allied law enforcement agency resources
3. FBI local office
4. Washington State Department of Transportation (WSDOT):
   (a) Utilizes the Roadway Reader Board System to provide information to the public on the AMBER Alert.
   (b) Utilizes the Highway Advisory Radio System to provide information to the public on the AMBER Alert.
   (c) Terminates the WSDOT alert systems when advised by WSP to cancel the AMBER Alert.
5. Washington State Emergency Management Division (EMD):

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(a) Notifies statewide media through the state EAS network.

(b) Provides technical support to the local jurisdiction.

(c) Cancels EAS AMBER Alerts when advised by WSP and/or the originating law enforcement entity.

6. State Emergency Communications Committee (SECC):

(a) Governs use of EAS in the state.

(b) Provides guidance for the Local Area Emergency Communications Committee (LAECC) in developing the local EAS Plan and AMBER Alert Plan Appendix.

7. National Oceanic Atmospheric Administration (NOAA):

(a) Maintains the Weather Radio System.

(b) Rebroadcasts the AMBER Alert over Weather Radio.

331.4.4 POST-INCIDENT REPORTING

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

331.5 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 Pacific Police Department participates in this partnership and may initiate the required notifications whenever a person is reported missing from this jurisdiction and meets the criteria of an Endangered Missing Person. An endangered missing person advisory may be termed a "silver alert" when initiated to assist in the recovery of a missing endangered person age 60 or older.

331.5.1 ADVISORY CRITERIA

All of the following criteria must exist prior to initiating an Endangered Missing Person Advisory:

(a) The person is missing under unexplained, involuntary or suspicious circumstances.

(b) The person has a developmental disability, is a vulnerable adult or is believed to be in danger because of age, health, mental or physical disability, in combination with environmental or weather conditions, or is believed to be unable to return to safety without assistance. This also includes a person diagnosed as having Alzheimer's disease or other age-related dementia (RCW 13.60.010).

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(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.

331.5.2 PROCEDURE

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

(a) Direct Records Section personnel to prepare the Endangered Missing Person Advisory administrative message through ACCESS. The words "Endangered Missing Person Advisory" should be included in the title of the message.

(b) Contact the WSP Missing Persons Unit (MPU) to verify that it received the advisory.

(c) Direct Records Section personnel to enter the information into the WACIC and NCIC databases using the proper message key: Missing (MNP), Endangered (EME), or Involuntary (EMI).

(d) Advise Valleycom of the advisory and ensure that it is prepared to handle a high volume of telephone calls.

(e) Ensure that the handling officer attempts to obtain a photograph of the missing person and/or suspect as soon as possible.

(f) Direct the Records Section to enter the photograph into WACIC and NCIC, then send an e-mail to the WSP MPU.

(g) Appoint a Public Information Officer to handle the media.

1. The Public Information Officer should notify the media through appropriate channels regarding the Endangered Person Advisory. Upon request, the WSP MPU can provide electronic posters with details of the missing person.

2. If the Endangered Missing Person is 21 years of age or younger, NCMEC should be notified as soon as practicable.

3. Establish a call log of incoming calls/tips for tracking and investigative purposes.

(h) The Records Section personnel should promptly cancel the advisory after an Endangered Missing Person is located by sending an administrative message through ACCESS, noting that the person has been found.

331.6 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).

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

The Pacific 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.

331.6.1 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.

(e) The release of the information will not improperly notify an officer's next of kin.

331.6.2 PROCEDURE

Should the Sergeant or supervisor determine that the incident meets the criteria of a Blue Alert, the Sergeant or supervisor should:

(a) Direct Records personnel to prepare a Blue Alert administrative message through ACCESS. The words "Blue Alert Advisory" should be included in the title of the message.

(b) Contact WSP Communications to verify that the advisory was received and, if available, provide the suspect's vehicle information and request the Washington Department of Transportation (WSDOT) to activate variable message signs.

(c) Ensure that descriptive information about the suspect, the suspect's whereabouts, and the suspect's method of escape is disseminated

(d) Appoint a Public Information Officer to issue press releases and handle media inquiries.

1. The Public Information Officer should be updated continually and be in constant contact with media outlets to obtain maximum media exposure, provide updates, and cancel the Blue Alert when appropriate.

(e) Advise Valley Communications 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Victim Witness Assistance

333.1 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.

333.2 POLICY

The Pacific Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Pacific 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.

333.3 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 Pacific 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.

333.3.1 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.

333.4 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.

333.4.1 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).

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

333.5 VICTIM INFORMATION

The Administration Sergeant 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).

333.6 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

333.7 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 Lieutenant shall ensure that witness information handouts are available and current. These should include information regarding witness rights (RCW 7.69.030).

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Hate Crimes

335.1 PURPOSE AND SCOPE

This department recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this department will utilize all available resources to see that justice is served under the law. This policy has been developed to provide members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

335.2 DEFINITIONS

Except where otherwise noted, the following definitions are provided per RCW 9A.04.110:

Bodily injury, physical injury, or bodily harm - Physical pain or injury, illness, or an impairment of physical condition.

Gender expression or identity - Having, or being perceived as having, a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth (RCW 9A.36.080).

Malice and maliciously - To import an evil intent, wish, or design to vex, annoy, or injure another person. Malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

Reasonable person - A reasonable person who is a member of the victim's race, color, religion, ancestry, national origin, gender, or sexual orientation, or who has the same gender expression or identity, or the same mental, physical, or sensory handicap as the victim (RCW 9A.36.080).

Sexual orientation - Heterosexuality, homosexuality, or bisexuality (RCW 9A.36.080).

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

335.3 CRIMINAL STATUTES

335.3.1 HATE CRIME OFFENSES

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

(a) Causes physical injury to the victim or another person.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(b) Causes physical damage to or destruction of the property of the victim or another person.

(c) Threatens a specific person or group of persons and places that person, or members of the specific group of persons, in reasonable fear of harm to person or property. The fear must be a fear that a reasonable person would have under the circumstances.

Prima facie acts of hate are described in RCW 9A.36.080(2).

335.3.2 THREATS TO BOMB OR INJURE PROPERTY

It is unlawful for any person to threaten to bomb or otherwise injure any public or private school building, any place of worship or public assembly, any governmental property, or any other building, common carrier, or structure, or any place used for human occupancy; or to communicate or repeat any information concerning such a threatened bombing or injury, knowing such information to be false and with intent to alarm the person or persons to whom the information is communicated or repeated (RCW 9.61.160).

335.3.3 FEDERAL JURISDICTION

The federal government has the power to investigate and prosecute bias-motivated violence by giving the U.S. Department of Justice jurisdiction over crimes of violence where the perpetrator has selected the victim because of the person's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability (18 USC § 245).

335.4 CIVIL STATUTES

In addition to the criminal penalty provided in RCW 9A.36.080 for committing a hate crime offense, the victim may bring a civil cause of action for the hate crime offense against the person who committed the offense. A person may be liable to the victim of the hate crime offense for actual damages, punitive damages of up to one hundred thousand dollars, and reasonable attorneys' fees and costs incurred in bringing the action (RCW 9A.36.083).

335.5 PREVENTING AND PREPARING FOR LIKELY HATE CRIMES

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by:

(a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes to form and cooperate with prevention and response networks.

(b) Providing victim assistance and follow-up as outlined below, including community follow-up.

(c) Educating community and civic groups about hate crime laws.

335.6 PROCEDURE FOR INVESTIGATING HATE CRIMES

Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(a) Officer(s) will be promptly assigned to contact the victim, witness, or reporting party to investigate the matter further as circumstances may dictate.

(b) A supervisor should be notified of the circumstances as soon as practical.

(c) Once “in progress” aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of present suspects, etc.), the assigned officer(s) will take all reasonable steps to preserve available evidence that may tend to establish that a hate crime was involved.

(d) The assigned officer(s) will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.

(e) Depending on the situation, the assigned officer(s) or supervisor may request additional assistance from detectives or other resources to further the investigation.

(f) The assigned officer(s) will include all available evidence indicating the likelihood of a hate crime in the relevant report(s). All related reports will be clearly marked as “Hate Crimes” and, absent prior approval of a supervisor, will be completed and submitted by the assigned officer(s) before the end of the shift.

(g) The assigned officer(s) will provide the victim(s) of any suspected hate crime with a brochure on hate crimes. Such brochures will also be available to members of the general public upon request. The assigned officer(s) should also make reasonable efforts to assist the victim(s) by providing available information on local assistance programs and organizations.

(h) The assigned officer(s) and supervisor should take reasonable steps to ensure that any such situation does not escalate further.

335.6.1 DETECTIVE RESPONSIBILITY

If a case is assigned to the detective, the detective will be responsible for following up on the reported hate crime as follows:

(a) Coordinate further investigation with the County Prosecutor and other appropriate law enforcement agencies, as appropriate.

(b) Maintain contact with the victim(s) and other involved individuals as needed.

(c) Maintain statistical data on suspected hate crimes and tracking as indicated and report such data to the Washington Association of Sheriff's and Police Chiefs (WASPC) (RCW 36.28A.030).

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Conduct

337.1 PURPOSE AND SCOPE

This policy is intended to provide employees with guidelines for their conduct in order that they may participate in meeting the goals of this department in serving the community. This policy shall apply to all sworn and non-sworn members of this department (including part-time and reserve employees). This policy is intended for internal use only and shall not be construed to increase or establish an employee's civil or criminal liability. Nor shall it be construed to create or establish a higher standard of safety or care. A violation of any portion of this policy may only serve as the basis for internal disciplinary and/or administrative action.

337.2 DISCIPLINE POLICY

The continued employment of every employee of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this policy, whether on-duty or off-duty, may be cause for disciplinary action.

An employee's off-duty conduct shall be governed by this policy to the extent that it is related to act(s) that may materially affect or arise from the employee's ability to perform official duties or to the extent that it may be indicative of unfitness for his/her position.

337.2.1 PROGRESSIVE DISCIPLINE

The administration of discipline is generally expected to be progressive in nature, with relatively minor violations of rules resulting in minor disciplinary action for first offenders. Repetitive similar violations, or more serious violations, would generally result in progressively more serious forms of discipline being administered.

Nothing in this policy is intended to preclude the administration of more serious forms of discipline, including termination, for a first offense when warranted by the seriousness of the offense.

337.3 CONDUCT WHICH MAY RESULT IN DISCIPLINE

The following list of causes for disciplinary action constitutes a portion of the disciplinary standards of this department. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient department service:

337.3.1 ATTENDANCE

(a) Leaving job to which assigned during duty hours without reasonable excuse and proper permission and approval.

(b) Unexcused or unauthorized absence or tardiness on scheduled day(s) of work.

(c) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(d) Failure to notify the Department within 24 hours of any change in residence address, home phone number, or marital status.

(e) Failure to comply with attendance-related policies.

337.3.2 CONDUCT

(a) Unauthorized or unlawful fighting, threatening, or attempting to inflict unlawful bodily injury on another.

(b) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Chief of Police of such action.

(c) Using Departmental resources in association with any portion of their independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.

(d) Engaging in horseplay resulting in injury or property damage or the reasonable possibility thereof.

(e) Unauthorized possession of, loss of, or damage to department property or the property of others or endangering it through unreasonable carelessness or maliciousness.

(f) Failure of any employee to promptly and fully report activities on their own part or the part of any other employee where such activities may result in criminal prosecution under this policy.

(g) Failure of any employee to promptly and fully report activities that have resulted in official contact by any other law enforcement agency.

(h) Using or disclosing one's status as an employee with the Department in any way that could reasonably be perceived as an attempt gain influence or authority for non-departmental business or activity (RCW 9A.80.010).

(i) The use of any information, photograph, video or other recording obtained or accessed as a result of employment with the Department for personal or financial gain or without the expressed authorization of the Chief of Police or his/her designee may result in discipline under this policy.

(j) Seeking restraining orders against individuals encountered in the line of duty without the expressed permission of the Chief of Police.

(k) Discourteous or disrespectful treatment of any member of the public or any member of this department or another law enforcement agency.

(l) Unwelcome solicitation of a personal or sexual relationship while on or off-duty or through the use of official capacity.

(m) Engaging in on-duty sexual relations including, but not limited to sexual intercourse, excessive displays of public affection or other sexual contact.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

337.3.3 DISCRIMINATION

(a) Discriminate against any person because of age, race, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, physical or mental disability or medical condition.

(b) Violation of Departmental or City policies prohibiting discrimination and harassment.

337.3.4 INTOXICANTS

(a) Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants.

(b) Unauthorized possession or use of, or attempting to bring intoxicants to the work site, except as authorized in the performance of an official assignment. An employee who is authorized to consume intoxicants is not permitted to do so to such a degree that it may impair on-duty performance.

(c) Failure to promptly disclose to an immediate supervisor the use of any over-the-counter or prescription medication containing a controlled substance which have warning labels or notices which have reported side effects that could reasonably be expected to affect the ability of the employee to safely perform the essential functions of the job.

(d) Reporting for work or being at work following the use of a controlled substance or any drug (whether legally prescribed or otherwise) where such use may impair the employee's ability to perform assigned duties.

(e) Unauthorized possession, use of, or attempting to bring a controlled substance or illegal drug to any work site.

(f) Committing any violation of departmental policies related to the possession, use or consumption of drugs or alcohol.

337.3.5 PERFORMANCE

(a) Unauthorized sleeping during on-duty time or assignments.

(b) Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.

(c) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.

(d) Concealing or attempting to conceal defective work, removing, destroying or otherwise concealing it without permission.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(e) Disobedience or insubordination to constituted authorities including refusal or deliberate failure to carry out or follow any proper order from any supervisor or person in a position of authority.

(f) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.

(g) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Department or subverts the good order, efficiency and discipline of the Department or which would tend to discredit any member thereof.

(h) Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Department or members thereof.

(i) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.

(j) Wrongfully loaning, selling, giving away or appropriating any department property for the personal use of the employee or any unauthorized person.

(k) The unauthorized use of any badge, uniform, identification card or other department equipment or property for personal gain or any other improper purpose.

(l) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits excepted).

(m) Any knowing or negligent violation of the provisions of the department manual, operating procedures or other written directive of an authorized supervisor. The Department shall make this manual available to all employees. Employees shall familiarize themselves with and be responsible for compliance with each of the policies contained herein.

(n) Work-related dishonesty, including attempted or actual theft of department property, services or the property of others.

(o) Unauthorized removal or possession of Departmental property or the property of another employee.

(p) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on- or off-duty.

(q) Failure to disclose material facts or the making of any false or misleading statement on any application, examination form or other official document, report, form, or during the course of any work-related investigation.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(r) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved department practices or procedures.

(s) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when a department member knows or reasonably should have known of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by the Department.

(t) Offer or acceptance of a bribe or gratuity.

(u) Misappropriation or misuse of public funds.

(v) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(w) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions: while on department premises; at any work site; while on-duty or while in uniform; or while using any department equipment or system. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

(x) Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in, or are continuing to engage in, serious violations of state or federal laws, where the employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Department.

(y) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on department property or while in any way representing him/herself as a member of this agency, except as expressly authorized by the Chief of Police.

(z) Engaging in political activities during assigned working hours except as expressly authorized by the Chief of Police.

(aa) Violating any misdemeanor or felony statute.

(ab) Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Department or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Department or its members.

(ac) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.

(ad) Failure to maintain required and current licenses (e.g. driver's license) and certifications (e.g. first aid).

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(ae) False or misleading statements to a supervisor or other person in a position of authority in connection with any investigation or employment-related matter.

(af) Failure to comply with the oath of office and agency policies, including the duty to be truthful and honest in the conduct of official business. (Note: officers may use ruses during the course of investigations).

337.3.6 SAFETY

(a) Failure to observe posted rules, signs, and written or oral safety instructions while on duty and/or within department facilities or to use required protective clothing or equipment.

(b) Knowingly failing to report any on-the-job or work related accident or injury within 24 hours.

(c) Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.

(d) Failure to maintain physical condition sufficient to safely perform all essential functions of the law enforcement position held.

(e) Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment.

(f) Engaging in any serious or repeated violation of departmental safety standards or safe working practices.

337.3.7 SECURITY

(a) Unauthorized, intentional release of designated confidential information, materials, data, forms or reports.

337.3.8 SUPERVISION RESPONSIBILITY

(a) Failure of a supervisor to take appropriate action to ensure that employees adhere to the policies and procedures of this department and the actions of all personnel comply with all laws.

(b) Failure of a supervisor to timely report known misconduct of an employee to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.

(c) The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose.

337.4 INVESTIGATION OF DISCIPLINARY ALLEGATIONS

Regardless of the source of an allegation of misconduct, all such matters will be investigated in accordance with Personnel Complaint Procedure Policy Manual § 1020 and RCW 41.12.090.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(a) No person in the classified civil service who shall have been permanently appointed or inducted into civil service pursuant to RCW 41.12.090, shall be removed, suspended, demoted or discharged except for cause, and only upon:

1. Written accusation of the appointing power, or any citizen or taxpayer; a written statement of which accusation, in general terms, shall be served upon the accused, and a duplicate filed with the civil service commission.

(b) In the event the conduct in question is potentially criminal in nature, the employee shall be provided with and required to sign a "Garrity" notice.

337.4.1 WRITTEN REPRIMANDS

Unless otherwise specified in a collective bargaining agreement, an employee wishing to formally appeal a written reprimand must submit a written request to the Chief of Police within ten days of receipt of the written reprimand. The Chief of Police will then assign the appeal to an uninvolved supervisor of at least one rank above the rank of the supervisor issuing the original written reprimand.

Absent a written stipulation to the contrary, the employee will be provided with an evidentiary hearing before the assigned, uninvolved supervisor within 30 days. The decision of the assigned, uninvolved supervisor to sustain, modify or dismiss the written reprimand shall be considered final, subject to any appeal rights set forth in the grievance procedure in a collective bargaining agreement.

337.4.2 REMOVALS, SUSPENSIONS, AND DEMOTIONS

After such investigation the civil service commission may affirm the removal, or if it shall find that the removal, suspension, or demotion was made for political or religious reasons, or was not made in good faith for cause, shall order the immediate reinstatement of, or reemployment of, such person in the office, place, position or employment from which such person was removed, suspended, demoted or discharged, which reinstatement shall, if the commission so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension, demotion or discharge.

The civil service commission upon such investigation, in lieu of affirming the removal, suspension, demotion or discharge may modify the order of removal, suspension, demotion or discharge by directing a suspension, without pay, for a given period, and subsequent restoration to duty, or demotion in classification, grade, or pay; the findings of the commission shall be certified, in writing to the appointing power, and shall be forthwith enforced by such officer (RCW 41.12.090).

337.5 POST INVESTIGATION PROCEDURES

337.5.1 SERGEANT RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Chief of Police shall review the entire investigative file, the employee's personnel file and any other available materials identified as relevant to the investigation.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

The Chief of Police or Lieutenant may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

(a) The Chief of Police or the Lieutenant may return the entire investigation to the assigned detective or supervisor for further investigation or action.

(b) When forwarding any written recommendation to the Chief of Police, the Sergeant shall include all relevant materials supporting the recommendation. Actual copies of an employee's existing personnel file need not be provided and may be incorporated by reference.

337.5.2 RESPONSIBILITIES OF THE CHIEF OF POLICE

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials.

The Chief of Police may modify any recommendations and/or may return the file to the Lieutenant/ Sergeant for further investigation or action.

(a) In the event disciplinary action is recommended, which, if implemented, would result in the deprivation of a property or liberty interest, the Chief of Police shall provide the employee with written (Loudermill) notice of the following information:

1. Specific charges set forth in separate counts, describing the conduct underlying each count.
2. A separate recommendation of proposed discipline for each charge.
3. A statement that the employee has been provided with or given access to all of the materials considered by the Chief of Police in recommending the proposed discipline.
4. An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the Loudermill notice.
5. A statement that the employee is entitled to union representation, if represented by a union.

(b) Upon a showing of good cause by the employee, the Chief of Police may grant a reasonable extension of time for the employee to respond.

(c) If the employee elects to respond orally, the presentation shall be recorded by the Department. Upon request, the employee shall be provided with a copy of the recording.

1. The Loudermill response is not intended to be an adversarial or formal hearing.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

2. Although the employee may be represented by an uninvolved representative or legal counsel, the Loudermill response is not designed to accommodate the presentation of testimony or witnesses.
3. The employee, union, or attorney representing the employee, may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.
4. In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results of such subsequent investigation prior to the imposition of any discipline.
5. The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issue(s) of information raised in any subsequent materials.
6. Once the employee has completed his/her Loudermill response or, if the employee has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall thereafter render a timely written decision to the employee imposing, modifying or rejecting the recommended discipline.
7. Once the Chief of Police has issued a written decision, the discipline shall become effective.

337.6 EMPLOYEE RESPONSE

(a) Any person so removed, suspended, demoted or discharged may within ten days from the time of his/her removal, suspension, demotion or discharge, file with the civil service commission a written demand for an investigation, whereupon the commission shall conduct such investigation (RCW 41.12.090).

(b) The investigation shall be confined to the determination of the question of whether such removal, suspension, demotion or discharge was or was not made for political or religious reasons and was or was not made in good faith for cause.

(c) After such investigation the civil service commission may affirm the removal, or if it shall find that the removal, suspension, or demotion was made for political or religious reasons, or was not made in good faith for cause, shall order the immediate reinstatement of, or reemployment of, such person in the office, place, position or employment from which such person was removed, suspended, demoted or discharged, which reinstatement shall, if the commission so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension, demotion or discharge.

(d) The civil service commission upon such investigation, in lieu of affirming the removal, suspension, demotion or discharge may modify the order of removal, suspension,

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

demotion or discharge by directing a suspension, without pay, for a given period, and subsequent restoration to duty, or demotion in classification, grade, or pay.

(e) The findings of the civil service commission shall be certified, in writing to the appointing power, and shall be forthwith enforced by such officer.

(f) All investigations made by the civil service commission pursuant to the provisions of this section shall be had by public hearing, after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded an opportunity to appear in person and by counsel, and to presenting his/her defense.

If such judgment or order be concurred in by the commission or a majority thereof, the accused may:

1. Appeal there from to the court of original and unlimited jurisdiction in civil suits of the county wherein he/she resides. Such appeal shall be taken by serving the commission, within thirty days after the entry of such judgment or order, a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the record and of all papers on file in the office of the commission affecting or relating to such judgment or order, be filed by the commission with such court.

2. The civil service commission shall, within ten days after the filing of such notice, make, certify and file such transcript with such court. The court of original and unlimited jurisdiction in civil suits shall thereupon proceed to hear and determine such appeal in a summary manner: Provided, however, that such hearing shall be confined to the determination of whether the judgment or order of removal, discharge, demotion or suspension made by the commission, was or was not made in good faith for cause, and no appeal to such court shall be taken except upon such ground or grounds.

337.7 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that an employee tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file.

The tender of a retirement or resignation by itself shall not serve as grounds for the termination of pending discipline. Any such tender will be evaluated to determine whether that action renders any further investigation or action moot.

337.8 POST LOUDERMILL PROCEDURE

In situations in which the imposed discipline amounts to a written reprimand or less, the employee's right to formally respond shall be limited to the aforementioned Loudermill process and the appeal process detailed in § 340.4.1. In situations resulting in the imposition of a suspension, punitive transfer, demotion, termination of a non-probationary employee, the employee shall have the right to an evidentiary appeal of the Chief of Police's imposition of discipline pursuant to the operative

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

memorandum of understanding (MOU), Policy Manual § 1006 and RCW 41.12.090 or applicable collective bargaining provisions.

337.9 NOTIFICATION TO CJTC CERTIFICATION BOARD

Upon termination of a peace officer for any reason, including resignation, the agency of termination shall, within fifteen days of the termination, notify CJTC on a personnel action report form provided by the commission. The agency of termination shall, upon request of CJTC, provide such additional documentation or information as the commission deems necessary to determine whether the termination provides grounds for revocation of the peace officer's certification (RCW 43.101.135).

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Information Technology Use

339.1 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.

339.1.1 PRIVACY POLICY

Any employee utilizing any computer, electronic storage device or media, internet service, phone service, information conduit, system or other wireless service provided by or funded by the Department expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender and recipient of any communication utilizing such service might otherwise have, including as to the content of any such communication. The Department also expressly reserves the right to access and audit any and all communications (including content) sent, received and/or stored through the use of such service.

339.2 DEFINITIONS

The following definitions relate to terms used within this policy:

Technology Resources - Shall mean all computers (on-site and portable), hardware, software, two-way radios, cellular or satellite communication devices, voice mail systems and all similar resources owned, leased, rented or licensed by the Pacific Police Department, which are provided for official use by agency employees. This shall include all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the agency or agency funding.

Hardware - Shall include, but is not limited to, computers, computer terminals, network equipment, modems or any other tangible computer device generally understood to comprise hardware.

Software - Shall include, but is not limited to, all computer programs and applications including shareware. This does not include files created by the individual user.

Temporary File or **Permanent File** or **File -** Shall mean any electronic document, information or data residing or located, in whole or in part, whether temporarily or permanently on the system, including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports or messages.

339.3 SYSTEM INSPECTION OR REVIEW

An employee's supervisor has the express authority to inspect or review the system, any and all temporary or permanent files and related electronic systems or devices, and any contents thereof when such inspection or review is in the ordinary course of his/her supervisory duties, or based on cause.

When requested by an employee's supervisor, or during the course of regular duties requiring such information, a member(s) of the department information systems staff may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the system.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Reasons for inspection or review may include but are not limited to system malfunctions, problems or general system failure, a lawsuit against the Department involving the employee, or related to the employee's duties, an alleged or suspected violation of a department policy, or a need to perform or provide a service or information when the employee is unavailable.

339.4 DEPARTMENT PROPERTY

All information, data, documents, communications and other entries initiated on, sent to or from, or accessed on any department computer, or through the department computer system on any other computer, whether downloaded or transferred from the original department computer, shall remain the exclusive property of the Department and shall not be available for personal or non-departmental use without the expressed authorization of an employee's supervisor.

339.5 UNAUTHORIZED USE OF SOFTWARE

Employees shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement. To reduce the risk of computer virus or malicious software infection, employees shall not install any unlicensed or unauthorized software on any department computer. Employees shall not install personal copies of any software onto any department computer. Files or software that an employee finds necessary to upload onto a department computer or network shall be done only with the expressed approval of Information Services and only after being properly scanned for malicious attachments.

No employee shall knowingly make, acquire or use unauthorized copies of computer software not licensed to the agency while on agency premises or on an agency computer system. Such unauthorized use of software exposes the Department and involved employees to severe civil and criminal penalties.

339.6 PROHIBITED AND INAPPROPRIATE USE

Access to department technology resources including Internet access provided by or through the Department shall be strictly limited to department-related business activities. Data stored on, or available through department systems shall only be accessed by authorized employees who are engaged in an active investigation, assisting in an active investigation, or who otherwise have a legitimate law enforcement or department business related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

An Internet site containing information that is not appropriate or applicable to departmental use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, chat rooms and similar or related Web sites. Certain exceptions may be permitted with the prior approval of a supervisor as a function of an assignment.

Downloaded information shall be limited to messages, mail and data files which shall be subject to audit and review by the Department without notice. No copyrighted and/or unlicensed software program files may be downloaded.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Employees shall report any unauthorized access to the system or suspected intrusion from outside sources, including the Internet, to a supervisor.

339.7 PROTECTION OF DEPARTMENT SYSTEMS AND FILES

All employees have a duty to protect the system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the system.

Department approved anti-virus software will be running on all computers that are connected to the Internet to check downloaded files, e-mail and attachments for embedded viruses. Suspected problems with any security or anti-virus protections shall be promptly reported.

It is expressly prohibited for an employee to allow an unauthorized user to access the system at any time or for any reason.

339.7.1 NETWORK SECURITY

Network security protocols are established to ensure the integrity and security of the network systems. Employees shall not attempt to circumvent these protocols and shall observe the following:

(a) Access to the network server and peripherals is locked and access is strictly limited to authorized personnel.

(b) The network shall not be connected to any external network without a firewall in place.

(c) No dial-up modem or work stations with dial-up modems will be connected to the network without additional authentication techniques beyond login name and password.

339.7.2 SYSTEM BACK-UP

Information Services personnel shall be responsible for establishing regularly scheduled network system back-up protocols. Retention of all system back-ups should be managed by their category in compliance with the current Records Management Guidelines and General Records Retention Schedules (Schedule Number L08 Information Systems).

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Report Preparation

341.1 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.

341.1.1 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 when feasible. Supervisors are responsible for monitoring reports in hold-over status to ensure timely follow-up investigation and completion of reports. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

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.

341.1.2 CASE REPORT REQUIREMENTS

a.Each Officer will complete the case log book prior to securing from shift.

b. No Officer other than the assigned Detective, shall have more than five (5) open investigations.

341.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

341.2.1 CRIMINAL ACTIVITY REPORTING

When an employee responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the employee is required to document the activity. The fact that a victim is not desirous of prosecution is not an exception to documenting a report. The following are examples of required documentation:

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(a) In every instance where a felony has occurred, the documentation shall take the form of a written crime report.

(b) In every instance where a misdemeanor crime has occurred and the victim desires a report, the documentation shall take the form of a written crime report. If the victim does not desire a report, the incident will be recorded in the CAD system.

(c) In every case where any force is used against any person by police personnel.

(d) All incidents involving domestic violence.

(e) All arrests.

341.2.2 NON-CRIMINAL ACTIVITY

Incidents that require documentation on the appropriate approved report include:

(a) Any time an officer points a firearm at any person.

(b) Any use of force against any person by a member of this department (see the Use of Force Policy).

(c) Any firearm discharge (see the Firearms and Qualification Policy).

(d) Any time a person is reported missing, regardless of jurisdiction (see the Missing Persons Reporting Policy).

(e) Any found property or found evidence.

(f) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy).

(g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy.

(h) All protective custody detentions.

(i) Suspicious incidents that may place the public or others at risk.

(j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor.

(k) All collisions involving city vehicles.

341.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with Policy § 359 Death Investigations. An officer handling a death investigation should notify and apprise a supervisor and the detective 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:

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(a) Sudden or accidental deaths.

(b) Suicides

(c) Homicide or suspected homicide.

(d) Unattended deaths (No physician in attendance within 36 hours preceding death).

(e) Found dead bodies or body parts.

341.2.4 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.

341.2.5 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.

341.3 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.

341.3.1 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.

341.3.2 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

341.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should notify the officer, stating the reasons for rejection. The original report 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.

341.5 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.

341.6 ELECTRONIC SIGNATURES

The Pacific Police Department has established an electronic signature procedure for use by all employees of the Pacific Police Department. The Patrol Sergeant shall be responsible for maintaining the electronic signature system and ensuring that each employee creates a unique, confidential password for his/her electronic signature.

- Employees may only use their electronic signature for official reports or other official communications.
- Each employee shall be responsible for the security and use of his/her electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Media Relations

342.1 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.

342.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police, however, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, the Lieutenant, Sergeants, or designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

342.2.1 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.

342.3 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 shall 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 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

2. Whenever the presence of airborne 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 inicident commander. 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. The news media should not be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge or incident commander. 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.

342.3.1 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.

342.4 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 supervisor. 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(b) The date, time, location, case number, name, birth date and charges for each person arrested by this department unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

(c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law.

At no time shall identifying information pertaining to a juvenile arrestee, victim, or witness be publicly released except as permitted under RCW 13.50.010 and .050, or with prior approval of a competent court.

Information concerning incidents involving certain sex crimes and other offenses shall be restricted in accordance with applicable statutory provisions.

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner's Office.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the supervisor. Such requests will generally be processed in accordance with the provisions of the Public Records Act (RCW Chapter 42.56).

342.4.1 RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department. When in doubt, authorized and available legal counsel should be obtained. Examples of such restricted information include, but are not limited to (RCW 42.56.240):

(a) Specific intelligence information and specific investigative records compiled by investigative, law enforcement and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(b) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim, or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(c) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in RCW Chapter

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

9A.44 or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington Association of Sheriffs and Police Chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).

(d) License applications under RCW 9.41.070; copies of license applications or information on the applications may be released to law enforcement or corrections agencies.

(e) Information revealing the identity of child victims of sexual assault who are under age 18. Identifying information means the child victim's name, address, location, photograph, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Court Appearance And Subpoenas

344.1 PURPOSE AND SCOPE

This procedure has been established to provide for the acceptance of subpoenas and to ensure that employees appear when subpoenaed, or are available to appear in court when requested and present a professional appearance.

344.1.1 DEFINITIONS

On-Call - When an employee has appeared in court, or is at the time on-duty, and has been told by a member of the court that he/she is free to leave the court or return to duty, subject to being available by phone or pager if called back.

Standby - When an employee receives a subpoena of a type which allows him or her to not appear in court, but remain available by phone or pager so that he or she may be directed to appear in court within a reasonable amount of time.

Trailing Status - When an employee remains on standby status for additional court sessions until notified otherwise.

Mandatory Appearance - Subpoenas marked as mandatory appearance require an employee's physical appearance in the specified court. Failure to timely appear in the specified court, either intentionally or by negligence, may result in disciplinary action.

344.2 COURT SUBPOENAS

Employees who receive subpoenas related to their employment with this department are subject to the provisions of this policy. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed, or properly notified. This policy applies to civil and criminal subpoenas. Employees are expected to cooperate with the prosecution to ensure the successful conclusion of a case.

344.2.1 SERVICE OF SUBPOENA

A subpoena may be served by any suitable person over eighteen years of age, by reading it to the witness, or by delivering to him/her a copy at his/her residence. (RCW 12.16.020, WA CR 45) . Service of a subpoena on a law enforcement officer may be effected by serving the subpoena upon the officer's employer.

A subpoena may be served by any suitable person over eighteen years of age, by exhibiting and reading it to the witness, or by giving him/her a copy thereof, or by leaving such copy at the place of his/her abode. When service is made by any person other than an officer authorized to serve process, proof of service shall be made by affidavit or declaration under penalty of perjury. Service of a subpoena on a law enforcement officer may be effected by serving the subpoena upon the officer's employer.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

344.2.2 VALID SUBPOENAS

No subpoena shall be accepted for an employee of this department unless it has been properly served and verified to have originated from a recognized legal authority.

344.2.3 ACCEPTANCE OF SUBPOENA

(a) Only the employee named in a subpoena, his/her immediate supervisor or the department records specialist shall be authorized to accept service of a subpoena. Any authorized employee accepting a subpoena shall immediately provide a copy of the subpoena to the department records specialist. The records specialist shall maintain a chronological log of all department subpoenas and provide a copy of the subpoena to each involved employee.

(b) Any supervisor or other authorized individual accepting a subpoena on behalf of another employee shall immediately check available schedules to determine the availability of the named employee for the date listed on the subpoena.

(c) Once a subpoena has been received by a supervisor or other authorized individual, a copy of the subpoena shall be promptly provided to the records specialist as well as a copy to the individually named employee.

344.2.4 REFUSAL OF SUBPOENA

(a) Valid reasons for an individually named employee not accepting subpoenas include illness, previously approved training, and vacations, which are scheduled and approved, before receipt of the subpoena. Regular scheduled days off are not valid reasons for refusing the subpoena or missing court. If the subpoena has been received by the individually named employee from the records specialist and a valid reason exists for refusing the subpoena, the subpoena shall be promptly returned to the subpoena clerk with a specified reason for refusal as well as the dates when the officer will become available. It shall then become the responsibility of the subpoena clerk to notify the assigned County Prosecutor or other attorney of record of the bona fide unavailability of the employee.

(b) If the immediate supervisor or other authorized individual knows that he/she will be unable to deliver a copy of the subpoena to the named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or other authorized individual may return the subpoena to the issuing court with a request to quash.

(c) If, after initially accepting service of a subpoena, a supervisor or other authorized individual determines that he/she will be unable to deliver a copy of the subpoena to the individually named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or the records specialist shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

344.2.5 COURT STANDBY

To facilitate court standby agreements with the courts, employees are required to provide and maintain current information on their address and phone number with the Department. Employees are required to notify the Department within 24 hours of any change in residence address or home phone number, and to provide accurate and reasonably reliable means or methods for contact.

If an employee on standby changes his/her location during the day, the employee shall notify the subpoena clerk of how he/she can be reached by telephone. Employees are required to remain on standby each day the case is trailing. In a criminal case the County Prosecutor handling the case is the only person authorized to excuse an employee from standby status.

344.2.6 OFF-DUTY RELATED SUBPOENAS

Employees receiving valid subpoenas for actions taken off-duty not related to their employment with Pacific Police Department shall comply with the requirements of the subpoena. Employees receiving these subpoenas are not compensated for their appearance and arrangements for time off shall be coordinated through their immediate supervisor.

344.2.7 FAILURE TO APPEAR

Any employee who fails to comply with the terms of any valid and properly served subpoena may be subject to discipline as well as court imposed civil and/or criminal sanctions.

344.3 CIVIL SUBPOENAS

The Department will compensate employees who appear in their official capacity on civil matters arising out of the employee's official duties as directed by the current Memorandum of Understanding. In such situations, the Department will also reimburse any officer for reasonable and necessary travel expenses.

The Department will receive reimbursement for the officer's compensation through the civil attorney of record who subpoenaed the officer.

344.3.1 PROCEDURE

To ensure that the officer is able to appear when required, that the officer is compensated for such appearance, and to protect the Department's right to reimbursement, officers shall follow the established procedures for the receipt of a civil subpoena.

344.4 OVERTIME APPEARANCES

If the officer appeared on his/her off-duty time, he/she will be compensated in accordance with the current employee Memorandum of Understanding/union contract.

The overtime on such appearance will be paid from the time the officer left his/her residence until he/she returned.

344.5 COURTROOM PROTOCOL

Employees must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are subpoenaed.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

344.5.1 PREPARATION FOR TESTIMONY
Before the date of testifying, the subpoenaed officer shall request a copy of relevant reports and become familiar with their content in order to be prepared for court.

344.5.2 COURTROOM ATTIRE
Employees shall dress in uniform or business attire. Suitable business attire for men would consist of a coat, tie, and dress pants. Suitable business attire for female employees would consist of a dress jacket, dress blouse, and skirt or slacks.

344.6 COURTHOUSE DECORUM

Employees shall observe all rules of the court in which they are appearing, refrain from smoking or chewing gum in the courtroom, and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

344.7 TESTIFYING AGAINST THE INTEREST OF THE PEOPLE OF THE STATE

Any member or employee who is subpoenaed to testify, who has agreed to testify, or who anticipates testifying or providing information on behalf of or at the request of any party other than the People of the State of Washington, any county, any city, or any of their officers and employees in which any of those entities are parties, will notify their immediate supervisor without delay. The supervisor will then notify the Chief of Police, County Prosecutor's Office in criminal cases, County Counsel or City Attorney, as may be indicated by the case.

This includes, but is not limited to the following situations:

(a) Providing testimony or information for the defense in any criminal trial or proceeding.

(b) Providing testimony or information for the plaintiff in a civil proceeding against any county, any city, or their officers and employees.

(c) Providing testimony or information on behalf of or at the request of any party other than any county, city, or any county or city official in any administrative proceeding, including but not limited to personnel and/or disciplinary matter.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Mutual Aid and Outside Agency Assistance

347.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to officers in the request of or answering the request for assistance involving another law enforcement agency.

It is the policy of this department to provide assistance whenever possible, consistent with the applicable laws of arrest and detention policies of this department, when another law enforcement agency requests assistance with an arrest or detention of any person. This department may also request an outside agency to provide assistance.

347.2 POLICY

It is the policy of the Pacific 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.

347.3 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.

347.3.1 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 Pacific Police Department shall notify his/her supervisor or the Shift Sergeant and Valleycom as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

347.4 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.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

347.5 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.

347.6 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 Administration Sergeant 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 Valleycom and the Shift Sergeant to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Training Manager should maintain documentation that the appropriate members have received the required training.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Registered Offender Information

350.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Pacific 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.

350.2 POLICY

It is the policy of the Pacific 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.

350.3 REGISTRATION

The Detective 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. Employees 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 refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

350.3.1 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
- Biological sample if one has not already been submitted to the WSP (see the Biological Samples Policy for collection protocol) (RCW 43.43.754)

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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.

350.4 MONITORING OF REGISTERED OFFENDERS

The Detective should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include, as applicable:

(a) Efforts to confirm residence using an unobtrusive method, such as an Internet search or drive-by of the declared residence.

(b) Review of information on the WASPC Sex Offender Information Center website.

(c) Contact with a registrant’s community correction officer.

(d) Review any available Washington State database of felony firearm offenders.

Any discrepancies with sex/kidnapping offenders should be reported to ACCESS (A Central Computerized Enforcement Service System), which is administered by WSP, and, in the case of sex offenders only, to the Washington Association of Sheriffs and Police Chiefs (WASPC), which administers the Sex Offender Information Center website.

The Detective should also establish a procedure to routinely disseminate information regarding registered offenders to Pacific Police Department personnel, including timely updates regarding new or relocated registrants.

350.5 DISSEMINATION OF PUBLIC INFORMATION

Employees will not unilaterally make a public notification advising the community of a particular sex/kidnapping registrant’s presence in the community. Employees who identify a significant risk or other public safety issue associated with a sex/kidnapping registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on sex/kidnapping registrants should be provided the WASPC Sex Offender Information Center website or the Pacific Police Department’s website.

The Records Specialist 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).

Information pertaining to felony firearm offenders should not be disseminated to the public. All inquiries should be referred to WSP.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

350.5.1 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

(a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.

(b) The information is provided as a public service and may not be current or accurate.

(c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.

(d) The crime for which a person is convicted may not accurately reflect the level of risk.

(e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.

(f) The Pacific Police Department has no authority to direct where an offender may live.

350.5.2 MANDATORY DISSEMINATION

The Detective shall ensure that:

(a) A public notification is made for offenders who are classified as Risk Level III and who register in the City. The notice must be published in at least one newspaper that has a general circulation in the geographic area of each offender's registered address or location. The notice must be in the form of a legal notice, advertisement or news release (RCW 4.24.550(4)). The notice shall conform to the guidelines established in RCW 4.24.5501.

(b) All information on offenders registered in the City is regularly updated and posted on the Washington State Sex Offender Information Center website (RCW 4.24.550(5)).

(c) When a registered offender attends or is employed by a school, the following information shall be provided to the school's principal or institution's department of public safety (RCW 9A.44.130):

1. Name
2. Complete residential address
3. Date and place of birth
4. Place of employment
5. Crime for which committed
6. Date and place of conviction
7. Aliases used
8. Social Security number
9. Fingerprints

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

350.5.3 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.

350.6 SEX OFFENDER RISK ASSESSMENT
The Detective 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 Pacific Police Department is authorized to assign its own risk level.
- What risk assessment tools may be used and how such tools are scored.
- Notification process following a change in the risk level classification.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Major Incident Notification

352.1 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.

352.2 POLICY

The Pacific 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.

352.3 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 Command Staff. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- Homicides or violent crime with great bodily injury.
- Traffic accidents with fatalities or major injury.
- Officer-involved shooting on- or off-duty (See the Officer-Involved Shooting Policy for special notifications).
- Significant injury or death to employee on- or off-duty.
- Death of a prominent City of Pacific official.
- Arrest of Department employee or prominent City of Pacific official.
- Aircraft crash with major damage and/or injury or death.
- In-custody deaths.

352.4 SUPERVISOR RESPONSIBILITY

The on duty supervisor or Shift Sergeant is responsible for making the appropriate notifications. The supervisor or Shift Sergeant shall make reasonable attempts to obtain as much information on the incident as possible before notification. The supervisor or 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.

352.4.1 STAFF NOTIFICATION

In the event an incident occurs described in Policy Manual § 357.3, the members of the Command Staff shall be notified. A member of the Command Staff will notify the Chief of Police.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

352.4.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the immediate supervisor of the appropriate detail shall be contacted who will then contact the appropriate detective.

352.4.3 TRAFFIC BUREAU NOTIFICATION

In the event of a traffic fatality or major injury, the Command Staff shall be notified who will then contact the appropriate accident investigator. A request for assistance from the Washington State Patrol will be made if necessary.

352.4.4 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Death Investigation

354.1 PURPOSE AND SCOPE

The investigations of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations cannot be emphasized enough.

354.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (decapitated, decomposed, etc.). Officers are not authorized to pronounce death. A supervisor shall be notified in all death investigations.

354.2.1 CORONER 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 post mortem inquest is to be held.

(e) Where death results from unknown or obscure causes.

(f) Where death occurs within one year following an accident.

(g) Where the death is caused by any violence whatsoever.

(h) Where death results from a known or suspected abortion; whether self-induced or otherwise.

(i) Where death apparently results from drowning, hanging, burns, electrocution, gunshot wounds, stabs or cuts, lightning, starvation, radiation, exposure, alcoholism, narcotics or other addictions, tetanus, strangulations, suffocation or smothering.

(j) Where death is due to premature birth or still birth.

(k) Where death is due to a violent contagious disease or suspected contagious disease which may be a public health hazard.

(l) Where death results from alleged rape, carnal knowledge or sodomy.

(m) Where death occurs in a jail or prison.

(n) Where a body is found dead or is not claimed by relatives or friends.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

The body shall not be disturbed or moved from the position or place of death without permission of the coroner (RCW 68.50.050).

354.2.2 DEATH NOTIFICATION
When practical, 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 the relatives live outside this county, the Medical Examiner may be requested to make the notification. The Medical Examiner needs to know if notification has been made. The detective may need to talk to the next-of-kin.

354.2.3 UNIDENTIFIED DEAD BODIES
If the identity of a dead body cannot be established after the Medical Examiner or investigator arrives, the Medical Examiner's office will issue a "John Doe" or "Jane Doe" number for the report.

354.2.4 DEATH INVESTIGATION REPORTING
All incidents involving a death shall be documented on the appropriate form.

354.2.5 SUSPECTED HOMICIDE
If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the Detective shall be notified to determine the possible need to respond to the scene for further immediate investigation.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Identity Theft

356.1 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.

356.2 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Limited English Proficiency Services

362.1 PURPOSE AND SCOPE

Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency (LEP) from gaining meaningful access to, or an understanding of important rights, obligations and services. It is therefore the policy of this department to take all reasonable steps to ensure timely and equal access to all individuals, regardless of national origin or primary language (Title VI of the Civil Rights Act of 1964, § 601, 42 USC 2000d).

362.2 TYPES OF LEP ASSISTANCE AVAILABLE

This department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services, where available. LEP individuals may elect to accept interpreter services offered by the Department at no cost or choose to provide their own interpreter services at their own expense. Department personnel should document in any related report whether the LEP individual elected to use interpreter services provided by the Department or some other source. Department-provided interpreter services may include, but are not limited to the following assistance methods.

362.2.1 BILINGUAL PERSONNEL

Personnel utilized for LEP services need not be certified as interpreters but must have demonstrated, through established department procedures, a level of competence to ascertain whether his/her language skills are best suited to monolingual communications, interpretation, translation, or all or none of these functions.

All personnel used for communication with LEP individuals must demonstrate knowledge of the functions of an interpreter and the ethical issues involved when functioning as a language conduit. In addition, employees who serve as interpreters and/or translators must have demonstrated competence in both English and the non-English language. When bilingual personnel from this department are not available, personnel from other city departments who have the requisite training may be requested.

362.2.2 WRITTEN FORMS AND GUIDELINES

This department will determine the most frequently used and critical forms and guidelines and translate these documents into the languages most likely to be requested. The Department will arrange to make these translated forms available to department personnel and other appropriate individuals.

362.2.3 AUDIO RECORDINGS

The Department may develop audio recordings of information that is either important to or frequently requested by LEP individuals for broadcast in a language most likely to be understood by involved LEP individuals.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

362.2.4 TELEPHONE INTERPRETER SERVICES
The Dispatch Supervisor will maintain a list of qualified interpreter services. These services shall be available to assist department personnel in communicating with LEP individuals via official cellular telephones.

362.2.5 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF INTERPRETATION
Where competent bilingual departmental personnel or other department-certified staff are unavailable to assist, responsible members of the community who have demonstrated competence in either monolingual (direct) communication and/or in interpretation and translation (as noted above) may be called upon to assist in communication efforts. Sources for these individuals may include neighboring police departments, university languages and linguistics departments, local businesses, banks, churches, neighborhood leaders and school officials. Department personnel should ensure that community members are able to provide unbiased assistance. The nature of the contact and relationship between the LEP individual and the individual offering services must be carefully considered (e.g., victim/suspect).

Except for exigent or very informal and non-confrontational circumstances, the use of an LEP individual's bilingual friends or family members, particularly children, are generally not recommended and department personnel shall make case-by-case determinations on the appropriateness of using such individuals (for further guidance see section V(3) of the U.S. DOJ Final Guidance available at the U.S. DOJ website).

362.3 LEP CONTACT SITUATIONS AND REPORTING
While all law enforcement contacts, services and individual rights are important, this department will prioritize language services so that they may be targeted where they are most needed.

Whenever any member of this department is required to complete a report or when other documentation and interpretation or translation services are provided to any involved LEP individual, such services should be noted in the related report.

362.3.1 FIELD ENFORCEMENT AND INVESTIGATIONS
Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts which may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Department personnel must assess each situation to determine the need and availability for translation services to all involved LEP individuals and utilize the methods outlined in this policy to provide appropriate language assistance.

Although not every situation can be addressed within this policy, it is important that department personnel are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action taken with an LEP individual. It would, for example, be meaningless to request consent to search if the person requesting is unable to effectively communicate with an LEP individual.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

362.3.2 INVESTIGATIVE INTERVIEWS

In any situation where the translation of an interview may contain information that might be used in a criminal trial, it is important to take certain steps to improve the chances of admissibility. This includes interviews conducted during an investigation with victims, witnesses, and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

Any person selected as an interpreter and/or translator must have demonstrated competence in both English and the non-English language involved and knowledge of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the case. The person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation to the court.

362.3.3 CUSTODIAL INTERROGATIONS AND BOOKINGS

In an effort to ensure the rights of LEP individuals are protected during arrest and custodial interrogation, this department places a high priority on providing competent interpretation during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, department personnel providing interpretation services or translated forms in these situations will have demonstrated competence in interpretation/translation and make every reasonable effort to accurately interpret/translate all communications with LEP individuals.

In order to ensure that translations during criminal investigations are documented accurately and are admissible as evidence, audio recordings of interrogations, victim interviews and witness interviews should be used whenever reasonably possible.

Employees providing translation services shall also be aware of the inherent communication impediments to gathering information from the LEP individual throughout the booking process or any other situation in which an LEP individual is within the control of department personnel. Medical screening questions are commonly used to elicit information on an individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, resulting symptoms upon withdrawal from certain medications, or the need to segregate the arrestee from other prisoners. Therefore it is important for members of this department to make every reasonable effort to provide effective language services in these situations.

362.3.4 COMPLAINTS

The Department shall ensure access to LEP persons who wish to file a complaint regarding the discharge of department duties. The Department may do so by providing interpretation assistance or translated forms to such individuals. If the Department responds to complaints filed by LEP individuals, the Department shall attempt to communicate its response in an accessible manner.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

362.3.5 COMMUNITY OUTREACH
Community outreach programs and other such services offered by this department have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. As such, this department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services to LEP individuals and groups.

362.4 TRAINING

In an effort to ensure that all personnel in public contact positions (or having contact with those in custody) are properly trained, the Department will provide periodic training to personnel about LEP policies and procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

The Training Manager shall be responsible for ensuring all new personnel receive LEP training and that all personnel receive refresher training at least once every two years thereafter. The Training Manager shall maintain records of all LEP training provided, with a copy in each member's training file, in accordance with established records retention schedules.

362.5 INTERPRETERS AND TRANSLATORS

Department personnel who are called upon to interpret, translate or provide other language assistance, will be trained annually on language skills competency (including specialized terminology) and ethical considerations.

(a) Assessment: The Pacific Police Department personnel identified as bilingual, who are willing to act as authorized interpreters, will have their language skills assessed by a professional interpreter using a structured assessment tool established by the Training Manager. Personnel found proficient in interpreting into and from the target language will be placed conditionally on the authorized interpreters list.

(b) Training: All personnel conditionally placed on the authorized interpreter list must successfully complete the prescribed interpreter training within one year. After successful completion of interpreter training, the individual will be unconditionally placed on the authorized interpreter list. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language; demonstrate knowledge in both languages of any specialized terms or phraseology; and understand and adhere to the interpreter role without deviating into other roles such as counselor or legal advisor.

(c) Refresher course for authorized interpreters: Personnel who have been unconditionally placed on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. The Training Section shall be responsible for coordinating the annual refresher training and will maintain a record of training that the interpreters have received.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

The LEP Coordinator will ensure that the authorized interpreters list is kept current and a copy forwarded to Valleycom.

362.6 SUPPLEMENTAL MATERIALS PROVIDED TO DEPARTMENT EMPLOYEES

(a) A list of department bilingual employees, languages spoken and contact and shift information

(b) A list of department-certified interpretation services, bilingual interpreters, languages spoken and contact and availability information

(c) The telephone number and access code of telephonic interpretation services

(d) Language identification cards

(e) Translated *Miranda* warning cards and other frequently used documents

(f) Audio recordings/warnings that are developed in non-English languages

362.7 MONITORING AND UPDATING LANGUAGE ASSISTANCE EFFORTS

362.7.1 LEP COORDINATOR

The Chief of Police will appoint an LEP Coordinator who is responsible for coordinating and implementing all aspects of the Pacific Police Department services to LEP individuals.

The LEP Coordinator shall assess demographic data, review contracted language access services utilization data, and consult with community-based organizations annually in order to determine if there are additional languages into which vital documents should be translated.

The LEP Coordinator will also be responsible for annually reviewing all new documents issued by the Pacific Police Department to assess whether they should be considered vital documents and be translated.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Communications with Persons with Disabilities

364.1 PURPOSE AND SCOPE

Individuals who suffer from deafness, hearing impairment, blindness, impaired vision, mental or other disabilities may encounter difficulties in gaining meaningful access to, or an understanding of important rights, obligations and services. In accordance with the Americans with Disabilities Act (ADA), it is therefore the policy of this department to take all reasonable steps to accommodate such individuals in any law enforcement contact.

364.2 POLICY

It is the policy of the Pacific Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

364.2.1 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/ or emotionally charged, department employees should remain alert to the possibility of communication problems and exercise special care in the use of all gestures, and verbal and written communication in an effort to minimize initial confusion and misunderstanding when dealing with any individual(s) with known or suspected disabilities or communication impairments.

364.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Patrol Sergeant or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

(a) Working with the City ADA coordinator regarding the Pacific Police Department's efforts to ensure equal access to services, programs and activities.

(b) Developing reports, new procedures, or recommending modifications to this policy.

(c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.

(d) Ensuring that a list of qualified interpreter services is maintained and available to each Shift Sergeant and Dispatch Supervisor. The list should include information regarding the following:

1. Contact information
2. Availability

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.

(f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.

(g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

364.3.1 FIELD RESOURCES

Individual officers and employees are encouraged to utilize resources immediately available to them in any contact with a known or suspected disabled or impaired person. Examples of this would include such simple methods as:

(a) Hand gestures or written communications exchanged between the employee and a deaf or hearing impaired individual.

(b) Facing an individual utilizing lip reading and speaking slowly and clearly.

(c) Slowly and clearly speaking or reading simple terms to any visually or mentally impaired individual.

364.3.2 AUDIO RECORDINGS AND ENLARGED PRINT

From time to time, the Department may develop audio recordings of important information needed by blind or visually impaired individuals. In the absence of such audio recordings, employees may elect to read aloud a Department form or document such as a citizen complaint form to a visually impaired individual or utilize a photocopier to enlarge printed forms for a visually impaired individual.

364.3.3 TELEPHONE INTERPRETER SERVICES

Valley Communications will maintain a list of qualified interpreter services to be contacted to assist deaf or hearing impaired individuals upon approval of a supervisor. When utilized, notification to such interpreters shall be made at the earliest reasonable opportunity and the interpreter should be available to respond within a reasonable time (generally not to exceed three hours).

364.3.4 TTY AND RELAY SERVICES

Individuals who are deaf or hearing impaired must be given the opportunity to use available text telephones (TTY or TDD). All calls placed by such individuals through such services shall be accepted by this department.

364.3.5 COMMUNITY VOLUNTEERS

Depending on the circumstances, location and availability, responsible members of the community may be available to provide qualified interpreter services, such as those who are proficient in American Sign Language (ASL). Sources for these individuals may include local businesses,

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

banks, churches, neighborhood leaders and school officials. In addition to such sources developed by individual officers, the Department will attempt to maintain and update a list of qualified community volunteers who may be available to respond within a reasonable time.

364.3.6 FAMILY AND FRIENDS OF DISABLED OR IMPAIRED INDIVIDUAL

While family and friends of a disabled or impaired individual may frequently offer to assist with interpretation, employees should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in emergency or critical situations. Further, the nature of the contact and relationship between the disabled individual and the individual offering services must be carefully considered (e.g., victim/suspect).

364.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

(a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.

(b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).

(c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).

(d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

364.4.1 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

In order to provide disabled and impaired individuals with meaningful access to law enforcement services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, this department has designated its 9-1-1 lines as its top priority for assistance with such services. Department personnel will make every reasonable effort to promptly accommodate such disabled and impaired individuals utilizing 9-1-1 lines through any or all of the above resources.

While 9-1-1 calls shall receive top priority, it is also important that reasonable efforts be made to accommodate disabled and impaired individuals seeking more routine access to services and information from this department.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

364.4.2 CUSTODIAL INTERROGATIONS AND BOOKINGS

In an effort to ensure the rights of all disabled and impaired individuals are protected during arrest and custodial interrogation, this department places a high priority on providing reasonable communication assistance during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, department personnel providing communication assistance in these situations will make every reasonable effort to accurately and effectively communicate with disabled or impaired individuals.

Employees providing such assistance shall also be aware of the inherent communication impediments to gathering information from disabled or impaired individuals throughout the booking process or any other situation in which a disabled or impaired individual is within the control of department personnel. Medical screening questions are commonly used to elicit information on individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, resulting symptoms upon withdrawal from certain medications, or the need to segregate the arrestee from other prisoners, therefore it is important for this department to make every reasonable effort to provide effective communication assistance in these situations.

(a) Individuals who require communication aids (e.g., hearing aids) should be permitted to retain such devices while in custody.

(b) While it may present officer safety or other logistical problems to allow a physically disabled individual to retain devices such as a wheel chair or crutches during a custodial situation, the removal of such items will require that other reasonable accommodations be made to assist such individuals with access to all necessary services.

(c) Whenever a deaf or hearing impaired individual is detained or arrested and placed in handcuffs, officers should consider, safety permitting, placing the handcuffs in front of the body in order to allow the individual to sign or write notes.

364.4.3 FIELD ENFORCEMENT AND INVESTIGATIONS

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts which may involve disabled or impaired individuals. The scope and nature of these activities and contacts will inevitably vary, therefore the Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every officer in the field. Each officer and/or supervisor must, however, assess each such situation to determine the need and availability for communication assistance to any and all involved disabled or impaired individuals.

Although not every situation can be addressed within this policy, it is important that employees are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action taken with a disabled or impaired individual. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with a deaf individual.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

364.4.4 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. As such, this department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services to disabled individuals and groups.

364.5 TRAINING

In an effort to ensure that all employees in public contact positions (or having contact with those in custody) are properly trained, this department will provide periodic training in the following areas:

(a) Employee awareness of related policies, procedures, forms and available resources.

(b) Employees having contact with the public (or those in our custody) are trained to work effectively with in-person and telephone interpreters and related equipment.

(c) Training for management staff, even if they may not interact regularly with disabled individuals, in order that they remain fully aware of, and understand this policy, so they can reinforce its importance and ensure its implementation by staff.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Chaplain

366.1 PURPOSE AND SCOPE

The Pacific Police Department Chaplain Program is established for the purposes of providing spiritual and emotional support to all members of the Department, their families, and members of the public. This program will be operated in conjunction with the VRFA Chaplain program.

366.2 POLICY

It is the policy of this department that the Chaplain Program shall be a non-denominational, ecumenical ministry provided by volunteer clergy without financial compensation.

366.3 GOALS

Members of the Chaplain Program shall fulfill the program's purpose in the following manner:

(a) By serving as a resource for department personnel when dealing with the public in such incidents as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse, and other such situations that may arise.

(b) By providing an additional link between the community, other chaplain programs and the Department.

(c) By providing counseling, spiritual guidance, and insight for department personnel and their families.

(d) By being alert to the spiritual and emotional needs of department personnel and their families.

(e) By familiarizing themselves with the role of law enforcement in the community.

366.4 REQUIREMENTS

Candidates for the Chaplain Program shall meet the requirements that have been established by the VRFA Chaplain Program

366.5 DUTIES AND RESPONSIBILITIES

The duties of a chaplain are outlined by the VRFA Chaplain Program and may include the following:

(a) Assist in making notifications to families of department members who have been seriously injured or killed.

(b) After notification, respond to the hospital or home of the department member.

(c) Visit sick or injured law enforcement personnel in the hospital or home.

(d) Attend and participate, when requested, in funerals of active or retired members of the department.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(e) Assist sworn personnel in the diffusion of a conflict or incident when requested to by on-scene staff.

(f) Respond to natural and accidental deaths, suicides and attempted suicides, familiy disturbances, and any other incident that in the judgment of the Lieutenant or supervisor aids in accomplishing the Department's mission.

(g) Be on call, and if at all possible, on duty during major demonstrations or any public function that requires the presence of a large number of department personnel.

(h) Counsel with officers and other personnel having personal problems, at their request.

(i) Attend department and academy graduations, ceremonies and social events, and offer invocations and benedictions, as requested.

(j) Be responsible for the organization and development of spiritual organizations in the Department.

(k) Respond to all major disasters such as earthquakes, bombings, and similar critical incidents.

(l) Provide liaison with other religious leaders of the community.

(m) Assist public safety personnel and the community in any other function of the clergy profession as requested.

366.5.1 OTHER RESPONSIBILITIES

(a) Assist in contacting the assisted person's personal clergyman as soon as possible.

(b) Should a person request a representative/minister of a specific denomination other than a department chaplain, the on-scene chaplain will contact the appropriate clergy as requested.

(c) Make referrals in cases where specialized attention is needed, or in those cases that are beyond the chaplain's ability to assist.

(d) Chaplains may not accept gratuities offered for their services or follow-up contacts while functioning as a chaplain for the Pacific Police Department.

366.6 CONFIDENTIALITY

Except as otherwise specified, matters of a personal nature that are discussed between chaplains and others, shall remain private and confidential. Members of the clergy are not required to reveal penitential communications; however, clergy must report child, elder, or dependent abuse discovered while acting in any of the following capacities:

(a) Marriage, family, or child counselor

(b) Religious practitioner, who diagnoses, examines or treats, children, elders, or dependent adults.

366.7 COMMAND STRUCTURE

The VRFA Chaplain Program falls under the general direction of the VRFA Command structure.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

366.8 OPERATIONAL GUIDELINES

(a) Chaplains may be permitted to ride with officers during any shift and observe Pacific Police Department operations, provided the shift Sergeant has been notified and approved of the activity.

(b) In responding to incidents, a chaplain shall never function as an officer.

(c) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

DNA samples

370.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the collection of DNA evidence from those individuals required to provide such samples for the DNA data base as mandated in the DNA Identification system (RCW 43.43.753).

370.2 PERSONS SUBJECT TO DNA COLLECTION

Every person convicted of, or adjudicated guilty of the equivalent juvenile offense of a felony, stalking under RCW 9A.46.110, harassment under RCW 9A.46.020, communicating with a minor for immoral purposes under RCW 9.68A.090, must have a biological sample collected for purposes of DNA identification analysis.

This department is only responsible to obtain samples from persons convited of the listed offenses or adjudicated guility of an equivalent juvenile offense who do not serve a term of confinement in a department of corrections facility, and do not serve a term of confinement in this department's jail facility, for convictions on or after July 1, 2002 (RCW 43.43.754(1)).

370.2.1 POINT OF COLLECTION

As soon as administratively practicable after confinement, persons required to provide DNA samples shall be processed for the necessary samples.

370.3 PROCEDURE

Upon a determination that any individual is qualified and required to provide DNA samples under the ACT, the arresting officer or other employee designated by a supervisor shall obtain DNA samples in accordance with this policy.

370.3.1 BLOOD SAMPLES

Health care providers trained and qualified to draw blood may only perform the withdrawal of blood in a medically approved manner.

370.3.2 BUCCAL SWABS

Buccal swab samples (taken from the inside of the mouth) may only be procured by employees who have successfully completed departmental approved training in the collection of buccal swabs. If an individual violently resists or presents other officer safety issues, employees may omit buccal swab samples upon approval of a supervisor.

370.3.3 FULL PALM PRINTS

Full palm print impressions shall be obtained on appropriate froms along with all DNA samples.

370.3.4 USE OF FORCE TO OBTAIN SAMPLES

If, after a written or oral request, an individual required to provide samples, refuses to provide any or all of the required DNA samples, a sworn member of this department may use reasonable force

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

necessary and consistent with constitutional and legal requirements to compel them to submit to collection of the required sample (RCW 43.43.750).

Use of force to obtain such sample(s) should only occur under the following conditions:

(a) Prior to the use of reasonable force, the officer (s) shall take and document reasonable steps to secure the voluntary compliance.

(b) Prior to the use of reasonable force, the officer(s) shall obtain written authorization from a supervisor which shall minimally include that the individual was asked to provide the sample(s) and refused.

(c) If the authorized use of reasonable force includes a cell extraction, such extraction shall be videotaped.

For the purpose of this section, the "use of reasonable force" shall be defined as the force that an objective, trained, and competent officer faced with similar facts and circumstances would consider necessary and reasonable to gain compliance.

370.4 PROCESSING DNA SAMPLES

All DNA or biological samples taken pursuant to RCW 43.43.752 through 43.43.758 shall be delivered to the forensic laboratory services bureau of the Washington State Patrol and shall be used soley for the purpose of providing DNA or other tests for identification analysis and prosecution of a criminal offense or for the identification of human remains or missing persons (RCW 43.43.754 (2)).

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Public Safety Camera System

371.1 PURPOSE AND SCOPE

The City of Pacific Police Department operates a camera system for the purpose of creating a safer environment for all who live, work, and visit the City. This policy provides guidelines for the operation of the cameras, the purpose of their use and the storage of captured videos.

371.2 POLICY

Cameras are strategically placed throughout the police station at the direction or with the approval of the Chief of Police for the purpose of assisting the Pacific Police Department in maintaining safety, deterring crime, and interviewing suspects, witnesses or victims of crimes.

Public safety cameras are a key resource to assist in securing vulnerable areas of the police station by providing real time monitoring and early detection of unusual or criminal activity. This allows for a more efficient and timely response by law enforcement, if ever needed.

The cameras in the holding cell, lobby, and interview room record images and sound. All exterior cameras only record images. Recordings may be used for a variety of purposes, including criminal investigations and monitoring of activity. In addition, the public safety camera system helps to provide the following benefits:

(a) Assist in prosecuting offenders.

(b) Assist in gathering evidence for criminal and civil action.

(c) Assist personnel in maintaining good public order.

(d) Assist in monitoring pedestrian and vehicle traffic activity.

(e) Assist in providing effective public services.

371.3 PROCEDURE

The following procedures have been established for the effective operation of the public safety camera system.

371.3.1 MONITORING

Video images from the cameras are transmitted to monitors throughout the police station. When activity warranting further investigation is reported or detected at any camera location, personnel may selectively view the appropriate camera and relay any necessary information to the officer in charge.

The video feed from cameras may be accessed by police employees. A request to view footage from other City employees, for official business only, must be made to, and approved by the Chief of Police.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

371.3.2 TRAINING
Personnel involved with the video monitoring system will be appropriately trained and supervised.

371.3.3 PROHIBITED ACTIVITY
All video monitoring will be conducted in a professional, ethical and legal manner. The public safety camera system will not be used to invade the privacy of individuals. Video monitoring will not be used to harass, intimidate or discriminate against any individual or group.

371.3.4 CAMERA MARKINGS
Cameras used as part of the public safety camera system that are not used for covert operations or confidential investigations shall be marked in a conspicuous manner so as to inform the general public that the area is under public safety camera surveillance.

371.4 MEDIA STORAGE
Once a recording session is completed, the recording media will be labeled and stored in a designated secure area; either evidence room and/or records room. Access willl be restricted to only authorized persons. A recording media that is not booked as evidence will be retained for as long as any crime may be charged based on the events, communications, or conversations recorded, and disposed of in compliance with the established records retention schedule (RCW 9.73.090(2)). The State Archivists retention schedules and Public disclossure laws will be followed.

371.5 RETRIEVAL OF RECORDED INFORMATION
Authorization to research and retrieve recorded information is restricted to the Detective or his/her designee. These individuals will be authorized to provide video images for investigative purposes to Pacific Police Department employees who have sent a video request via email. Upon review of the images and completion of its use, the recording shall be entered into evidence, in accordance with chain of custody procedures established by the Pacific Police Department.

371.5.1 PUBLIC AND OTHER AGENCY REQUESTS
Requests for recorded video images from other governmental agencies will be provided at the direction of the Detective (i.e. attorneys, courts, etc).

Public and media requests for video images captured by public safety cameras will be made available only to the extent required by law. As provided by the Public Records Act, video footage that is evidence in an ongoing police investigation will generally not be disclosed to the public where a disposition has not been reached, absent such disclosure being compelled by a court or other governmental entity of competent jurisdiction.

371.6 ANNUAL REVIEW OF THE PUBLIC SAFETY CAMERA SYSTEM
The Chief of Police or his/her designee will conduct an annual review the agency's use of the public safety camera system. The annual review will include an inventory of video monitoring installations, date of installation, summary of their purpose, adherence to this policy and any proposed policy changes. The results of each review will be documented and maintained by

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

the Chief of Police or his/her designee and other applicable advisory bodies. Any concerns or deviations from this policy will be addressed promptly and effectively.

371.7 COVERT TECHNOLOGY

Covert cameras/operations are used as an investigative tool to enhance police investigations and provide useful evidence. The Pacific Police Department possesses such equipment for official use and maintains staff that have been properly trained in the equipment's care, maintenance, and deployment. Only those individuals who have been identified by the Chief of Police are authorized to store, install, remove and/or perofrm maintenance on covert video equipment.

371.7.1 USE OF EQUIPMENT

All requests for covert video placement will be screened by the Detective prior to installation. This requirement is in effect to ensure the priority, need and appropriateness of the deployment. If the Detective is unavailable, a Sergeant may fulfill the screening requirement.

371.7.2 PRIVACY RIGHTS

All covert video installations will be consistent with what would be considered public view or from a position that would not violate an individual/s reasonable expectation of privacy. Court orders will be required for ANY video surveillance that would be considered a violation of such expectation of privacy.

371.7.3 COMPROMISE OF EQUIPMENT

In the event the video surveillance equipment has been compromised, it must be removed within 24 hours.

371.7.4 ELECTRONIC ACCESS

Username and passwords will be generated by the Detective or his designee. Only officers involved with the case need access. It is everyone's responsibility to limit access.

371.7.5 TRAINING

All officers having access to camera controls must be provided instruction regarding the appropriate use of the equipment before they are allowed at access and/or manipulate the equipment.

371.7.6 CONFIDENTIALITY

Sworn personnel will refrain from openly divulging or volunteering details as to the appearance, locations, and installation strategies of covert technology.

371.7.7 STORAGE

No video footage is kept by the Pacific Police Department unless it has been pulled for a specific case/investigation.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Child and Dependent Adult Safety

373.1 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.

373.1.1 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience children may have when their parent or caregiver is arrested. The Pacific Police Department will endeavor to create a strong cooperative relationship with local, state and community-based child social services to ensure an effective, collaborative response that addresses the needs of affected children.

373.2 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 Pacific 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.

373.2.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered, dependent minor children.

Officers should allow the arrestee reasonable time to arrange for care of minor children. Temporary placement of the child with family or friends may be appropriate. However, any decision should give priority to a child-care solution that is in the best interest of the child. In such cases the following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of minor children with a responsible party, as appropriate.

1. Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent's judgment regarding arrangements for child care. It is generally best if the child remains with relatives or family friends the child knows and trusts. Consideration regarding the child's familiarity with the surroundings, comfort, emotional state and safety should be paramount.

2. Except when a court order exists limiting contact, the officer should attempt to locate and place dependent children with the non-arrested parent or guardian.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(b) Provide for the immediate supervision of minor children until an appropriate caregiver arrives.

(c) Notify the Department of Social and Health Services.

(d) Notify the field supervisor of the disposition of minor children.

If children are at school or at a known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the parent's arrest and of the arrangements being made for the care of the arrestee's children, and then record the result of such actions in the associated report.

Officers shall promptly notify Child Protective Services (CPS) whenever a child under age 13 is present in a vehicle and his/her parent, guardian or legal custodian is arrested for a drug or alcohol driving offense in accordance with the department Child Abuse Reporting Policy.

373.2.2 DURING THE BOOKING PROCESS

While in the field, the officer can make telephone calls to facilitate the making of arrangements for the minor children. If not, during the booking process the arrestee shall be allowed to make additional free local phone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any minor dependent child. These phone calls shall be given immediately upon request or as soon as practicable and are in addition to any other phone calls allowed by law.

373.2.3 REPORTING

For all arrests where children are present or living in the household, the reporting employee will include information about the children, including names, gender, age and how they were placed.

373.3 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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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.

373.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked law enforcement vehicle or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Service Animals

375.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Pacific Police Department recognizes this need and is committed to making reasonable modifications to its policies, practices, and procedures in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA) to permit the use of service animals that are individually trained to assist a person with a disability.

375.2 SERVICE ANIMALS

The ADA defines a service animal as any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the owner's disability (28 CFR 35.104).

375.2.1 USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.

Examples of how service animals may be used to provide assistance include:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors, or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

375.3 EMPLOYEE RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Pacific Police Department affords to all members of the public.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations, an officer may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with a disability.

If it is apparent or if the officer is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the officer should ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner into all areas that other customers or members of the public are allowed.

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Volunteer Program

377.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn officers and civilian personnel. Volunteers can be an important part of any organization and have proven to be a valuable asset to law enforcement agencies. Volunteers help to increase departmental responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

377.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid reserve officers, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

377.2 VOLUNTEER MANAGEMENT

377.2.1 VOLUNTEER COORDINATOR

The Volunteer Coordinator shall be appointed by the Administration Sergeant. The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator should work with other Department staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Coordinator, or his/her designee, shall be responsible for the following:

(a) Recruiting, selecting and training qualified volunteers for various positions.

(b) Facilitating the implementation of new volunteer activities and assignments.

(c) Maintaining records for each volunteer.

(d) Tracking and evaluating the contribution of volunteers.

(e) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.

(f) Maintaining a record of volunteer schedules and work hours.

(g) Completion and dissemination as appropriate of all necessary paperwork and information.

(h) Planning periodic recognition events.

(i) Administering discipline when warranted.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(j) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

377.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Department in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the requester's immediate supervisor. A complete position description and a requested time frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

377.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with an applicant under consideration.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

(a) Traffic and criminal background check. Fingerprints shall be obtained from all applicants and applicants shall be processed for criminal history.

(b) Employment.

(c) References.

(d) Credit check.

A polygraph exam may be required of each applicant depending on the type of assignment.

377.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the Department shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Coordinator. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description and agreement of service with the Department. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

377.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are sworn officers or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department.

377.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

(a) Driver's license

(b) Medical condition

(c) Arrests

(d) Criminal investigations

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

377.2.7 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to department-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn officers. The uniform or identifiable parts of the uniform shall not be worn while off-duty except volunteers may choose to wear the uniform while in transit to or from official department assignments or functions provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while he/she is off duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

377.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as and act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

(a) Take the time to introduce volunteers to employees on all levels.

(b) Ensure volunteers have work space and necessary office supplies.

(c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

377.4 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or departmental policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by departmental policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

377.5 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be worn at all times while on-duty.

Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

377.5.1 VEHICLE USE

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

(a) A driving safety briefing and department approved driver safety course.

(b) Verification that the volunteer possesses a valid Washington Driver's License.

(c) Verification that the volunteer carries current vehicle insurance.

The Volunteer Coordinator should insure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Department vehicles.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service and volunteers are not authorized to operate a Department vehicle Code-3.

377.5.2 RADIO AND MDC USAGE

Volunteers shall successfully complete A Central Computerized Enforcement Service System (ACCESS) and radio procedures training prior to using the police radio or MDC and comply with all related provisions. The Volunteer Coordinator should ensure that radio and ACCESS training is provided for volunteers whenever necessary.

377.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Chief of Police or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing which shall be limited to a single appearance before the Chief of Police or authorized designee.

Volunteers may resign from volunteer service with the Department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

377.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

377.7 EVALUATION

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Off-Duty Law Enforcement Actions

379.1 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 Pacific Police Department with respect to taking law enforcement action while off-duty.

379.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Officers are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

379.3 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.

379.4 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(c) The lack of equipment, such as handcuffs, OC or baton.

(d) The lack of cover.

(e) The potential for increased risk to bystanders if the off-duty officer were to intervene.

(f) Unfamiliarity with the surroundings.

(g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

379.4.1 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 Pacific Police Department officer until acknowledged. Official identification should also be displayed.

379.4.2 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.

379.4.3 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.

379.4.4 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.

379.5 REPORTING

Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the supervisor as soon as practicable. The supervisor shall determine whether a report should be filed by the employee.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Reserve Officers

381.1 PURPOSE AND SCOPE

The Pacific Police Department Reserve Unit was established to supplement and assist regular sworn police officers in their duties. This unit provides professional, sworn volunteer reserve officers who can augment regular staffing levels.

381.2 SELECTION AND APPOINTMENT OF POLICE RESERVE OFFICERS

The Pacific Police Department shall endeavor to recruit and appoint to the Reserve Unit only those applicants who meet the high ethical, moral and professional standards set forth by this department.

381.2.1 PROCEDURE

All applicants shall be required to meet and pass the same pre-employment procedures as regular police officers before appointment (RCW 43.101.095).

Before appointment to the Police Reserve Unit, an applicant must have completed, or be in the process of completing, a CJTC approved basic academy or reserve academy (WAC 139-05-810).

381.2.2 APPOINTMENT

Applicants who are selected for appointment to the Police Reserve Unit shall, on the recommendation of the Chief of Police, be sworn in by the Chief of Police and take a loyalty oath to observe and obey all of the laws of the land and to carry out their duties to the best of their ability.

The Pacific Police Department shall immediately notify the CJTC of appointments on a CJTC personnel action report form (WAC 139-05-810).

381.2.3 COMPENSATION FOR POLICE RESERVE OFFICERS

Compensation for reserve officers is provided as follows:

All reserve officer appointees are issued two sets of uniforms and designated safety equipment. Reserve officers are responsible for providing their own body armor. All property issued to the reserve officer shall be returned to the Department upon termination or resignation..

381.2.4 EMPLOYEES WORKING AS RESERVE OFFICERS

Qualified employees of this department, when authorized, may also serve as reserve officers. However, the Department must not utilize the services of a reserve or volunteer in such a way that it would violate employment laws or labor agreements (e.g., a detention officer working as a reserve officer for reduced or no pay). Therefore, the Reserve Coordinator should consult the Personnel Department prior to an employee serving in a reserve or volunteer capacity (29 CFR 553.30).

381.3 DUTIES OF RESERVE OFFICERS

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Reserve officers assist regular officers in the enforcement of laws and in maintaining peace and order within the community. Assignments of reserve officers will usually be to augment the Patrol Section. Reserve officers may be assigned to other areas within the Department as needed. Reserve officers are required to work a minimum of 20 hours per month.

381.3.1 POLICY COMPLIANCE
Police reserve officers shall be required to adhere to all department policies and procedures. A copy of the policies and procedures will be made available to each reserve officer upon appointment and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this manual refers to a sworn regular full-time officer, it shall also apply to a sworn reserve officer unless by its nature it is inapplicable.

381.3.2 RESERVE OFFICERS ASSIGNMENTS
All reserve officers will be assigned to duties by the Reserve Coordinator or his/her designee.

381.3.3 RESERVE COORDINATOR
The Chief of Police shall delegate the responsibility for administering the Reserve Officer Program to a Reserve Coordinator.

The Reserve Coordinator shall have the responsibility of, but not be limited to:

(a) Assignment of reserve personnel.

(b) Conducting reserve meetings.

(c) Establishing and maintaining a reserve call-out roster.

(d) Maintaining and ensuring performance evaluations are completed.

(e) Monitoring individual reserve officer performance.

(f) Monitoring the overall Reserve Program.

(g) Maintaining liaison with other agency Reserve Coordinators.

381.4 FIELD TRAINING

381.4.1 TRAINING OFFICERS
Officers of this department, who demonstrate a desire and ability to train reserve officers, may train the reserves during Phase II, subject to Lieutenant approval.

381.4.2 PRIMARY TRAINING OFFICER
Upon completion of the Academy, reserve officers will be assigned to a primary training officer, who will be a Field Training Officer. The reserve officer will be assigned to work with the primary training officer during the first 160 hours of training. This time shall be known as the primary training phase.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

381.4.3 FIELD TRAINING MANUAL

Each new reserve 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 Pacific Police Department. The reserve 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.

381.4.4 COMPLETION OF THE PRIMARY TRAINING PHASE

At the completion of the Primary Training Phase, (Phase I) the primary training officer will meet with the Reserve Coordinator. The purpose of this meeting is to discuss the progress of the reserve officer in training.

If the reserve officer has progressed satisfactorily, he/she will then proceed to Phase II of the training. If he/she has not progressed satisfactorily, the Reserve Coordinator will determine the appropriate action to be taken.

381.4.5 SECONDARY TRAINING PHASE

The Secondary Training Phase (Phase II) shall consist of 100 hours of additional on-duty training. The reserve officer will no longer be required to ride with his/her primary training officer. The reserve officer may now ride with any officer designated by the Shift Sergeant.

During Phase II of training, as with Phase I, the reserve officer's performance will be closely monitored. In addition, rapid progress should continue towards the completion of the Officer's Field Training Manual. At the completion of Phase II of training, the reserve officer will return to his/her primary training officer for Phase III of the training.

381.4.6 THIRD TRAINING PHASE

Phase III of training shall consist of 24 hours of additional on-duty training. For this training phase, the reserve officer will return to his/her original primary training officer. During this phase, the training officer will evaluate the reserve officer for suitability to graduate from the formal training program.

At the completion of Phase III training, the primary training officer will meet with the Reserve Coordinator. Based upon the reserve officer's evaluations, plus input from the primary training officer, the Reserve Coordinator shall decide if the reserve officer has satisfactorily completed his/her formal training. If the reserve officer has progressed satisfactorily, he/she will then graduate from the formal training process. If his/her progress is not satisfactory, the Reserve Coordinator will decide upon the appropriate action to be taken.

381.4.7 COMPLETION OF THE FORMAL TRAINING PROCESS

When a reserve officer has satisfactorily completed all three phases of formal training, he/she will have had a minimum of 284 hours of on-duty training. He/she will no longer be required to ride with a reserve training officer. The reserve officer may now be assigned to ride with any officer for the remaining 200-hour requirement for a total of 484 hours before being considered for relief of immediate supervision.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

381.4.8 IN-SERVICE TRAINING
All reserve officers will successfully complete an annual in-service training program of no less than 24 hours, which shall begin on Jan. 1 of the calendar year following appointment (WAC 139-05-300).

381.5 SUPERVISION OF RESERVE OFFICERS
Reserve officers shall be under the immediate supervision of a regular sworn officer. The immediate supervision requirement shall continue for reserve officers unless special authorization is received from the Reserve Coordinator with the approval of the Sergeant.

381.5.1 SPECIAL AUTHORIZATION REQUIREMENTS
Reserve officers may, with prior authorization of the Reserve Coordinator and on approval of the Sergeant, be relieved of the immediate supervision requirement. In the absence of the Reserve Coordinator and the Sergeant, the Shift Sergeant may assign a certified reserve officer to function without immediate supervision for specific purposes and duration.

381.5.2 RESERVE OFFICER MEETINGS
All reserve officer meetings will be scheduled and conducted by the Reserve Coordinator. All reserve officers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Reserve Coordinator.

381.5.3 IDENTIFICATION OF RESERVE OFFICERS
All reserve officers will be issued a uniform badge and a Department identification card. The uniform badge shall be the same as that worn by a regular full-time officer. The identification card will be the standard identification card with the exception that "Reserve" will be indicated on the card.

381.5.4 UNIFORM
Reserve officers shall conform to all uniform regulation and appearance standards of this department.

381.5.5 INVESTIGATIONS AND COMPLAINTS
If a reserve officer has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Reserve Coordinator, at the discretion of the Patrol Sergeant.

Reserve officers are considered at-will employees with the exception that the right to hearing is limited to the opportunity to clear their name.

Any disciplinary action that may have to be administered to a reserve officer shall be accomplished as outlined in the Policy Manual.

381.5.6 RESERVE OFFICER EVALUATIONS
While in training reserves will be continuously evaluated using standardized daily and weekly observation reports. The reserve will be considered a trainee until all of the training phases have

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

been completed. Reserves having completed their field training will be evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve.

381.6 FIREARMS REQUIREMENTS

381.6.1 CARRYING WEAPON ON DUTY

It is the policy of this department to allow reserves to carry firearms only while on duty or to and from duty.

381.6.2 CONCEALED PISTOL PROHIBITED

No reserve officer will be permitted to carry a concealed pistol while in an off-duty capacity, other than to and from work, except those reserve officers who possess a valid Concealed Pistol License. An instance may arise where a reserve officer is assigned to a plainclothes detail for his/her assigned tour of duty. Under these circumstances, the reserve officer may be permitted to carry a pistol more suited to the assignment with the knowledge and approval of the supervisor in charge of the detail.

Any reserve officer who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to department standards. The weapon must be registered by the reserve officer and be inspected and certified as fit for service by the department armorer.

Before being allowed to carry any optional firearm during an assigned tour of duty, the reserve officer shall have demonstrated his/her proficiency with said weapon.

When a reserve officer has satisfactorily completed all three phases of training (as outlined in FIELD TRAINING), he/she may be issued a permit to carry a concealed weapon. The decision to issue a concealed weapon permit will be made by the Chief of Police with input from the Reserve Program Coordinator and administrative staff. In issuing a concealed weapon permit a reserve officer's qualification will be individually judged. A reserve officer's dedication to the program and demonstrated maturity, among other factors, will be considered before a concealed weapon permit will be issued. Once issued, the concealed weapon permit will be valid only for as long as the reserve officer remains in good standing with the Pacific Police Department Reserve Officer Program.

381.6.3 RESERVE OFFICER FIREARM TRAINING

All reserve officers are required to maintain proficiency with firearms used in the course of their assignments. Reserve officers shall comply with all areas of the firearms training section of the Policy Manual, with the following exceptions:

(a) All reserve officers are required to qualify on the same scheule as regular commissioned officers.

(b) Should a reserve officer fail to qualify, that reserve officer will not be allowed to carry a firearm until he/she has reestablished his/her proficiency.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

381.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL

The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.

381.8 TERMINATION OF RESERVE OFFICER

If a reserve officer is terminated for any reason, including resignation, the Pacific Police Department shall notify the CJTC on a CJTC personnel action form within 15 days of the termination (WAC 139-05-810).

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Native American Graves Protection and Repatriation

382.1 PURPOSE AND SCOPE

This policy is intended 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.).

382.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects and associated funerary objects - Objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains, or that were made exclusively for burial purposes or to contain human remains.

Native American human remains - The physical remains of the body of a person of Native American ancestry.

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.

382.2 POLICY

It is the policy of the Pacific Police Department that the protection of Native American human remains, funerary objects, associated funerary objects, sacred 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.

382.3 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, 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 10.4).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.4):

- 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

382.4 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 10.6).

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Extreme Risk Protection Orders

383.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning and serving extreme risk protection orders and accounting for the firearms obtained pursuant to those orders (RCW 7.94.010 et seq.).

383.1.1 DEFINITIONS

Definitions related to this policy include:

Extreme risk protection order – An order prohibiting a named person from controlling, owning, purchasing, possessing, accessing, receiving, or otherwise having custody of any firearms.

Ex parte extreme risk protection order – An extreme risk protection order that has been issued in the absence of or without notification to the named person.

383.2 POLICY

It is the policy of the Pacific Police Department to petition for and serve extreme risk protection orders in compliance with state law and to properly account for firearms obtained by the Department pursuant to such orders.

383.3 EXTREME RISK PROTECTION ORDERS

An officer who reasonably believes a person, including a person under the age of 18, is a present danger to him/herself or another person by controlling, owning, purchasing, possessing, accessing, receiving, or otherwise having custody of a firearm may request permission from his/her supervisor to petition the court for an extreme risk protection order (RCW 7.94.030).

Officers petitioning the court shall use any standard petition and order forms created by the administrative office of the court (RCW 7.94.030; RCW 7.94.150).

The petition shall (RCW 7.94.030):

(a) Allege that the person poses a significant danger of causing personal injury to him/herself or others by controlling, owning, purchasing, possessing, accessing, receiving, or otherwise having custody of a firearm and be accompanied by an affidavit, made under oath, that provides the specific statements, actions, or facts that give rise to a reasonable fear of future dangerous acts by the person.

(b) Identify the number, types, and locations of any firearms that the officer believes to be owned, possessed, accessed, controlled, or in the custody of the person.

(c) Identify any other known existing protection orders governing the person.

(d) Identify, if reasonably identifiable, any pending lawsuits, complaints, petitions, or other action between the person and the Pacific 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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

reasonably believes may be at risk of violence, or an attestation to the steps that will be taken to provide this notice.

An officer may also seek an ex parte extreme risk protection order, without notice to the person, by including in the petition detailed allegations based on personal knowledge that the person poses a significant danger of causing personal injury to him/herself or others in the near future by having in his/her custody or control, purchasing, possessing, or receiving a firearm. If necessary, the ex parte may be petitioned using an on-call, after-hours judge using the same procedures for after-hours search warrants (RCW 7.94.030; RCW 7.94.050).

383.3.1 NOTICE OF PETITION

When a member of the Pacific Police Department petitions for an extreme risk protection order, he/she shall make a good faith effort to provide notice to a family or household member of the person and to any third party who the member reasonably believes may be at risk of violence. The notice shall state the intention to seek an extreme risk protection order or that the order has already been sought and include referrals to appropriate resources, including behavioral health, domestic violence, and counseling (RCW 7.94.030).

383.4 SERVICE

Service of notice of hearing and petitions, ex parte extreme risk protection orders, and extreme risk protection orders should take precedence over the service of other documents, unless the other documents are of a similar emergency nature (RCW 7.94.040; RCW 7.94.060).

Officers serving a notice of hearing and petition for an extreme risk protection order should make reasonable efforts to personally serve the person no less than five court days prior to the hearing. If an ex parte extreme risk protection order was issued, then the order, notice of hearing, and the petition are served together (RCW 7.94.040; RCW 7.94.050).

Officers assigned to serve an extreme risk protection order should make reasonable efforts to personally serve the order not more than 10 days after the Pacific Police Department received the order. If the order is issued against a minor under the age of 18, officers should also make reasonable efforts to serve a copy of the order on the parent or guardian of the minor at the address where the minor resides, or the Department of Children, Youth, and Families in the case where the minor is the subject of a dependency or court approved out-of-home placement (RCW 7.94.060).

When timely personal service is not completed, the officer should notify the court and take reasonable steps to notify the petitioner (RCW 7.94.040; RCW 7.94.060).

The officer serving any extreme risk protection order, including an ex parte order, shall (RCW 7.94.090):

(a) Request that any firearms and any concealed pistol license be immediately surrendered and issue a receipt for the surrendered items.

1. The officer should ensure the original receipt is forwarded to the Records Specialist.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(b) Take into custody any firearms discovered in plain view or pursuant to consent or other lawful search.

(c) As soon as practicable, but by the end of his/her shift, submit the proof of service to the Records Specialist.

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

383.5 SEARCH WARRANTS

If a person who has been served with an extreme risk protection order refuses to surrender any firearm, the officer should consider whether to seek a search warrant. If a search warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with the Warrant Service Policy.

383.6 RECORDS SPECIALIST RESPONSIBILITIES

The Records Specialist is responsible for ensuring that:

(a) Orders received by the court are entered into the national instant criminal background check system or any other federal or state computer-based system used by the 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 7.94.110).

(b) The original receipt of surrendered firearms is filed with the court within 72 hours of service of an extreme risk protection order. A copy of the receipt shall also be properly maintained by the Department (RCW 7.94.090).

(c) Any proofs of service for notices or orders are filed with the court.

(d) Expired or terminated orders entered into computer-based systems by the Department are removed (RCW 7.94.110).

383.7 COURT-ORDERED FIREARMS SURRENDERS

Authorized members should accept firearms and a concealed pistol license from any person who is the subject of an extreme risk protection order. The member receiving any firearm shall:

(a) Record the person’s name, address, and telephone number.

(b) Record the serial number of the firearm.

(c) Prepare an incident report and property report.

(d) Provide a property receipt to the person who surrendered the firearms (RCW 7.94.090).

    1. The original receipt is to be forward to the Records Specialist.

(e) Package and submit the firearms in accordance with the Property and Evidence Policy.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

383.8 RELEASE OF FIREARMS

Firearms that were taken into custody or surrendered pursuant to an extreme risk protection order should be returned to the restrained person upon the expiration of the order, in accordance with the Property and Evidence Policy (RCW 7.94.100).

383.9 RENEWAL OF EXTREME RISK PROTECTION ORDER

The Lieutenant is responsible for the 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 7.94.080).

383.10 STANDARD FOR ARREST

When an officer has confirmed that a valid extreme risk protection order exists and has probable cause to believe the person has knowledge of the order and violated that order, the officer shall make an arrest and take the person into custody (RCW 10.31.100).

383.11 ORDERS TO SHOW CAUSE

When the Department receives notice from the court of an order to show cause, the Detective Section supervisor should consult with legal counsel, as appropriate, to address any requirements involving the Department, including the following (RCW 7.94.090):

(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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Department Use of Social Media

384.1 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).

384.1.1 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.

384.2 POLICY

The Pacific Police Department may use social media as a method of effectively informing the public about department services, issues, investigations and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

384.3 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.

384.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission and conforms to all department policies regarding the release of information may be posted.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Examples of appropriate content include:

(a) Announcements.

(b) Tips and information related to crime prevention.

(c) Investigative requests for information.

(d) Requests that ask the community to engage in projects that are relevant to the department mission.

(e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.

(f) Traffic information.

(g) Press releases.

(h) Recruitment of personnel.

384.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

384.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

(a) Content that is abusive, discriminatory, inflammatory or sexually explicit.

(b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.

(c) Any information that could compromise an ongoing investigation.

(d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Pacific Police Department or its members.

(e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.

(f) Any content posted for personal use.

(g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

384.5.1 PUBLIC POSTING PROHIBITED

Department social media sites shall be designed and maintained to prevent posting of content by the public.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

The Department may provide a method for members of the public to contact department members directly.

384.6 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.

384.7 RETENTION OF RECORDS

The Administration Sergeant should work with the Custodian of Records 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.

384.8 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Chapter 4 - Patrol Operations

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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 City of Pacific, 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 section 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 Pacific 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 Detective in a timely fashion.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-department cooperation and information flow between the various sections of the Pacific Police Department.

400.2.1 CRIME ANALYSIS UNIT

Criminal information and intelligence reports can be submitted to the Records Section for distribution to all sections within the Department through daily and special bulletins.

400.2.2 CRIME REPORTS

A crime report may be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the Detective for retention or follow-up investigation.

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 sections 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 for display of suspect information, intelligence reports and photographs. New departmental directives will be made available for patrol supervisors and will be discussed at briefings and shift meetings. A copy of the departmental directives 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Lojack Use and Policy

401.1 PURPOSE AND SCOPE

LoJack Police Tracking Computers (PTC's) are part of the LoJack Stolen Vehicle Recovery System. PTC's have been installed in selected department vehicles to locate stolen vehicles and property equipped with a LoJack transponder.

When a PTC receives a LoJack transponder signal, the officer will immediately notify Valleycom to obtain the identifying criteria of the stolen article, and notify their supervisor.

The supervisor will coordinate back up and tracking assistance as necessary. The supervisor also has complete authority to cancel the tracking of the transponder signal for any purpose the supervisor deems appropriate.

If tracking a LoJack transponder signal leads into another jurisdiction, that agency shall be notified to determine if they or another agency is tracking the stolen vehicle, or has already located the vehicle and is conducting surveillance and/or a related investigation.

401.1.1 OPERATION OF THE LOJACK POLICE TRACKING COMPUTER

Once the LoJack Police Tracking Computer is turned on, the LoJack PTC will automatically perform a diagnostic check. This will last three seconds and will momentarily display the last five digits of the serial number for the PTC. The start-up will conclude with the word "READY" and will beep once. The display head with then go blank and the PTC will be in its normal scan mode. NOTE: The five-digit serial number shown at the start-up is NOT a Reply Code for a stolen vehicle.

The PTC remains in this scan mode until the patrol car comes within range (up to 5 miles) of a LoJack equipped and activated stolen vehicle. When that happens, the PTC will beep and will display the following:

(a) The Reply Code,

(b) The Signal Strength Indicator, and

(c) The Relative Bearing Indicator.

The PTC will also emit an audible tone as each pulse is received.

The first thing to do when a LoJack signal is received is to safely stop your patrol car - this is to allow the signal to lock on. Next, immediately call in the Reply Code to Valleycom. This query of the Reply Code will cause the LoJack signal to speed up and will bring up the NCIC "hit". While waiting for the descriptive infomation of the stolen vehicle from Valleycom, take note of the signal strength level. If the Signal Strength and the Relative Bearing indicators are holding steady, the stolen vehicle is not moving.

The officer shall notify their supervisor they are beginning to track a LoJack transponder signal.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Valleycom will follow their procedures for the incident. (Due to the long distance a LoJack signal travels, there is a strong likelihood the signal is originating in a neighboring jurisdiction, or a neighboring jurisdiction is also receiving the same signal we are tracking).

401.1.2 REPLY CODE

The five-digit Reply Code is the LoJack individual identifier for the stolen vehicle and is linked to the vehicle identification number (VIN). Querying the Reply Code on WACIC is how the dispatcher will bring up the NCIC "hit". Reply Codes can be any combination of letters and numbers.

All numbers are used and they are underlined as viewed on the PTC in the police vehicle:

0, 1, 2, 3, 4, 5, 6, 7, 8, 9,

The letters of B, I, O, and Z are never used, as they can be confused with the numbers 8, 1, 0, and 2. Letters are NOT underlined.

Examples of Reply Codes: E 8 5 S 2 and Q 0 6 G 7 .

To query the LoJack Reply Code, type the word LOJACK on the command line in CAD. This will bring up a mask where the reply code can be entered.

ORI: (OPTIONAL)

MUST FILL IN AND ONLY ONE:

REPLY SRN: -or- CHECK SRN:

SRN CODES SHOULD BE SUPPLIED BY LOJACK CORP.

. . . LOJACK REPLY/CHECK SCREEN

Put the 5-digit Reply Code on the REPLY SRN: field and enter

NOTE: Do not put the Reply Code behind the CHECK SRN: field, as this only for situations when the LoJack law enforcement liaison will contact Valleycom with a request to query the Reply Code. Using the CHECK SRN: field will turn on the LoJack transponder if the stolen vehicle has been brought to Washington from another state, but it will not speed up the LoJack homing signal, which is what the patrol officers need to assist them in tracking the stolen vehicle.

This query will verify the vehicle is entered as stolen in NCIC and will bring up the "hit", which has all of the particulars needed to identify the stolen vehicle. This query will also cause the LoJack silent homing signal in the stolen vehicle to increase from one pulse every 15 seconds to one pulse per second. This signal speed-up will continue for 30 minutes and then revert back to one pulse every 15 seconds. To speed up the signal again, if needed, query the Reply Code again in the same manner.

401.1.3 LOJACK TRAINING UNIT

A "Reply Code" that begins with three zeros (e.g., 0 0 0 V 6) is a training unit. The training units are commonly referred to as a "rabbit". Several rabbits are in use in Washington State.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

401.1.4 SIGNAL STRENGTH INDICATOR

The Signal Strength Indicator displays the relative distance of the stolen vehicle to the PTC. The scale is marked on a scale of 24 bars and moves left to right as the officer nears the stolen vehicle. This is the most reliable signal to rely on for tracking. There is also an audible tone that increases in pitch as the officer nears the stolen vehicle. The volume can be turned up or down using the buttons on the display head.

401.1.5 RELATIVE BEARING INDICATOR

The Relative Bearing Indicator is an arrow that points in the general direction of the source of the LoJack homing signal. This arrow is oriented on the 12 o'clock position being straight ahead of the patrol car, 3 o'clock to the right, 6 o'clock to the rear, and 9 o'clock to the left.

401.1.6 TRACKING TIPS

A certain amount of signal "bounce" is normal with the Relative Bearing Indicator. (This means that the arrow with jump around). This is due to the speed of the police vehicle or the signal being reflected from buildings, power lines, and geography. To reduce this signal bounce, stop the patrol car to let the signal lock on again, then resume tracking at a slow pace. Take note of any structures that are close to the police car that could deflect the signal. If in an area with a nearby mountain, take particular note of the signal strength. If it is less that half the scale, go to a high ground position, such as a highway overpass, to establish the true direction of the signal.

(a) Begin tracking. "DRIVE SLOW" 25 MPH is recommended, in the direction indicated.

(b) If the officer enters another law enforcement jurisdiction, that jurisdiction shall be contacted to determine if they or another agency is tracking the stolen vehicle or has already located the vehicle and is conducting surveillance and/or related investigation.

(c) Officer safety is paramount! Officers shall notify their supervisor at the beginning of tracking a stolen vehicle. The supervisor will coordinate back-up and tracking assistance. Do not be in a hurry! Utilize the advantage the LoJack system provides. Use backup, develop a plan, and set a perimeter. In this way, officers will have the advantage of surprise, a tactical response plan, and adequate backup to control whatever situation is encountered.

(d) The LoJack signal will penetrate walls of buildings and other vehicles. If an officer determines the signal is coming from a building, trailer, shipping container, etc., the officer with probably need a "consent to search" from a property owner or a search warrant to enter private property.

(e) The LoJack PTC will pick up the signal from any LoJack-equipped stolen vehicle near the officer's location, regardless of the state where it was orignally stolen and activated.

(f) After a LoJack-equipped stolen vehicle is recovered, officers are to promptly enter a locate in NCIC, or clear the vehicle if Pacific is the originating agency, so it can be canceled from NCIC. When a stolen vehicle is released to the owner/victim on-scene, make sure the vehicle has been canceled from NCIC before it is released. This will ensure the car owner is not subjected to a felony car stop situation by other officers who are picking up a LoJack homing signal.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(g) Remember to canvas recovery locations for witnesses. The LoJack recovery may be a "fresh steal", and witnesses can often be located at these drop locations if the time is taken to ask.

401.1.7 NOTIFICATION OF SIGNAL DETECTIONS - NOT RECOVERED

When officers track a signal of an outside agency stolen, but ultimately lose the signal and no property is recovered, send a teletype to the Originating Agency notifying them a LoJack signal from their stolen article was detected in the City of Pacific, but ultimately not located. The teletype should include the date, time, and approximate location the signal was detected.

When officers track a signal of a Pacific PD stolen, but ultimately lose the signal and no property is recovered, Officers will write a supplemental report to the original case file indicating the date, time, and approximate location where the LoJack signal was detected, and that it was ultimately not located.

Notification to the LoJack Law Enforcement Liaison occurs automatically through ACCESS anytime an entry is made regarding a stolen vehicle/article (entries, queries, cancellations). Therefore, no human interaction is necessary to notify the LoJack company.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Bias-Based Policing

402.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Pacific 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).

402.1.1 DEFINITION

Definitions related to this policy include:

Racial- or bias-based profiling - An inappropriate reliance on factors such as race, ethnicity, national origin, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group as a factor in deciding whether to take law enforcement action or to provide service.

402.2 POLICY

The Pacific Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly and without discrimination toward any individual or group.

Race, ethnicity or nationality, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement service or the enforcement of the law.

402.3 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.

402.3.1 OTHER PROHIBITIONS

The Pacific 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):

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(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.

402.4 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.

402.4.1 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.

402.4.2 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).

402.5 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 his/her supervisor in a timely manner.

    1. Supervisors should document these discussions, in the prescribed manner.

(b) Consistent with the MAV policy, supervisors may periodically review MAV recordings, portable audio/video recordings, Mobile Digital Computer (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 that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(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.

402.6 STATE REPORTING

ubject to any fiscal constraints, the Lieutenant should review available data related to traffic stops, including demographic data, existing procedures, practices and training, as well as complaints. The data should be analyzed for any patterns or other possible indicators of racial- or bias-based profiling and included in an annual report for the Washington Association of Sheriffs and Police Chiefs (RCW 43.101.410(3)).

402.7 ADMINISTRATION

The Lieutenant should 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 annual report should not contain any identifying information about any specific complaint, citizen or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report submitted to the Washington Association of Chiefs of Police and discuss the results with those they are assigned to supervise.

402.8 TRAINING

Each member of this department will be required to complete an approved refresher training course every five years, or sooner if deemed necessary, in order to keep current with changing community trends (RCW 43.101.410(c)).

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Patrol Officer Priorities

403.1 PATROL PRIORITIES

1. Be visible. This cannot be accomplished from inside the station. Patrol neighborhoods and businesses, especially after dark.

2. When there are two or more officers on duty, only one officer shall be in the station and then, only when it is necessary. Coordinate with each other so that one or more officer(s) is always on the street.

3. At the beginning of a shift, a short briefing by the officer that you are relieving shall take place at the station, then get on the road. An officer starting a shift shall be on patrol within 15 minutes or less of signing in service. Log in and log out of service from the station only, not while en route to or from the station.

4. No breaks within the first two hours of a 12 hour shift.

403.2 PATROL OFFICER PROTOCOLS

When you step out of your patrol car, sign out, whether it is City Hall, the station, a restaurant, Algona PD, etc. Valley Comm needs to know where you are at all times, as do supervisors and administrators. This is not only for your own safety but your location will assist Valley Comm in critical responses. Your back up officers should know where you are so that they may respond to a situation more expeditiously if necessary, especially involving outside agency responses.

When you have non-dedicated patrol time, BE VISIBLE. When you roadside, do it where you are visible to motorists and citizens.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Crime and Disaster Scene Integrity

406.1 PURPOSE AND SCOPE

The protection and integrity of a crime scene is of the utmost importance for the successful apprehension of criminals and successful prosecution. The integrity of a disaster scene is equally as critical for the protection of life and property and investigation by proper authorities.

406.2 POLICY

It is the policy of the Pacific 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.

406.2.1 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

(a) Ensure no suspects are still in the area.

(b) Broadcast emergency information including all requests for additional assistance.

(c) Provide first aid to injured parties if it can be done safely.

(d) Secure the inner perimeter with crime scene tape.

(e) Protect items of apparent evidentiary value.

(f) Start a chronological log noting critical times and personnel allowed access.

406.3 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. Officersshall 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.

406.3.1 CONSENT

Officers should obtain valid consent to search from authorized individuals where possible, but should also consider obtaining consent and a search warrant in the case of serious crimes or major investigations.

406.4 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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Ride-Along Policy

410.1 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.

410.1.1 ELIGIBILITY

The Pacific 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.

410.1.2 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, Sergeant, or Shift Sergeant.

410.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the 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 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.

410.2.1 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: Cadets, Explorers, RSVP, Chaplains, Reserves, police applicants, and all others with approval of the Sergeant or Lieutenant.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time.

Ride-along requirements for police cadets are covered in Policy Manual § 1048, "Police Cadet Program."

410.2.2 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.

410.3 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 Sergeant is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the form shall be returned to the Sergeant with any comments which may be offered by the officer.

410.4 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.

(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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Hazardous Material Response

412.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees resulting from their exposure. To comply with RCW 70.105, WAC 173-303, and guidelines from the Washington State Department of Ecology, the following is to be the policy of this department.

412.1.1 HAZARDOUS MATERIAL DEFINED

A hazardous material is a substance which by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

412.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill, or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Attempt to identify the type of hazardous substance. (Identification can be determined by placard, driver's manifest or statements from the person transporting).

(b) Notify the Fire Department.

(c) Provide first-aid for injured parties if it can be done safely and without contamination.

(d) Dependent upon the substance and other specific conditions, consider initiating an emergency public notification or evacuation. The decision to initiate public notifications and/or evacuations shall be in accordance with the City of City of Pacific Comprehensive Emergency Management Plan.

412.3 REPORTING EXPOSURE

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee memorandum that shall be forwarded via chain of command to the Commanding Officer. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

412.3.1 SUPERVISOR RESPONSIBILITY

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the Fire Department.

412.4 POLICY

It is the policy of the Pacific Police Department to respond to hazardous material emergencies with due regard for the safety of the public and those members responding to such incidents.

412.5 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 Valleycom, 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(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.

(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 City of Pacific Local Emergency Planning Committee (LEPC) procedures.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Hostage and Barricade Incidents

414.1 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.

414.1.1 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.

414.2 POLICY

It is the policy of the Pacific 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.

414.3 FIRST RESPONDER RESPONSIBILITY

Until the Incident Commander has been designated, the first officer on the scene of an actual or potential hostage/barricade situation shall consider the following:

(a) Attempt to avoid confrontation in favor of controlling and containing the situation until the arrival of trained personnel and/or trained hostage negotiation personnel.

(b) Notification of tactical and hostage negotiation personnel.

(c) Notification of appropriate persons within and outside the agency, such as command officers, dog handlers, or helicopter pilots.

(d) Establishment of inner and outer perimeters.

(e) Evacuation of bystanders and injured persons.

(f) Establishment of central command post and appropriate chain of command.

(g) Request for ambulance, rescue, fire and surveillance equipment.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

414.4 REPORTING

Unless otherwise relieved by a supervisor, the initial officer at the scene is responsible for completion of reports or coordination of reports for the hostage/barricade incident.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Response to Bomb Calls

416.1 PURPOSE AND SCOPE

These guidelines have been prepared to assist officers in their initial response toincidents involving explosives, explosive devices, or explosion/bombing incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety shall always be the primary consideration.

416.2 FOUND EXPLOSIVES/SUSPECT DEVICES

When handling an incident involving a suspected explosive device, the following guidelines should be followed:

(a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging. The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.

(b) A minimum perimeter of 300 feet should be established around the location of the device. An access point should be provided for support personnel.

(c) As much information as is available should be promptly relayed to the Shift Sergeant including:

1. The stated threat.
2. Exact comments.
3. Time of discovery.
4. Exact location of the device.
5. Full description (e.g., size, shape, markings, construction) of the device.

(d) The device should not be touched or moved except by qualified bomb squad personnel.

(e) All equipment within 300 feet of the suspected device capable of producing radio frequency energy should be turned off. This includes two-way radios, cell phones and other personal communication devices.

(f) Consideration should be given to evacuating any buildings near the device.

(g) A search of the area should be conducted for secondary devices or other objects that are either hazardous or foreign to the area and a perimeter should be established around any additional suspicious device found.

Explosive or military ordnance of any type should be handled only by the bomb squad or military ordnance disposal team.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

416.3 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic incidents, a rapid response may help to minimize injury to victims, contamination of the scene by gathering crowds or additional damage by resulting fires or unstable structures. Whether the explosion was the result of an accident or a criminal act, the responding officers should consider the following actions:

- Assess the scope of the incident, including the number of victims and extent of injuries.
- Assist with first aid (Fire Department has primary responsibility).
- Assist with evacuation of victims (Fire Department has primary responsibility).
- Identify and take appropriate action to mitigate scene hazards such as collapsed structures, blood borne pathogens, hazardous materials and secondary explosive devices.
- Request additional resources needed.
- Identify witnesses.
- Preserve evidence.

416.3.1 NOTIFICATIONS

When an explosion has occurred, the following people shall be notified as soon as practicable if their assistance is needed:

- Fire Department
- Bomb Squad
- Additional officers
- Field supervisor
- Lieutenant
- Detectives

416.3.2 CROWD CONTROL

Only authorized personnel with a legitimate need shall be permitted access to the scene. Spectators and other unauthorized individuals shall be excluded to a safe distance as is reasonably practicable given the available resources and personnel.

416.3.3 SCENE OF INCIDENT

As in any other crime scene, steps should immediately be taken to preserve the scene. The scene could extend over a long distance. Evidence may be imbedded in nearby structures or hanging in trees and bushes.

416.4 BOMB THREATS RECEIVED AT POLICE FACILITY

This procedure should be followed should a bomb threat call be received at the police facility.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

416.4.1 BOMB THREATS RECEIVED BY TELEPHONE

The following questions should be asked if a bomb threat is received at the Police Department:

- When is the bomb going to explode?
- Where is the bomb?
- What kind of bomb is it?
- What does it look like?
- Why did you place the bomb?
- Who are you? (to avoid possible termination of the call this should be the last question asked)

Attempt to keep the caller on the line as long as possible and obtain expanded answers to these five basic questions.

During this time, document the following:

- Time of the call.
- Exact words of the person as accurately as possible.
- Estimated age and gender of the caller.
- Speech patterns and/or accents.
- Background noises.

If the incoming call is received at the police facility on a recorded line, steps shall be taken to ensure that the recording is preserved in accordance with current department evidence procedures.

416.4.2 RESPONSIBILITIES

The employee handling the call shall ensure that the Sergeant or Lieutenant is immediately advised and fully informed of the details. The Sergeant or Lieutenant will then direct and assign officers as required for coordinating a general building search or evacuation as he/she deems appropriate.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Emergency Detentions

418.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place an individual under an emergency detention.

418.2 POLICY

It is the policy of the Pacific Police Department to protect the public and individuals through legal and appropriate use of the emergency detention process.

418.3 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; Chapter 302, §67, Laws of 2020):

(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.

418.3.1 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.

418.4 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(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.

418.5 TRANSPORTATION

When taking any individual into emergency detention, the transporting officer should have Valleycom notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual, and whether any special medical care is needed.

Officers may transport individuals in a patrol vehicle and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Shift Sergeant approval is required before transport commences.

418.6 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.

418.7 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.

418.8 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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.

(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.

418.9 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.

418.10 TRAINING

This department will endeavor to provide department-approved training on interaction with persons with behavioral health disorders, emergency detentions and crisis intervention.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Citation Releases

420.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Pacific 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.

420.2 POLICY

The Pacific 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.

420.3 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)).

420.4 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.

420.5 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Arrest or Detention of Foreign Nationals

422.1 PURPOSE AND SCOPE

Article 36 of the Vienna Convention on Consular Relations, sets forth certain rights of foreign nationals from member countries when arrested, detained or imprisoned by law enforcement officials in this country. This section provides direction to officers when considering a physical arrest or detention of a foreign national. All foreign service personnel shall be treated with respect and courtesy, regardless of the level of established immunity. As noted herein, the United States is a party to several bilateral agreements that obligate our authorities to notify the consulate upon the person's detention, regardless of whether the detained person(s) request that his/her consulate be notified. The list of specific countries that the United States is obligated to notify is listed in the U.S. Department of State website.

422.1.1 DEFINITIONS

Foreign National - Anyone who is not a citizen of the United States (U.S.). A person with dual-citizenship, U.S. and foreign, is not a foreign national.

Immunity - Refers to various protections and privileges extended to the employees of foreign governments who are present in the U.S. as official representatives of their home governments. These privileges are embodied in international law and are intended to ensure the efficient and effective performance of their official "missions" (i.e., embassies, consulates, etc.) in foreign countries. Proper respect for the immunity to which an individual is entitled is necessary to ensure that U.S. diplomatic relations are not jeopardized and to maintain reciprocal treatment of U.S. personnel abroad. Although immunity may preclude U.S. courts from exercising jurisdiction, it is not intended to excuse unlawful activity. It is the policy of the U.S. Department of State's Office of Foreign Missions (OFM) that illegal acts by Foreign Service personnel should always be pursued through proper channels. Additionally, the host country's right to protect its citizens supersedes immunity privileges. Peace officers may intervene to the extent necessary to prevent the endangerment of public safety or the commission of a serious crime, regardless of immunity claims.

422.2 ARREST OR DETENTION OF FOREIGN NATIONALS

Officers should take appropriate enforcement action for all violations observed, regardless of claims of diplomatic or consular immunity received from violators. A person shall not, however, be subjected to in-custody arrest when diplomatic or consular immunity is claimed by the individual or suspected by the officer, and the officer has verified or reasonably suspects that the claim of immunity is valid.

422.3 LEVELS OF IMMUNITY

The specific degree of immunity afforded to foreign service personnel within the U.S. is directly related to their function and position in this country.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

422.3.1 DIPLOMATIC AGENTS

Diplomatic agents (e.g., ambassadors and United Nations representatives) are afforded the highest levels of immunity. They are exempt from arrest or detention and are immune from all criminal (and most civil) prosecution by the host state. The family members of diplomatic agents enjoy these same immunities. Currently there are no diplomatic agents permanently assigned to Washington; but they do occasionally visit the state.

422.3.2 CONSULAR OFFICERS

Consular officers are the ranking members of consular posts who perform various formal functions on behalf of their own governments. Typical titles include consul general, consul, and vice consul. These officials are immune from arrest or detention, except pursuant to a felony warrant. They are only immune from criminal and civil prosecution arising from official acts. Official acts immunity must be raised as an affirmative defense in the court jurisdiction, and its validity is determined by the court. Under this defense, the prohibited act itself must have been performed as an official function. It is not sufficient that the consular agent was on-duty or in an official capacity at the time of the violation. The family members of consular officers generally enjoy no immunity, however, any family member who enjoys a higher level of immunity is issued an identification card by Department of State (DOS) enumerating any privileges or immunities on the back of the card. Examples are consular officers and family members from Russia or China.

There are approximately 40 consular officers in Washington, with most located in Seattle and Spokane.

422.3.3 HONORARY CONSULS

Honorary consuls are part-time employees of the country they represent and are either permanent residents of the U.S. or U.S. nationals (unlike career consular officers, who are foreign nationals on temporary assignment to the U.S.). Honorary consuls may be arrested and detained; limited immunity for official acts may be available as a subsequent defense. Family members have no immunity.

422.4 IDENTIFICATION

All diplomatic and consular personnel who are entitled to immunity are registered with the Department of State and are issued distinctive identification cards by the Department of State Protocol Office. These cards are the best means of identifying Foreign Service personnel. They include a photograph, identifying information, and, on the reverse side, a brief description of the bearer's immunity status. Unfortunately, these identification cards are not always promptly issued by the Department of State. In addition to the Department of State identification card, Foreign Service personnel should also have a driver license issued by the Department of State Diplomatic Motor Vehicle Office (DMVO), which in most circumstances replaces the operator's license issued by the state.

422.4.1 VEHICLE REGISTRATION

Vehicles that are owned by foreign missions or Foreign Service personnel and their dependents are registered with the Department of State OFM and display distinctive red, white, and blue

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

license plates. Vehicles assigned to diplomatic or consular officers will generally have license plates labels with the words "Diplomat" or "Consul." Vehicles owned by honorary consuls are not issued OFM license plates; but may have Washington license plates with an "honorary consul" label. Driver's identity or immunity status should not be presumed from the type of license plates displayed on the vehicle. The status of an OFM license plate should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state, if the officer has reason to question the legitimate possession of the license plate.

The State of Washington may also issue honorary consul or official representative of any foreign government who is a citizen or resident of the United States of America, duly licensed and holding an exequatur issued by the department of state of the United States of America special plates of a distinguishing color and numerical series.

422.5 ENFORCEMENT PROCEDURES

The following procedures provide a guideline for handling enforcement of foreign nationals:

422.5.1 CITABLE OFFENSES

An enforcement document shall be issued at the scene for all violations warranting such action, regardless of the violator's immunity status. The issuance of a citation is not considered an arrest or detention under current Department of State guidelines. Whenever the equivalent of a notice to appear is issued to an immunity claimant, the following additional procedures shall be followed by the arresting officer:

(a) Identification documents are to be requested of the claimant.

(b) The title and country represented by the claimant are to be recorded on the back of the officer's copy of the Notice to Appear for later reference. Do not include on the face of the notice to appear.

(c) The identity and immunity status of the individual shall be conclusively established.

(d) Verified diplomatic agents and consular officers, including staff and family members from countries with which the U.S. has special agreements, are not required to sign the Notice to Appear. The word "Refused" shall be entered in the signature box, and the violator shall be released.

(e) Verified consular staff members, excluding those from countries with which the U.S. has special agreements, are generally obligated to sign the Notice to Appear, but a signature shall not be required if their immunity status is uncertain.

(f) All other claimants are subject to the provisions of the policy and procedures outlined in this chapter.

(g) The violator shall be provided with the appropriate copy of the notice to appear.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

422.5.2 IN-CUSTODY ARRESTS

Diplomatic agents and consular officers are immune from arrest or detention (unless they have no identification and the detention is to verify their diplomatic status). Proper identification of immunity claimants is imperative in potential in-custody situations. Claimants who are not entitled to immunity shall be placed in custody in accordance with the provisions outlined in Policy Manual § 422.6.

A subject who is placed under arrest and claims diplomatic or consular immunity shall not be physically restrained before verification of the claim (unless restraint is necessary for the protection of the officer or others.)

A supervisor shall be promptly notified and should respond to the scene when possible.

Field verification of the claimant's identity is to be attempted as follows:

(a) Identification cards issued by the Department of State, Protocol Office, are the only valid evidence of diplomatic or consular immunity. The following types of identification cards are issued: Diplomatic (blue bordered), Consular (red bordered), and Official (green bordered), The Department of State identification cards are 3-3/4 inch by 1-1/2 inch and contain a photograph of the bearer.

(b) Initiate telephone verification with the Department of State. Newly arrived members of diplomatic or consular missions may not yet have official Department of State identity documents. Verify immunity by telephone with the Department of State any time an individual claims immunity and cannot present satisfactory identification, the officer has reason to doubt the claim of immunity, or there is a possibility of physical arrest. Law enforcement personnel should use the following numbers in order of preference:

Office of Foreign Missions

San Francisco, CA

(415) 744-2910, Ext. 22 or 23

(415) 744-2913 FAX

(0800-1700 PST)

Diplomatic Security Service

915 Second Avenue, Room 3410

Seattle, WA 98174

(206) 220-7721(206) 220-7723 FAX

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Office of Foreign Missions

Diplomatic Motor Vehicle Office

Washington D.C.

(202) 895-3521 (Driver License Verification) or

(202) 895-3532 (Registration Verification)

(202) 895-3533 FAX

(0815-1700 EST)

Department of State

Diplomatic Security Service

Command Center

Washington D.C.

(202) 647-7277

(202) 647-1512

(Available 24 hours)

(202) 647-0122 FAX

Members of diplomatic or consular missions also may have other forms of identification. These include identification cards issued by Office of Emergency Services, local law enforcement agencies, the foreign embassy, or consulate; driver licenses issued by Department of State; and, Department of State license indicia on the vehicle. All these items are only an indication that the bearer may have some form of immunity.

Subjects verified through the above procedures as being officials entitled to immunity (diplomatic agent, consular officers and consular staff and family members from countries with which the U.S. has special agreements) may not be arrested. The procedures below shall be followed. These procedures should also be used in the event immunity cannot be verified, but another form of identification indicates that immunity is probable.

If the release of the violator will not create an additional hazard, adequate information to properly identify the violator shall be obtained then the official shall be released. A supervisor's approval for the release shall be obtained whenever possible. The necessary release documents and/or a Certificate of Release form should only be issued under the proper conditions.

If the violator appears to have been driving while under the influence, field sobriety tests, including Preliminary Alcohol Screening (PAS) device tests and chemical tests should be offered and obtained whenever possible, however, these tests cannot be compelled. The subject shall not be permitted to drive. A supervisor's approval for release shall be obtained whenever possible and alternative transportation should be arranged.

All facts of the incident shall be documented in accordance with this policy in a Driving Under the Influence (DUI) Arrest-Investigation Report, Arrest-Investigation Report and/or any other relevant Report form. Notwithstanding the field release of the subject, prosecution is still appropriate and should be pursued by the command concerned. The Department of State will take appropriate sanctions against errant foreign service personnel, even where prosecution is not undertaken by the agency.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

422.6 TRAFFIC COLLISIONS

Persons involved in traffic collisions who possess a Department of State OFM Diplomatic Driver License, issued by the DMVO, shall have the collision report coded as required. If subsequent prosecution of the claimant is anticipated, the claimant's title, country, and type of identification presented should be recorded for future reference. Issuance of a citation to, or arrest of, an immunity claimant at the accident scene should be handled in accordance with the procedures specified in Policy Manual § 422.5 of this chapter.

422.6.1 VEHICLES

Vehicles, which are owned by subjects with full immunity, may not be searched, stored, or impounded without the owner's permission. (Such permission may be assumed if the vehicle has been stolen.) These vehicles may, however, be towed the necessary distance to remove them from obstructing traffic or creating any other hazard.

422.6.2 REPORTS

A photocopy of each traffic collision report involving an identified diplomat and/or immunity claimant shall be forwarded to the office of the Chief of Police within 48 hours whether or not the claim is verified. The words "Immunity Claim" shall be marked on the photocopy, together with a notation of the claimant's title, country, and type of identification presented (if applicable). In addition to the report, a follow-up cover memorandum should be submitted if the violation was flagrant, if the claimant was uncooperative, or if there were any other unusual aspects of the enforcement contact that should be reported to the Department of State for further action. The Shift Sergeant/Supervisor apprised of the incident/accident shall also send a copy of all documents and reports submitted by the investigating officer along with any supervisor's notes, materials and/or logs to the Chief of Police's office within 48 hours of the incident. The Chief of Police's office will check to ensure that notification of Department of State and all necessary follow-up occur.

422.7 FOREIGN NATIONALS WHO DO NOT CLAIM IMMUNITY

These policies and procedures apply to foreign nationals who do not claim diplomatic or consular immunity.

Officers shall arrest foreign nationals only under the following circumstances:

(a) There is a valid warrant issued for the person's arrest.

(b) There is probable cause to believe that the foreign national has violated a federal criminal law, a state law, or a local ordinance.

(c) Officers shall not arrest foreign nationals solely for alleged undocumented entry into the U.S. unless the undocumented entry is committed in the officer's presence.

After a lawful detention or criminal arrest, officers may detain foreign nationals solely for alleged undocumented presence in the U.S. if the U.S. Immigration and Customs Enforcement (ICE) is contacted and can respond to take custody within a reasonable time. Officers shall not arrest foreign nationals for undocumented presence. Federal courts have consistently held that

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

undocumented presence is not a crime but a federal civil violation only enforceable by federal officers.

- Officers shall not stop or detain persons solely for determining immigration status.
- International treaty obligations provide for notification of foreign governments when foreign nationals are arrested or otherwise detained in the U.S.
- Whenever an officer arrests and incarcerates a foreign national or detains a foreign national for investigation for over two hours, the officer shall promptly advise the individual that he/she is entitled to have his/her government notified of the arrest or detention. If the individual wants his/her government notified, the officer shall begin the notification process.

422.7.1 ARREST PROCEDURE

Whenever an officer physically arrests or detains an individual for criminal investigation and the officer reasonably believes the person to be a foreign national, the officer shall inquire to determine the person's citizenship.

This procedure applies to detentions of more than two hours. An inquiry is not required if the individual is detained less than two hours for criminal investigation.

If the individual indicates that he/she is other than a U.S. citizen, the officer shall advise the individual that he/she has a right to have the nearest appropriate embassy or consulate notified of the arrest/detention (Vienna Convention on Consular Relations, Art. 36, (1969)). If the individual requests such notification, the officer shall contact Valleycom as soon as practical and request the appropriate embassy/consulate be notified. Officers shall provide Valleycom with the following information concerning the individual:

- Country of citizenship.
- Full name of individual, including paternal and maternal surname if used.
- Date of birth or age.
- Current residence.
- Time, date, place, location of incarceration/detention, and the 24-hour telephone number of the place of detention if different from the Department itself.

If the individual claims citizenship of one of the countries for which notification of the consulate/embassy is mandatory, officers shall provide Valleycom with the information above as soon as practicable, regardless of whether the individual desires that the embassy/consulate be notified. This procedure is critical because of treaty obligations with the particular countries. The list of countries and jurisdictions that require notification can be found on the U.S. Department of State website.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

422.7.2 DOCUMENTATION

Officers shall document on the face page and in the narrative of the appropriate Arrest-Investigation Report the date and time Valleycom was notified of the foreign national's arrest/detention and his/her claimed nationality.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Rapid Response and Deployment

424.1 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.

424.2 POLICY

The policy of this department in dealing with the crisis situation shall be:

(a) To obtain and maintain complete operative control of the incident.

(b) To explore every reasonably available source of intelligence regarding the circumstances, location, and suspect(s) in the incident.

(c) To attempt, by every means available, to attain any tactical advantage over the responsible individual(s).

(d) To attempt, whenever feasible, a negotiated surrender of the suspect(s) and release of the hostages through the expertise of the members of this department and others.

(e) When an emergency situation exists, neutralize the threat as rapidly as reasonably possible to minimize injury and loss of life.

Nothing in this policy shall preclude the use of necessary force, deadly or otherwise, by members of this department in protecting themselves or others from death or serious injury.

424.3 PROCEDURE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to immediately eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

When deciding on a course of action officers should consider:

(a) Whether sufficient personnel are available on-scene to advance on the suspect. Any advance on a suspect should be made using teams of two or more officers whenever reasonably possible.

(b) Whether individuals who are under imminent threat can be moved out of danger with reasonable safety.

(c) Whether the officers have the ability to effectively communicate with others in the field.

(d) Whether planned tactics can be effectively deployed.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(e) The availability of rifles, shotguns, shields, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

(f) In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

(g) If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, the officer should take immediate action, if reasonably possible, to stop the threat presented by the suspect while calling for additional assistance.

424.4 SCHOOL NOTIFICATION

The Patrol Sergeant 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).

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Immigration Violations

427.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Pacific Police Department relating to immigration laws and interacting with federal immigration officials (RCW 43.10.315).

427.2 POLICY

It is the policy of the Pacific 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.

427.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically 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 without regard to race, ethnicity, or national origin in any way that would violate the United States or Washington constitutions.

427.3.1 BASIS FOR CONTACT

Unless immigration status is relevant to another criminal offense or investigation (e.g., harboring, smuggling, terrorism), the fact that an individual is suspected of being an undocumented alien shall not be the sole basis for contact, detention or arrest.

427.3.2 SWEEPS

The Pacific Police Department does not independently conduct sweeps or other concentrated efforts to detain suspected undocumented aliens.

When enforcement efforts are increased in a particular area, equal consideration should be given to all suspected violations and not just those affecting a particular race, ethnicity, age, gender, sexual orientation, religion, socioeconomic status or other group.

The disposition of each contact (e.g., warning, citation, arrest), while discretionary in each case, should not be affected by such factors as race, ethnicity, age, gender, sexual orientation, religion or socioeconomic status.

427.3.3 IDENTIFICATION

Whenever any individual is reasonably suspected of a criminal violation (infraction, misdemeanor, or felony), the investigating officer should take reasonable steps to determine the person's identity through valid identification or other reliable sources.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

If an individual would have otherwise been released for an infraction or misdemeanor on a citation, the person should be taken to the station and given a reasonable opportunity to verify his/her true identity (e.g., telephone calls, Live Scan). If the person's identity is thereafter reasonably established, the original citation release should be completed without consideration of immigration status. If the individual is a suspected undocumented alien, I.C.E. should be notified.

427.3.4 ARREST
If the officer intends to take enforcement action and the individual is unable to reasonably establish his/her true identity, the officer may take the person into custody on the suspected criminal violation (RCW 10.31.100).

427.3.5 BOOKING
If the officer is unable to reasonably establish an arrestee's identity, the individual may be booked into jail for the suspected criminal violation and held for bail.

Any person detained for an infraction pursuant to the authority of RCW 46.61.021, may be detained for a reasonable period for the purpose of determining the person's true identity.

427.4 FEDERAL REQUESTS FOR ASSISTANCE

Requests by federal immigration officials for assistance from this department should be directed to a supervisor. The Department may provide available support services, such as traffic control or peacekeeping efforts.

427.5 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 Detective Section supervisor assigned to oversee the handling of any related case. The Detective 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(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.

427.5.1 TIME FRAME FOR COMPLETION

The Detective Section supervisor should 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).

427.5.2 U VISA AND T VISA DOCUMENTATION AND REPORTING

The Detective 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.

The Detective 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).

427.6 WASHINGTON STATE IMMIGRATION RESTRICTIONS

Members shall not (RCW 10.93.160):

(a) Inquire into or collect information about an individual's immigration or citizenship status, or place of birth unless there is a connection between such information and an investigation into a violation of state or local criminal law.

(b) Provide information pursuant to notification requests from federal immigration authorities for the purposes of civil immigration enforcement, except as required by law.

(c) Provide nonpublicly available personal information about an individual to federal immigration authorities in a noncriminal matter, except as required by state or federal law.

(d) Give federal immigration authorities access to interview individuals about a noncriminal matter while they are in custody, except as required by state or federal law, a court order, or written consent of the individual.

(e) Allow a federal immigration authority to conduct an interview regarding federal immigration violations with a person who is in custody if the person has not consented in writing to be interviewed. In order to obtain consent, the person shall be provided with an oral explanation and a written consent form that explains the purpose of

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

the interview, that the interview is voluntary, and that the person may decline to be interviewed or may choose to be interviewed only with the person's attorney present.

(f) Detain individuals solely for the purpose of determining their immigration status.

(g) Take a person into custody or hold a person in custody:

1. Solely for the purposes of determining immigration status
2. Based solely on a civil immigration warrant issued by a federal immigration authority
3. On an immigration hold request

427.6.1 SCHOOL RESOURCE OFFICERS

Members who are school resource officers shall not (RCW 10.93.160):

(a) Inquire or collect information about an individual's immigration or citizenship status, or place of birth.

(b) Provide information pursuant to notification requests from federal immigration officials for the purposes of civil immigration enforcement, except as required by law.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Emergency Utility Service

429.1 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.

429.1.1 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 Valleycom.

429.1.2 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.

429.1.3 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.

429.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by Valleycom.

429.2 TRAFFIC SIGNAL MAINTENANCE

The City of City of Pacific 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.

429.2.1 OFFICER'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the officer will advise the Valleycom of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Aircraft Accidents

432.1 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.

432.1.1 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.

432.2 RESPONSIBILITIES

In the event of an aircraft crash the employee responsibilities are as follows:

432.2.1 OFFICER RESPONSIBILITY

Officers should treat an aircraft crash site as a crime scene until it is determined that such is not the case. If a military aircraft is involved, additional dangers, such as live ordnance or hazardous materials, may be present. The scene may require additional security due to the potential presence of confidential equipment or information.

The duties of the field officer at the scene of an aircraft accident include the following:

(a) Determine the nature and extent of the accident.

(b) Request W.S.P. and additional personnel and other resources to respond as needed.

(c) Provide assistance for the injured parties until the arrival of Fire Department personnel and/or other emergency personnel.

(d) Cordon off and contain the area to exclude unauthorized individuals as soon as practicable.

(e) Provide crowd control and other assistance until directed otherwise by a supervisor.

(f) Turn the investigation over to W.S.P. The Washington State Patrol is the investigating authority.

Entering an aircraft or tampering with parts or debris is only permissible for the purpose of removing injured or trapped occupants, protecting the wreckage from further damage or protecting the public from danger. If possible, the investigating authority should first be consulted before entering or moving any aircraft or any crash debris. Photographs or sketches of the original positions should be made whenever feasible.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

The Fire Department will be responsible for control of the accident scene until the injured parties are cared for and the accident scene has been rendered safe for containment. Thereafter, police personnel will be responsible for preserving the scene until relieved by the investigating authority.

Once the scene is relinquished to the investigating authority, personnel from this agency may assist in containment of the scene until the investigation is completed or assistance is no longer needed.

An airport service worker or the airport manager may respond to the scene to assist the on-scene commander with technical expertise, should it be needed during the operation.

432.2.2 NATIONAL TRANSPORTATION SAFETY BOARD

The National Transportation Safety Board (NTSB) has the primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft incident, the appropriate branch of the military will be involved in the investigation. The NTSB is concerned with several aspects of a crash as described in this section.

Every effort should be made to preserve the scene to the extent possible in the condition in which it was found until such time as NTSB or other authorized personnel arrive to take charge of the scene.

Military personnel will respond to take charge of any military aircraft involved, whether or not injuries or deaths have occurred.

If the accident did not result in a death or injury and the NTSB elects not to respond, the pilot or owner may assume control of the aircraft.

Removal of the wreckage shall be done under the guidance of the NTSB or military authorities or, if the NTSB is not responding for an on-site investigation, at the discretion of the pilot or the owner.

432.2.3 VALLEYCOM RESPONSIBILITIES

Dispatchers are responsible to make notifications as directed once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. Generally, the dispatcher will need to notify the following agencies or individuals when an aircraft accident has occurred.

(a) Fire Department.

(b) The affected airport tower.

(c) Closest military base if a military aircraft is involved.

(d) Ambulances or other assistance as required.

(e) Washington State Patrol.

When an aircraft accident is reported to the Police Department by the airport tower personnel the dispatcher receiving such information should verify that the tower personnel will contact the Federal Aviation Administration (FAA) Flight Standards District Office and the National

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Transportation Safety Board (NTSB). In the event that airport personnel are not involved, the dispatcher should notify the FAA and the NTSB.

432.2.4 PUBLIC INFORMATION OFFICER RESPONSIBILITIES

The Department Public Information Officer is responsible for the following:

(a) Obtain information for a press release from the on-scene commander or his/her designee.

(b) When practical, the Department Public Information Officer should coordinate with the FAA Press Information Officer to prepare a press release for distribution to the media.

Information released to the press regarding any aircraft accident should be handled by the Department Public Information Officer or in accordance with existing policy.

432.3 DOCUMENTATION

Any aircraft accident (crash) within the City, regardless of whether injuries or deaths occur, shall be documented.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Field Training Officer Program

434.1 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 Pacific 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.

434.2 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.

434.2.1 SELECTION PROCESS

FTO's will be selected based on the following requirements:

(a) Desire to be an FTO.

(b) Minimum of 3 years of patrol experience, two of which shall be with this department.

(c) Demonstrated ability as a positive role model.

(d) Participate and pass an internal oral interview selection process.

(e) Evaluation by supervisors.

(f) Holds a valid Peace Officer Certificate with CJTC.

434.2.2 TRAINING

An officer selected as a Field Training Officer shall successfully complete a CJTC Certified (40-hour) Field Training Officer's Course prior to being assigned as an FTO.

All FTO's must complete a 24-hour Field Training Officer update course every three years while assigned to the position of FTO.

434.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The Field Training Officer Program supervisor will be the Lieutenant.

The responsibilities of the FTO Program Supervisor include the following:

(a) Assignment of trainees to FTOs.

(b) Conduct FTO meetings.

(c) Maintain and ensure FTO/Trainee performance evaluations are completed.

(d) Maintain, update and issue the Field Training Manual to each trainee.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(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.

434.4 TRAINEE DEFINED

Any entry level or lateral police officer newly appointed to the Pacific Police Department who has successfully completed a CJTC approved Basic Academy.

434.5 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.

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.

434.5.1 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 Pacific 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 Pacific Police Department.

434.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

434.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

(a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO program supervisor on a daily basis.

(b) Review the Daily Trainee Performance Evaluations with the trainee each day.

(c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(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.

434.6.2 IMMEDIATE SUPERVISOR
The immediate supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Lieutenant.

434.6.3 FIELD TRAINING ADMINISTRATOR
The Lieutenant will review and approve the Daily Trainee Performance Evaluations submitted by the FTO through his/her immediate supervisor.

434.6.4 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.

434.7 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Obtaining Air Support

436.1 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.

436.2 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.

436.2.1 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.

436.2.2 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Contacts and Temporary Detentions

438.1 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.

438.1.1 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.

438.2 POLICY

The Pacific 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.

438.3 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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 Pacific Police Department to strengthen community involvement, community awareness, and problem identification.

438.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

(a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act.

(b) Actions suggesting that he/she is engaged in a criminal activity.

(c) Presence in an area at an inappropriate hour of the day or night.

(d) Presence in a particular area is suspicious.

(e) Carrying of suspicious objects or items.

(f) Excessive clothes for the climate or clothes bulging in a manner that suggests he/she is carrying a dangerous weapon.

(g) Location in proximate time and place to an alleged crime.

(h) Physical description or clothing worn that matches a suspect in a recent crime.

(i) Prior criminal record or involvement in criminal activity as known by the officer.

438.4 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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.

438.5 FIELD PHOTOGRAPHS

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.

438.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent.

438.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based on reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal 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.

438.5.3 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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

438.5.4 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.

438.6 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.
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/deputies] should attempt to identify the witness prior to his/her departure.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Criminal Organizations

440.1 PURPOSE AND SCOPE

It is the policy of this department to establish a procedure for identifying criminal street gangs, participants of criminal street gangs, and patterns of criminal activity.

The intent of this policy is to provide for the collection and management of criminal street gang information so as to enhance officer safety and the criminal prosecution of criminal street gang participants. This policy is not intended or designed to establish a formal gang intelligence database.

440.2 DEFINITIONS

Criminal Street Gang - Any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of criminal acts and which has a common name or common identifying sign or symbol, and whose members individually or collectively engage or who have engaged in a pattern of criminal street gang activity.

Gang Related Crime - Any crime, which is committed for the benefit of, at the direction of, or in association with, a criminal street gang with the intent to promote, further or assist any criminal street gang.

440.3 IDENTIFICATION OF CRIMINAL STREET GANGS / PARTICIPANTS

Officers shall be authorized to collect information on individuals who are suspected of participating in a criminal street gang and groups that are suspected of being criminal street gangs.

(a) A group of three or more individuals shall be designated a criminal street gang when:

1. They have a common name or common identifying sign or symbol.
2. There is evidence, substantiated by crime and informational reports, that a primary activity of the group is the commission of one or more criminal acts.
3. One or more members individually or collectively have engaged in a pattern of criminal gang activity.
4. A designated representative of the County Prosecutor's Office reviews the available evidence and concurs with a Department finding that the group meets the criteria for being a criminal street gang.

(b) An individual shall be designated as a participant in a criminal street gang and included in a gang file, when one or more of the following elements have been verified by a Department member and a reasonable basis for believing such affiliation has been established and approved by a supervisor:

1. An individual admits membership in a criminal street gang.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

2. A reliable informant or known gang member identifies an individual as a participant in a criminal street gang.
3. An informant of previously untested reliability identifies an individual as a participant in a criminal street gang when that identification is corroborated by independent information.
4. An individual resides in or frequents a particular criminal street gang's area, and affects their style of dress, color of dress, use of jewelry, tattoos, monikers, or any other identifiable mannerism associated to that particular criminal street gang, and where the officer documents reasonable suspicion that the individual is involved in criminal gang activity or enterprise.
5. A person has been arrested in the company of identified criminal street gang members for offenses that are consistent with criminal street gang activity or criminal street gang related crimes.
6. An individual is identified as a gang member in a criminal street gang document or the individual is depicted in a criminal street gang member's photograph(s) in such a manner as to clearly indicate membership in a criminal street gang.
7. An individual otherwise meets the criteria of a criminal street gang participant under the guidelines of a department approved gang intelligence database and/or 28 CFR 23.20.

(c) An individual may be designated as a gang affiliate only when the individual is known to affiliate with active criminal gang members and an officer has established that there is reasonable suspicion that the individual is involved in criminal activity. An officer's belief must be premised upon reasoning and logic coupled with sound judgment based upon law enforcement experience, rather than a mere hunch or whim.

440.4 CRIMINAL STREET GANG TEMPORARY FILE

The Detective may maintain a temporary file of reports and FIs that is separate from any criminal gang intelligence database when an individual or group has been identified as a suspected criminal street gang participant or a suspected criminal street gang but does not meet the criteria necessary for entry into a criminal gang intelligence database.

Inclusion in a temporary file may be done only if there is a reasonable likelihood that, within one year of the contact, the individual or group will meet the criteria for entry into a department approved criminal gang intelligence database. Reports and FIs will only be included in a temporary gang file with the written authorization of the Detective. A temporary file of criminal street gang participants or criminal street gangs shall include:

(a) Names, aliases, monikers, addresses, and other relevant identifying information.

(b) Gang name.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(c) Justification used to identify an individual as a criminal street gang participant.

(d) Vehicle(s) known to be used.

(e) Cross references to other identified gangs or gang members.

440.4.1 REVIEW AND PURGING OF GANG PARTICIPANT FILE

The file shall be reviewed annually by the Detective. Each individual file having no entry indicating law enforcement contact in the preceding five year period shall be purged from the file and disposed of in accordance with the Department purge criteria in compliance with the current Records Management Guidelines and General Records Retention Schedules.

The Local Government General Records Retention Schedule (LGGRRS) is the controlling schedule for records retention and management (Records Management Guidelines and General Records Retention Schedules) (RCW Chapter 40.14).

Exception: In the event there is a legitimate law enforcement reason to retain the information in the file, an explanation for doing so shall be entered in the file by the unit supervisor. Files that are retained beyond the five-year period shall be reviewed every six months to determine if they should be purged. The five year purge date may also be adjusted if the subject of the file is incarcerated. The length of such incarceration will adjust forward the date of file purge.

440.4.2 GANG INTELLIGENCE DATABASES

While this policy does not establish a gang intelligence database, the Chief of Police may approve one or more gang intelligence databases for use by members of the Department. Any such database should be compliant with 28 CFR § 23.20 regulating criminal intelligence systems. Employees must obtain the requisite training before accessing any such database.

It is the Detective's responsibility to determine whether a report or FI contains information that would substantiate an entry into a department approved intelligence database. The Detective should forward any such reports or FIs to the Records Section after appropriate database entries are made. The Detective should clearly mark the report/FI as Gang Intelligence Information.

It is the responsibility of the Records Specialist to retain reports and FIs in compliance with the procedures of the department approved gang/intelligence file and 28 CFR § 23.20. The Records Specialist may not purge these reports or FIs without the approval of the Detective.

Validation and purging of gang intelligence databases is the responsibility of the Detective.

440.5 FIELD CONTACTS

Officers who contact individuals who are, or may be participants in criminal street gang activity should complete a FI card and document the reasonable suspicion underlying the contact and the exact circumstances leading to the suspicion that the individual is a criminal street gang participant (e.g., subject states he/she is a member of XYZ gang; XYZ tattoo on right hand near thumb; wearing ball cap with gang name printed in blue or red ink).

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Photographing known or suspected criminal street gang participants shall be done in accordance with the provisions of Policy Manual § 440 (Photographing of Field Detainees).

440.6 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.

440.7 REPORTING CRITERIA AND ROUTING

Incidents that appear to be criminal street gang related shall be documented on a report form and shall at minimum include the following:

(a) A description of any document, statements, actions, dress or other information that would tend to support the officer's belief that the incident may be related to the activities of a criminal street gang.

(b) Whether any photographs were taken and a brief description of what they depict.

(c) What physical evidence, if any, was observed, collected or booked.

(d) A specific request to that a copy of the report be routed to the Detective.

Any photographs taken or evidence collected shall be booked in accordance with current evidence booking procedures.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Mobile Audio Video

443.1 PURPOSE AND SCOPE

The Pacific Police Department has equipped each marked patrol car with a Mobile Audio and Video (MAV) recording system. The MAV system is intended to assist and compliment uniformed officers in the performance of their duties by providing an unbiased visual and audio record of certain activities and to supplement the reporting process.

443.2 OFFICER RESPONSIBILITIES

Officers shall test the MAV system by recording his/her name, serial number and the current date and time at the start and again at the end of each shift. If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

443.3 ACTIVATION OF THE MAV

The MAV system is designed to turn on whenever the emergency lights are activated. Once activated the MAV system will remain on until turned off manually. The audio system must be activated manually by each officer and is independent of the video, however, whenever the MAV system is activated to record an event the audio system shall also be activated and remain activated so that audio is always being recorded simultaneously with the video system. Officers shall not intentionally turn off the audio portion of the MAV system at any time during the recording of an event.

Whenever reasonably practicable officers shall inform any person being recorded that an audio recording is being made and shall ensure that such advisement informing the person is also recorded (RWC 9.73.090(1)(c)).

443.3.1 REQUIRED ACTIVATION OF MAV

This policy is not intended to describe every possible situation where the system may be used however here are many situations where the use of the MAV system is appropriate. In addition to the required situations, officers may activate the system any time he/she believes its use would be appropriate or of value to document an event.

In some circumstances it is not possible to capture images of the event due to conditions or location of the camera however the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV. The activation of the MAV system is required in any of the following situations:

(a) All field contacts involving actual or potential criminal conduct, within video or audio range, which includes:

1. Vehicular pursuits
2. Suspicious vehicles
3. Arrests

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

4. Pedestrian checks
5. DUI investigations including field sobriety tests
6. Consensual encounters
7. Responding to an in-progress call

(b) All self-initiated activity in which an officer would normally notify Valleycom.

(c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect, such as:

1. Domestic violence calls
2. Disturbance of peace calls
3. Offenses involving violence or weapons

(d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.

(e) Any other circumstances where the officer believes that a recording of an event would be appropriate.

Once the MAV system is activated, both the audio and video recording systems shall remain on and shall not be turned off until the event has concluded. For purposes of this section, conclusion of an event has occurred when all arrests have been made, arrestees have been transported, and all witnesses, victims, etc. have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive or other similar situations.

443.3.2 WHEN ACTIVATION NOT REQUIRED

Activation of the MAV system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service, or actively on patrol.

Absent legal cause or lawful order no member of this department may surreptitiously record any other member of this department without the expressed knowledge and consent of all parties.

443.4 REVIEW OF MAV RECORDINGS

Recordings may be reviewed in any of the following situations:

(a) By a supervisor investigating a specific act of officer conduct.

(b) By a department detective after approval of a supervisor who is participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation.

(c) By department personnel who request to review their own recordings.

(d) By court personnel through proper process or with permission of the Chief of Police or his/her designee.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(e) By media personnel with permission of the Chief of Police or his/her designee except that no sound or video recording may be made available to the public until final disposition of any criminal or civil litigation which arises from the event or events which were recorded (RCW 9.73.090(1)(c)).

(f) Recordings may be shown for the purposes of training value. If an involved officer objects to the showing of recording, his/her objection will be submitted to staff to determine if the training value outweighs the officer's objection for not showing the recording.

Employees desiring to view any MAV recording shall submit a request in writing to the Shift Sergeant.

In no event shall any recording be used or shown for the purpose of ridicule or embarrassing any employee.

443.5 DOCUMENTING MAV USE

Any incident that was recorded with either the video or audio system shall be documented in the officer's report. If a citation was issued, a notation shall be placed on the back of the records copy of the citation that the incident was recorded.

Upon receiving a subpoena to appear in court on a contested traffic citation, the subpoenaed officer should request that the evidence custodian provide two copies of the relevant recording to the prosecutor and one copy to the officer for review (Court Rule IRLJ 3.1(b)).

443.6 VIDEO MEDIA STORAGE AND INTEGRITY

Once checked in, all video media will be labeled and placed in a designated secure storage area. All video media that is not booked in as evidence will be retained for as long as any crime may be charged based on the events or communications or conversations recorded or for a minimum of one year, whichever is longer, after which time they will be erased, destroyed, or recycled (RWC 9.73.090(2).

443.6.1 COPIES OF VIDEO RECORDINGS

Original video recording media shall not be used for any purpose other than for initial review by a supervisor. A copy of the original video recording will be made upon proper request for any person authorized in Policy Manual § 446.4.

Original video recording media may only be released in response to a valid court order or upon approval by the Chief of Police or his/her designee subject to limitations in the law. In the event an original recording is released to court, a copy shall be made and placed in storage until the original is returned.

443.6.2 MAV RECORDINGS AS EVIDENCE

Only in exceptional circumstances will original video media be booked into evidence. The exceptions would include a major event such as a homicide or as directed by the Shift Sergeant

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

or a member of staff. If a video media is booked into evidence, it shall be booked in the same manner as other property and referenced in the case report.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Mobile Digital Computer Use

445.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Digital Computer (MDC) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and Valleycom.

445.2 MDC USE

The MDC shall be used for official police communications only. Messages that are of a sexual, racist, or offensive nature, or otherwise critical of any member of the Department are strictly forbidden. MDC use is also subject to the department Technology Use Policy.

Messages may be reviewed by supervisors at anytime without prior notification. Employees generating or transmitting messages not in compliance with this policy are subject to discipline.

All calls dispatched to patrol units should be communicated by voice and MDC unless otherwise authorized by the Shift Sergeant.

445.3 RESTRICTED ACCESS AND USE

MDC use is subject to the Information Technology Use and Protected Information 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 and 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 his/her 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.

445.3.1 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

445.4 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.

445.4.1 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.

445.4.2 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.

445.5 EQUIPMENT CONSIDERATIONS

445.5.1 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 Valleycom. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

445.5.2 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Bicycle Patrol Assignment

448.1 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 Lieutenant.

448.2 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit a request to become a bike officer to the appropriate Supervisor. Interested personnel shall be evaluated by the following criteria:

(a) Recognized competence and ability as evidenced by performance.

(b) Special skills or training as it pertains to the assignment.

(c) Good physical condition

(d) Willingness to perform duties using the bicycle as a mode of transportation.

448.3 TRAINING

Participants in the program must complete an initial department approved bicycle-training course after acceptance into the program. The initial training shall minimally include the following:

- Bicycle patrol strategies
- Bicycle safety and accident prevention
- Operational tactics using bicycles

Bicycle patrol officer will be required to qualify with their duty firearm while wearing bicycle safety equipment including the helmet and riding gloves.

448.4 UNIFORMS AND EQUIPMENT

Bicycle officers shall wear the departmentally approved uniform and safety equipment while operating the police bicycle. Safety equipment includes departmentally approved helmet, riding gloves, protective eyewear, and approved footwear. Softy body armor/vest is mandatory equipment.

The bicycle uniform consists of the standard short sleeve uniform shirt or black Coolmax type shirt with department approved badge and patches; black bicycle patrol pants or shorts with uniform appearance.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Optional equipment includes jacket in colder weather; turtleneck shirts or sweaters are permitted when worn under the uniform shirt; radio head set, and microphone.

Bicycle officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignement.

Officers will be responsible for obtaining necessary forms, citation books, and other needed equipment to keep available while on bike patrol.

448.5 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 therefore are subject to all laws, regulations, and privileges applicable to other vehicles operated upon the highway (RCW 46.04.670).

Bicycles utilized for uniformed bicycle patrol shall be primarily black or white with a police decal affixed to each side of the crossbar or the bike's saddlebag. Every such bicycle shall be equipped with front lights and rear reflectors, 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 saddlebag(s) sufficient to carry all necessary equipment to handle routine patrol calls including report writing, vehicle storage, and citations.

Each bicycle gear bag shall include a first aid kit, tire pump, repair tool, tire tube, security lock, and 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 lamp capable of displaying a red light visible from at least five hundred feet in normal sunlight and a siren capable of giving an audible signal. The siren and lights shall be of a color and type designated by the Washington State Patrol for that purpose (RCW 46.37.190).

Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to 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 prolongs periods of non-use, each officer assigned an electric bicycle battery shall periodically rotate the batteries on the respective charges to increase battery life.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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.

448.6 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Foot Pursuits

451.1 PURPOSE AND SCOPE

Foot pursuits are inherently dangerous and require common sense, sound tactics and heightened officer safety awareness. This policy sets forth guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot by balancing the objective of apprehending the suspect with the risk of potential injury to the officer, the suspect or the public.

451.1.1 POLICY

It is the policy of this department when deciding to initiate or continue a foot pursuit that officers must continuously balance the objective of apprehending the suspect with the risk and potential for injury to department personnel, the suspect or the public.

Officers are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of department personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department personnel.

451.2 DECISION TO PURSUE

Officers may be justified in initiating a foot pursuit of any individual who the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as the sole justification for engaging in an extended foot pursuit without the development of reasonable suspicion of the individual's involvement in criminal activity.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to pursuit based upon the circumstances and resources available, such as the following:

- Containment of the area
- Canine search
- Saturation of the area with patrol personnel
- Aerial support
- Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the pursuit.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

451.3 GUIDELINES FOR FOOT PURSUIT

Unless the officer reasonably believes that exigent circumstances exist (e.g. a serious threat to the safety of personnel or members of the public), officers should consider alternatives to engaging in or continuing a foot pursuit under the following conditions:

(a) When directed by a supervisor to terminate the foot pursuit. Such an order shall be considered mandatory.

(b) When the officer is acting alone.

(c) When two or more officers become separated, lose visual contact with one another, or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.

(d) The officer is unsure of his or her location and direction of travel.

(e) When pursuing multiple suspects and the pursuing officers do not reasonably believe that they would be able to control the suspect should a confrontation occur.

(f) When the physical condition of the officers renders them incapable of controlling the suspect if apprehended.

(g) When the officer loses radio contact with Valleycom or with backup officers.

(h) The suspect enters a building, structure, confined space or a wooded or otherwise isolated area and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the pursuit and coordinating containment pending the arrival of sufficient officers.

(i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.

(j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.

(k) The officer loses possession of his/her firearm or other essential equipment.

(l) The officer or a third party is injured during the pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.

(m) The suspect's location is no longer definitely known.

(n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department personnel or the public if the suspect is not immediately apprehended.

(o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other conditions.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

451.4 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.

(o) The officer's ability to safely continue the foot pursuit is impaired by inclement weather, darkness or other environmental conditions.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

451.4.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should broadcast the following information as soon as it becomes practicable and available:

(a) Unit identifier.

(b) Location and direction of travel.

(c) Reason for the foot pursuit.

(d) Number of suspects and description.

(e) Whether the suspect is known or believed to be armed.

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify Valleycom of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary.

451.4.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

Any officers who is in a position to intercept a fleeing suspect, or who can assist the primary officer with the apprehension of the suspect, shall act reasonably and in accordance with department policy, based upon available information and his/her own observations.

451.4.3 SUPERVISOR RESPONSIBILITY

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information necessary to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need not be physically present to exercise control

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

over the pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public unreasonably appears to outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-pursuit activity.

451.4.4 VALLEYCOM RESPONSIBILITIES

Upon being notified or becoming aware that a foot pursuit is in progress, communication personnel shall, as soon as practical, notify the field supervisor and provide available information. Communication personnel are also responsible for the following:

(a) Clear the radio channel of non-emergency traffic.

(b) Repeat the transmissions of the pursuing officer as needed.

(c) Ensure that a field supervisor is notified of the pursuit.

(d) Relay all pertinent information to responding personnel.

(e) Contact additional resources as directed by a supervisor.

(f) Coordinate response of additional resources to assist with the foot pursuit.

451.5 REPORTING

The initiating officer shall complete the appropriate crime/arrest reports documenting, at minimum, the following:

(a) The reason for initiating the foot pursuit.

(b) The identity of involved personnel.

(c) The course and approximate distance of the pursuit.

(d) Whether a suspect was apprehended as well as the means and methods used.

1. Any use of force shall be reported and documented in compliance with the Department Use of Force Policy.

(e) Any injuries or property damage.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

In any case in which a suspect is not apprehended and there is insufficient information to warrant further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

451.5.1 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.

451.5.2 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.

451.5.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need to be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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.

451.6 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.

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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Homeless Persons

459.1 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 Pacific Police Department recognizes that members of the homeless community are often in need of special protection and services. The Pacific 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 Emergent Detentions Policy).

459.1.1 POLICY

It is the policy of the Pacific 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.

459.2 FIELD CONTACTS

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

459.2.1 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(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).

459.3 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.

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. When practicable, requests by the public for clean-up operations of a homeless encampment should be referred to a supervisor.

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 a supervisor 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 supervisor to address the matter in a timely fashion.

459.4 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.

459.5 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Public Recording of Law Enforcement Activity

460.1 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.

460.2 POLICY

The Pacific 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.

460.3 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.

460.4 OFFICER RESPONSE

Officers should promptly request 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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

460.5 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.

460.6 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Shift Sergeants

461.1 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.

461.2 DESIGNATION AS ACTING SHIFT SERGEANT

When a Sergeant is unavailable for duty as Shift Sergeant, in most instances the senior qualified officershall assume command of the watch or shift. This policy does not preclude designating a less senior senior officer on duty as an acting Shift Sergeant when operational needs require or training permits.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Medical Aid and Response

462.1 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.

462.2 POLICY

It is the policy of the Pacific Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

462.3 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 Valleycom 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 Valleycom with information for relay to EMS personnel in order to enable an appropriate response, including:

(a) The location where EMS is needed.

(b) The nature of the incident.

(c) Any known scene hazards.

(d) Information on the person in need of EMS, such as:

1. Signs and symptoms as observed by the member.
2. Changes in apparent condition.
3. Number of patients, sex and age, if known.
4. Whether the person is conscious, breathing and alert, or is believed to have consumed drugs or alcohol.
5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

462.4 TRANSPORTING ILL AND INJURED PERSONS

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

462.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with an emergent detention in accordance with the Emergent Detentions Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she 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.

462.6 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.

462.7 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

The Patrol Sergeant 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.

462.8 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).

462.8.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in department vehicles 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 will be taken out of service and given to the Training Manager who is responsible for ensuring appropriate maintenance.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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 Valleycom as soon as possible and request response by EMS (RCW 70.54.310).

462.8.2 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).

462.8.3 AED TRAINING AND MAINTENANCE
The Training Manager should ensure appropriate training is provided to members authorized to use an AED.

The Training Manager 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).

462.9 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).

462.9.1 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 Manager.

Any member who administers an opioid overdose medication should contact Valleycom as soon as possible and request response by EMS.

462.9.2 OPIOID OVERDOSE MEDICATION REPORTING
Any member administering opioid overdose medication should detail its use in an appropriate report.

The Training Manager will ensure that the Records Specialist is provided enough information to meet applicable state reporting requirements.

462.9.3 OPIOID OVERDOSE MEDICATION TRAINING
The Training Manager should ensure training is provided to members authorized to administer opioid overdose medication.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

462.10 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

462.11 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.

462.11.1 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 Pacific 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 Valleycom as soon as possible and request response by EMS.

462.11.2 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).

462.11.3 EPINEPHRINE TRAINING

The Training Manager 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).

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

462.12 FIRST AID TRAINING

Subject to available resources, the Training Manager should ensure officers receive periodic first aid training appropriate for their position.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Medical Marijuana

463.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for handling and distinguishing between claims of medical marijuana use under Washington's Medical Use of Cannabis Act and criminal controlled substance violations (RCW 69.51A.005 et seq.).

463.1.1 DEFINITIONS

Definitions related to this policy include (RCW 69.51A.010):

Authorization - Documentation that is signed and dated by a qualifying patient's health care professional, authorizing use of medical marijuana.

Designated provider - A person who:

- Is 21 years of age or older and is the parent or guardian of a qualifying patient who is 17 years of age or younger and holds a recognition card.
- Has been designated in writing by a qualifying patient to serve as the designated provider for that patient.
- Has an authorization from the qualifying patient's health care professional.
- Has been entered into the medical marijuana authorization database as being the designated provider to a qualifying patient and has been provided a recognition card.

An individual can act as a designated provider to no more than one patient at a time and is prohibited from consuming marijuana obtained for the use of the qualifying patient and may only provide marijuana to the patient designated to the provider.

Medical use of marijuana - The manufacture, production, possession, transportation, delivery, ingestion, application or administration of marijuana for the exclusive benefit of a qualifying patient in the treatment of his/her terminal or debilitating medical condition.

Qualifying patient - Any person who meets all of the following criteria:

- Has been diagnosed by his/her health care professional as having a terminal or a debilitating medical condition.
- Is a resident of the state of Washington at the time of such diagnosis.
- Has been advised by his/her health care professional about the risks and benefits of the medical use of marijuana.
- Has been advised by the health care professional that he/she may benefit from the medical use of marijuana or has been entered into the medical marijuana authorization database and has been provided a recognition card.
- Has an authorization from his/her health care professional.
- Is not under supervision for a crime that does not allow for the use of medical marijuana.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Recognition Card - A card issued to qualifying patients and designated providers by a marijuana retailer with a medical marijuana endorsement that has entered them into the medical marijuana authorization database.

463.2 POLICY

It is the policy of the Pacific Police Department to prioritize resources to avoid making arrests related to marijuana that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

Washington medical marijuana laws are intended to provide protection from prosecution for those who use, possess, deliver or produce marijuana to mitigate the symptoms of certain debilitating or terminal medical conditions. However, Washington medical marijuana laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of marijuana.

Officers should exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both the individuals protected under Washington law and the resources of the Department.

463.3 INVESTIGATION

Investigations involving the possession, delivery or production of marijuana generally fall into one of several categories:

(a) No medicinal claim is made.

(b) A medicinal claim is made by a qualifying patient or designated provider who is in possession of amounts within the limits designated by RCW 69.51A.040.

(c) A medicinal claim is made by a qualifying patient or designated provider who is in possession of amounts exceeding the limits designated by RCW 69.51A.040 or who presented no authorization when initially contacted.

463.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM

In any investigation involving the possession, delivery or production of marijuana where there is no claim that the marijuana is for medicinal purposes, the officer should proceed with reasonable enforcement action. A medicinal defense may be raised at any time, so officers should document any statements and observations that may be relevant to whether the marijuana is possessed or produced for medicinal purposes.

463.3.2 MEDICAL CLAIMS BY QUALIFYING PATIENTS OR DESIGNATED PROVIDERS

A qualifying patient or designated provider who was entered into the medical marijuana authorization database and who possesses a valid recognition card should not be arrested or cited if he/she possesses no more than six plants in his/her residence with up to 8 ounces of useable marijuana from these plants and any of the following (RCW 69.51A.040; RCW 69.51A.043):

(a) 48 ounces of marijuana-infused product in solid form

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(b) 3 ounces of useable marijuana

(c) 216 ounces of marijuana-infused product in liquid form

(d) 21 grams of marijuana concentrates

A qualifying patient may be allowed to possess up to 15 plants with up to 16 ounces of useable marijuana in his/her residence for the personal medical use of the patient with appropriate health care professional authorization (RCW 69.51A.210).

Qualifying patients and designated providers may only purchase marijuana at a retail outlet at the same quantities as non-patients (RCW 69.50.360) if they do not have the appropriate authorization (RCW 69.51A.210). Qualifying patients and designated providers may purchase immature plants or clones as defined in RCW 69.50.101 and marijuana seeds from a licensed marijuana producer (RCW 69.51A.310).

If a person is both a qualifying patient and a designated provider for another, he/she may possess no more than double the amounts described above (RCW 69.51A.040(1)).

Officers may take enforcement action against a designated provider even when the above thresholds are not exceeded if there is evidence that the provider has converted the marijuana for his/her personal use or benefit or has provided for more than one patient within a 15-day period (RCW 69.51A.040).

Officers may take enforcement action against a qualifying patient even when the above thresholds are not exceeded if there is evidence that the patient possesses or uses the marijuana for his/her personal, non-medical use or benefit (RCW 69.51A.040).

463.3.3 EXCESS AMOUNTS OR NO AUTHORIZATION

A qualifying patient or designated provider may raise an affirmative defense to charges that the amount of marijuana in his/her possession exceeds the amount legally allowed by RCW 69.51A.040 or that he/she presented no authorization when initially contacted by law enforcement (RCW 69.51A.045).

Officers should conduct a thorough investigation in such cases, but in general, should not arrest a subject for possession, delivery or production of marijuana if an excess amount appears reasonable based upon the above policy considerations. Similarly, if an officer can verify that authorization exists, even though a recognition card was not presented or obtained by a qualified patient or designated provider, an arrest generally should not be made (RCW 69.51A.043).

All facts should be thoroughly documented and if evidence is not seized, it shall be photographed and detailed in the report.

463.3.4 ADDITIONAL CONSIDERATIONS

Prior to making a physical arrest or confiscating cannabis plants, usable cannabis or product, officers should consider the following:

(a) Whenever the initial investigation reveals an amount greater than specified by law, officers should, in anticipation of an affirmative defense, consider and document:

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

1. The medical condition itself.
2. The quality of the marijuana (chemical content).
3. The method of ingestion (e.g., smoking, eating, nebulizer).
4. The timing of the possession in relation to a harvest (patient may be storing marijuana).
5. Whether the marijuana is being cultivated indoors or outdoors, and the climate.

(b) Before proceeding with enforcement related to collective gardens, 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 marijuana authorized under the Washington medical marijuana statute does not support the forfeiture of property as set forth in the Asset Forfeiture Policy (RCW 69.51A.050).

(d) Laws and regulations do provide for the cultivation of industrial hemp. The Washington State Department of Agriculture should be contacted should questions arise regarding possible industrial hemp activity (RCW 15.120.020).

(e) A medical endorsement can be added to a marijuana retail license to allow a retailer to sell marijuana 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 Marijuana Authorization Database and regulates marijuana retail outlets with medical marijuana endorsements. This database may be accessed by authorized law enforcement officials for specific criminal investigations (WAC 246-71-010 et seq.).

463.4 EXCEPTIONS

This policy does not apply to the following offenses; officers may take enforcement action if the person (RCW 69.51A.060):

(a) Engages in the medical use of marijuana in a way that endangers the health or well-being of any person through the use of a motorized vehicle on a street, road, or highway, including violations of RCW 46.61.502 or RCW 46.61.504, or equivalent local ordinances.

(b) Uses or displays medical marijuana in a manner or place open to the view of the public.

(c) Produces fraudulent documentation.

463.5 FEDERAL LAW ENFORCEMENT

Officers may exchange information regarding a marijuana investigation with federal law enforcement authorities when information is requested by federal law enforcement authorities or

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

whenever the officer reasonably believes federal law enforcement authorities would request the information if the authorities were aware of the information.

463.6 EVIDENCE ROOM SUPERVISOR RESPONSIBILITIES

The Evidence Room Supervisor shall ensure that marijuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed.

Upon a determination by the prosecuting attorney that the person from whom marijuana, drug paraphernalia or related property was seized is entitled to possession under the law, the Evidence Room Supervisor should return to that person any usable marijuana, plants, drug paraphernalia or other seized property. That determination is the result of a decision not to prosecute, by the dismissal of charges or an acquittal.

The Evidence Room Supervisor may destroy marijuana that was alleged to be for medical purposes upon receipt of a court order.

The Evidence Room Supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Detective Section Supervisor.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Chapter 5 - Traffic Operations

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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 Pacific Police Department. Information provided by the Electronic Traffic Information Processing (eTRIP) data retrieval system is a valuable resource for traffic accident occurrences and officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are citizen requests, construction zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance. The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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.

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 for driving on a suspended or revoked license, the officer may issue a traffic citation.

If a computer check of a traffic violator's license status reveals a suspended or revoked drivers license and the traffic violator still has his/her license in possession, the license shall be seized by the officer. The officer shall verbally advise the traffic violator of the suspension or revocation and issue the citation.

500.5 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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

by passing traffic, maneuvering or operating vehicles, machinery, and equipment (23 CFR 655.601).

Although intended primarily for use while performing traffic related assignments, high-visibility vests shall 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 shall be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment.

Examples of when high-visibility vests shall be worn include traffic control duties, accident investigations, lane closures, and while at disaster scenes, or anytime high visibility is desirable.

When emergency conditions preclude the immediate donning of the vest, officers shall retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

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 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 Training Manager should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

500.6 HAZARDOUS ROAD CONDITIONS

The Pacific 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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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.

The 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 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 Pacific Police Department whenever they occur within the department's jurisdiction.

The 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 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Traffic Collision Reporting

502.1 PURPOSE AND SCOPE

The Pacific Police Department prepares traffic collision reports and as a public service makes traffic collision reports available to the community with some exceptions.

502.2 TRAFFIC COLLISION REPORTS

The duties of an officer responding to a collision include, but are not limited to:

(a) Attending to any injured persons until the arrival of Fire Department personnel.

(b) Identifying potential or actual fire hazards or other dangerous conditions so that appropriate action may be taken.

(c) Summoning additional assistance.

(d) Protecting the scene, including property that may belong to injured persons.

(e) Establishing a safe traffic flow around the scene.

(f) Identifying and interviewing witnesses.

(g) Investigating the collision and recording evidence.

(h) Taking appropriate enforcement action.

(i) Requesting a tow company remove collision debris and damaged vehicles from the roadway.

(j) Assess whether drivers may exchange information or if a collision report must be completed.

All traffic collision reports taken by members of this Department shall be forwarded to the on-duty supervisor for approval. All collision reports will be completed the day the collision is reported unless a supervisor has approved the report being carried over.

A Sergeant or designee will be responsible for quarterly reports on traffic collision statistics.

502.2.1 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.

502.3 REPORTING SITUATIONS

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

502.3.1 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 employee's supervisor.

Photographs of the collision scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.

502.3.2 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 Pacific Police Department resulting in a serious injury or fatality, the Sergeant may notify the Washington State Patrol for assistance.

The term serious injury is defined as any injury that may result in a fatality.

502.3.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS

The 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.

502.3.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY

Traffic collision reports shall not be taken for traffic collisions occurring on private property, unless there is a death or injury to any person involved, a hit-and-run violation, or RCW violation. An Incident Report may be taken at the discretion of any supervisor.

502.3.5 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.

In all cases where a traffic collision report is required by policy, the current state authorized form will to used to document the collision (RCW 46.52.070).

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Vehicle Towing and Release

510.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Pacific Police Department.

510.2 RESPONSIBILITIES

The responsibilities of those employees storing or impounding a vehicle are as follows.

510.2.1 REMOVAL OF VEHICLE DISABLED IN A TRAFFIC COLLISION

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in Valleycom.

If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to call a towing company selected from the rotational list of towing companies in Valley Comm. The officer will then store the vehicle using the Uniform Washington State Tow/Impound and Inventory Record.

510.2.2 DRIVING A NON-CITY VEHICLE

Vehicles which have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant, or to comply with posted signs.

510.2.3 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the following firm is called on the next request.

510.2.4 RECORDS SECTION RESPONSIBILITIES

Whenever a stolen vehicle is impounded by the Pacific Police Department, Records Section personnel or another staff member will promptly attempt to notify the legal owner of the recovery (RCW 7.69.030(7)).

510.3 STORAGE AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping for the arrestee’s vehicle. The vehicle shall be stored whenever it is mandated by law, needed for the furtherance of an investigation or prosecution of the case, or

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

when the Community Caretaker Doctrine would reasonably suggest it. For example, the vehicle would present a traffic hazard if not removed, or due to a high crime area the vehicle would be in jeopardy of theft or damage if left at the scene.

No impound should occur if other alternatives are available that would ensure the vehicle's protection. Factors that should be considered by officers in determining whether to impound a vehicle pursuant to this policy include:

(a) Whether the offense for which the subject was arrested mandates vehicle impound (e.g., commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, or promoting travel for commercial sexual abuse of a minor (RCW 9A.88.140(2)).

(b) Whether someone is available at the scene of the arrest to whom the vehicle could be released.

(c) Whether the vehicle is impeding the flow of traffic or is a danger to public safety.

(d) Whether the vehicle can be secured.

(e) Whether the detention of the arrestee will likely be of such duration as to require protection of the vehicle.

(f) Whether there is some reasonable connection between the crime/arrest and the vehicle, or the vehicle is related to the commission of another crime (i.e., the vehicle itself has evidentiary value).

(g) Whether the owner/operator requests that the vehicle be stored.

(h) Whether the vehicle would be in jeopardy of theft or damage if left at the scene in a high-crime area.

In cases where a vehicle is not stored, the handling employee shall note in the report that the owner was informed that the Department will not be responsible for theft or damages to the vehicle.

510.4 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. A locked vehicle trunk shall not be opened, even if it may be opened without a key from an accessible area of the passenger compartment. Locked or closed containers located within the passenger compartment should be inventoried as a sealed unit, absent exigent circumstances.

Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the Department against fraudulent claims of lost, stolen, or damaged property.

510.5 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

a driver/owner to retrieve small items of value or personal need (e.g. cash, jewelry, cell phone, prescriptions) which are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, search personnel shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

510.6 VEHICLE SEARCHES

A search warrant should be obtained prior to conducting the search of a vehicle except in very limited circumstances as listed below:

(a) With voluntary consent of the operator or person with authority over the vehicle, as long as another person with apparent equal authority over the vehicle does not expressly object to the search.

(b) Incident to arrest of an occupant of the vehicle when the officer can articulate a reasonable belief that the vehicle contains evidence of the crime of arrest and that such evidence is likely to be concealed or destroyed if a search is not conducted at the time of arrest without first obtaining a search warrant.

(c) To search for weapons when reasonable suspicion exists that a weapon may be present and, at the time the search is conducted, the presence of a weapon could create a danger to officer safety.

(d) When necessary to examine the vehicle identification number or to determine the ownership of the vehicle.

(e) Under exigent circumstances not otherwise listed above.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Vehicle Impound Hearings

512.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound validity hearings.

512.2 IMPOUND HEARING

When a vehicle is impounded by any member of the Pacific 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).

512.2.1 HEARING PROCEDURES

When requested, a hearing will be held at the King County District Court. It is the registered or legal owner's responsibility to contact the court and request a hearing.The employee who caused the removal of the vehicle may need to be present for this hearing.

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(2)(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 Lieutenant. The court will recommend to the Department that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Department.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Impaired Driving

514.1 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).

514.2 CHEMICAL TESTING

Except where otherwise allowed by statute, chemical tests to determine alcohol concentration shall be of the breath only (RCW 46.20.308(3)). Whenever an officer has reasonable grounds to believe the person is under the influence of a drug, a blood test shall be administered by qualified personnel as listed below (RCW 46.20.308(2)).

514.2.1 TESTING OF AN INJURED BUT CONSCIOUS SUSPECT

Whenever a suspect is being treated by medical personnel and is incapable of providing a breath sample due to physical injury, physical incapacity or other physical limitations, a blood test shall be administered by qualified personnel.

Based on probable cause, the officer should place the suspect under arrest in the presence of medical personnel, and advise the attending health care provider of the intention to administer a chemical test to the suspect. Unless the health care provider objects for medical reasons, the blood sample will be collected in the prescribed manner (RCW 46.20.308(2)).

514.2.2 TESTING OF UNCONSCIOUS OR DECEASED SUSPECT

When there is probable cause to believe that an unconscious or deceased driver is under the influence, there is no method of informing the individual of the arrest, nor can there be any verbal consent on the part of the suspect to allow a chemical test to determine his/her blood alcohol level or the presence of drugs in his/her system. This presents an exigent situation, which excuses the requirement of consent. The officer shall advise the attending health care provider of the intention to collect a sample of the suspect's blood as evidence. If the health care provider does not object based on medical reasons, the blood will be collected in the prescribed manner (RCW 46.20.308(4)).

514.2.3 EMERGENCY DOCTRINE

Under the emergency doctrine, the level of influence of an intoxicant can be important evidence. Since it is not of a permanent nature, it will be lost if not seized immediately. Policy Manual § 514.2.2 and 514.2.3 of this chapter come within the guidelines of the emergency doctrine.

514.2.4 COLLECTING BLOOD EVIDENCE

Only a physician, a registered nurse, a licensed practical nurse, a nursing assistant, a physician assistant, a first responder or an emergency medical technician as defined in RCW Chapter 18.73, a health care assistant as defined in RCW Chapter 18.135, any technician trained in withdrawing blood may withdraw a blood sample. Whether such evidence is collected at the Department or

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

the jail, the withdrawal of the blood sample shall be witnessed by the assigned officer (RCW 46.61.506(5)).

514.2.5 FORCED WITHDRAWAL OF BLOOD

Blood may be taken by force only in specific driving under the influence investigations when the suspect, after having been advised of his/her rights and of the Special Evidence Rights warnings as described in the Washington State Patrol (WSP) DUI Packet, refuses to take a chemical test. If the suspect makes a timely and reasonable request to undergo a different and viable form of testing, such request shall be considered. Blood may only be taken by force when the following circumstances have been met:

- The suspect must be under arrest for the crime of vehicular homicide as provided in RCW 46.61.520 or vehicular assault as provided in RCW 46.61.522, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest results from an accident in which there has been serious bodily injury to another person, a breath or blood test may be administered without the consent of the individual so arrested (RCW 46.20.308(3)).
- The officer must have reason to believe the suspect is intoxicated.
- The blood is taken in a medically approved manner.
- Only reasonable force may be used to restrain the arrestee.

A supervisor shall be present when blood is forcibly extracted from a suspect who is uncooperative or has refused a chemical test. The amount of force used to accomplish the collection of this evidence will be controlled by that supervisor who should ensure that only force which reasonably appears necessary to overcome the resistance to the blood being withdrawn will be permitted.

The department's evidence custodian shall retain and transport all blood samples to the state toxicologist for analysis.

When a suspect cannot submit to a blood test because he/she is a hemophiliac or is using an anticoagulant under the direction of a physician, he/she shall not be required to take a blood test.

Nothing in this policy is intended to prevent the withdrawal of blood based on a valid search warrant.

514.2.6 COLLECTING BREATH AS EVIDENCE

If the arrested person chooses a breath test and it can be accomplished without undue delay, the arrested person shall first be transported to the jail for booking preparatory to the collection of breath samples. At the jail, an officer trained in the use of the alcohol breath machine will record the blood alcohol level by obtaining samples of the suspect's breath.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Traffic Citations

516.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

516.2 RESPONSIBILITIES

The Records Section shall be responsible for the supply and accounting of all traffic citations issued to employees of this department.

516.3 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 Sergeant. Upon a review of the circumstances involving the issuance of the traffic citation, the Sergeant may request the Lieutenant 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 Lieutenant for review.

516.4 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.

516.5 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 Lieutenant. The Lieutenant shall prepare a letter of correction to the court having jurisdiction and to the recipient of the citation.

516.6 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Upon separation from employment with this department, all employees issued traffic citations books shall return any unused citations to the Records Section.

516.7 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Disabled Vehicles

520.1 PURPOSE AND SCOPE

This department has adopted the following policy on assisting motorists in disabled vehicles within this jurisdiction.

520.2 OFFICER RESPONSIBILITY

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer to respond for assistance as soon as practical.

520.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of departmental resources, and the vulnerability of the disabled motorist.

520.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Unauthorized 24 Hour Vehicle Violations

524.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and storage of unauthorized vehicles parked in violation of 24 hour time limitations.

524.2 MARKING VEHICLES

Vehicles suspected of being subject to removal from a highway after being left unattended for 24 hours shall be marked and noted on the Pacific Police Department Marked Vehicle Card. 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)).

All Marked Vehicle Cards shall be submitted to the Records Specialist for computer data entry.

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 a Marked Vehicle Card completed and forwarded to the Traffic Bureau.

524.2.1 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)).

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Vehicle Seizure and Forfeiture

526.1 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).

526.2 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.

526.2.1 ADMINISTRATIVE RESPONSIBILITIES

All procedures and administrative responsibilities associated with Policy Manual § 526 and its subsections are handled by the Lieutenant.

526.3 VEHICLE SEIZURE PROCEDURES

When an officer arrests a subject for driving under the influence (RCW 46.61.502) or physical control of a vehicle while under the influence (RCW 46.61.504), the officer may initiate steps to seize the arrestee's vehicle under the following circumstances:

(a) The arrestee has a prior offense within seven years as defined in RCW 46.61.5055,

(b) The arrestee must be provided with an Pacific Police Department form to notify the arrestee, in writing, that it is unlawful to transfer, sell or encumber in any way the subject's interest in the vehicle in which they were driving or had physical control when the violation occurred, and

(c) The vehicle is not a rental (RCW 46.61.5058(1)(b)).

The vehicle should be impounded as provided under the authority of RCW 46.55.113(1).

526.3.1 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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)).

526.4 VEHICLE FORFEITURE

It is the policy of the Pacific 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)).

526.4.1 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 Pacific 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 vehicle shall be considered forfeited under the following circumstances:

1. If, forty-five days after the seizure, no person has notified the Pacific 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.

(c) In any case where it is determined that the vehicle is not subject to forfeit, it shall be immediately returned to the legal owner.

526.5 PROCEDURES FOLLOWING FORFEITURE

Vehicles that have been lawfully seized and through forfeit the ownership is transferred to the Pacific 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 Pacific Police Department:

(a) The Lieutenant or his/her designee shall determine the disposition of all vehicles legally forfeited to the Pacific Police Department. Such disposition shall be determined based on vehicle value, existing security interest, and the needs of the Department.

(b) The value of the vehicle is the sale price, or if retained, the fair market value of the vehicle at the time of the seizure (RCW 46.61.5058(14)).

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(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)).

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Chapter 6 - Investigation Operations

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Investigation and Prosecution

600.1 PURPOSE AND SCOPE

When assigned to a case for initial or follow-up investigation, detectives shall proceed with due diligence in evaluating and preparing the case for appropriate clearance or presentation to a prosecutor for filing of criminal charges.

600.2 MODIFICATION OF CHARGES FILED

Employees are not authorized to recommend to the County Prosecutor, City Attorney, or to any other official of the court that charges on a pending case be altered or the case dismissed. In all cases resulting in court prosecution, any request to modify the charges filed or to recommend dismissal of charges in a pending case shall be made to the County Prosecutor's Office or City Attorney's Office only as authorized by a Lieutenant or the Chief of Police.

600.3 CONSTITUTIONAL MATTERS

All employees of the Pacific Police Department shall follow all United States and Washington State Constitutional requirements pertaining to custodial situations; including, but not limited to, search and seizure, access to counsel and interview and interrogation.

600.4 CUSTODIAL INTERROGATION REQUIREMENTS

Any custodial interrogation of a person who is suspected of having committed any violent felony offense should be electronically recorded (audio/video or both as available) in its entirety as otherwise allowed by law. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Officers should also consider electronically recording a custodial interrogation, or any investigative interview, for any other offense when the officer reasonably believes it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of an interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Detective. Copies of recorded interrogations or interviews may be made in the same or different format provided they are true, accurate and complete copies and are made only for authorized and legitimate law enforcement purposes.

Officers should continue to prepare written summaries of custodial questioning and investigative interviews and continue to obtain written statements from suspects when applicable.

600.5 POTENTIALLY EXCULPATORY EVIDENCE OR FACTS

Officers must include in their reports adequate reference to all material evidence and facts which are reasonably believed to be exculpatory to any individual in the case. If an officer learns of potentially exculpatory information anytime after submission of the case, the officer must notify the prosecutor as soon as practical.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Evidence or facts are considered material if there is a reasonable probability that they may impact the result of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. An officer who is uncertain whether evidence or facts are material should address the issue with a supervisor.

Supervisors uncertain about the materiality of evidence or facts should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the department case file.

600.6 PHOTOGRAPHIC IDENTIFICATION OF SUSPECTS

When practicable, the employee composing and the employee presenting the photo lineup should not be directly involved in the investigation of the case. When this is not possible, the employee presenting the lineup must take the utmost care not to communicate the identity of the suspect in any way.

The following precautions should be taken by any employee presenting a photographic lineup:

(a) The person of interest or suspect in the photo lineup should not stand out from the other persons depicted in the photos.

(b) At no time prior to, during or after the presentation of a photographic lineup should it be suggested to a witness that any person depicted in the lineup is a suspect or was in any way connected to the offense.

(c) When practicable, the employee presenting the photographs to a witness should not know which photograph depicts the suspect.

(d) The employee presenting the photographs to a witness should do so sequentially (i.e., showing the witness one photograph at a time) and not simultaneously. The witness should view all photographs in the lineup.

(e) The position of the suspect's photo and filler photos should be placed in a different random order for each witness.

(f) In order to avoid undue influence, witnesses viewing a photographic lineup should do so individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the photographic lineup with other witnesses.

(g) An admonishment should be given to each witness that the suspect's photograph may or may not be among those in the lineup and that the witness is not obligated to make an identification.

The procedure employed and the results of any photographic lineup should be documented in the case report. A copy of the photograph lineup presented to the witness should be included in the case report. Witness comments of how certain he/she is of the identification or non-identification should also be quoted in the appropriate report.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

600.6.1 PHOTO IDENTIFICATION FORM

The Detective shall be responsible for the development and maintenance of a photographic lineup identification form consistent with this policy. The form, at minimum, shall contain the following:

- The date, time and location of the lineup procedure
- The name and identifying information of the witness
- The name of the employee administering the lineup procedure
- The names of all of the individuals present during the lineup
- An admonishment that the suspect's photograph may or may not be among those in the lineup and that the witness is not obligated to make an identification
- A signature line where the witness acknowledges that he/she understands the lineup procedures and instructions

The photo identification form should be reviewed at least annually and modified when necessary.

600.7 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.

(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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Asset Forfeiture

604.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure and liquidation of assets associated with specified controlled substances. This policy applies to forfeited or seized assets in the form of currency, real estate, automobiles, boats, aircraft, or any other items of value.

604.1.1 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 Pacific Police Department seizes property for forfeiture or when the Pacific 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).

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(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 19.290.00095).

(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.

604.2 POLICY

The Pacific 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 Pacific 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.

604.2.1 SPECIAL GUIDELINES APPLICABLE TO CONVEYANCES

Special guidelines apply regarding the forfeiture of conveyances (aircraft, vehicles and vessels) in order for it to be seized as a conveyance that has been used to facilitate narcotic activity. All conveyances are subject to seizure and forfeiture, except (RCW 69.50.505(1)(d)):

- When the conveyance is used by any person as a common carrier in the transaction of business as a common carrier, unless it appears that the owner or other person in charge of the conveyance is a consenting party or has knowledge of the narcotics violations.
- When violations have been committed or omitted without the owner's actual knowledge or consent.
- When the conveyance is used in the receipt of an amount of marijuana for which possession constitutes a misdemeanor under RCW 69.50.4014.
- When the conveyance is secured by a loan and the lender had no knowledge of, nor consented to, the act or omission.
- When the owner of a conveyance has been arrested for narcotics violations, the conveyance in which the person was arrested is not subject to forfeiture unless it is either seized or a court order has been issued for its seizure within 10 days of the owner's arrest.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

604.3 ASSET FORFEITURE PROCEDURE

Before seizing any currency, vehicle or personal property pursuant to RCW 69.50.505, a patrol officer should contact their supervisor.. The following guidelines will be observed:

(a) The seizing officer or the detective will serve all persons with Notice of Seizure and Intended Forfeiture forms which includes an attached County of Origin Claim form Opposing Forfeiture, and a forfeiture receipt. Disclaimers (English/Spanish) will be completed on all persons disclaiming ownership of currency, vehicle or property seized.

(b) When someone has made notification other than the detective, a copy of all reports and all applicable asset forfeiture paperwork must be forwarded to the detective for review.

(c) Interview all persons involved concerning their possession of the seized assets, financial situation, employment, income, and other resources. The interviewing officer shall ensure that *Miranda* warnings are given and waivers obtained before interviewing any person who is in custody.

(d) Attempt to promptly determine all lienholders or all persons who may have a legal interest in the seized currency, vehicle or property for further contact, investigation and notification.

(e) The seizure of assets subject to forfeiture is a civil proceeding filed through the county of origin, County Prosecutor Forfeiture Unit or Narcotic Enforcement Team.

604.3.1 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).

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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 19.290.00095; RCW 66.32.020; RCW 9A.82.100; RCW 9A.83.030).
4. There is probable cause to believe that the property was used or is intended to be used in violation of the Uniform Controlled Substances Act (RCW 69.50.505).
5. There is probable cause to believe that the property was used or is intended to be used for poaching/wildlife crimes (RCW 77.15.070).

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

Whenever practicable, a court order for seizure prior to making a seizure is the preferred method.

604.3.2 SEIZED CURRENCY

Currency seized subject to forfeiture will be counted by the seizing officer and a supervisor. The currency will be placed in a money envelope with the denomination of the currency, totals of each denomination and total amount of currency enclosed noted on the money envelope. The officer counting and supervisor verifying money will initial and sign the envelope when sealed. If the currency will not fit into a standard money envelope, place the currency in a larger envelope or bag, sealing and affixing a completed money envelope to the outside of the larger envelope or bag which contains the currency.

Seized currency will be booked on a single property form notating "subject to asset forfeiture" in the comments section of the property form. for deposit into the Seized Assets Fund. The evidence technician will follow the procedures outlined in Property and Evidence Policy #806 for exceptional handling. . The seizing officer shall notify their supervisor and the Patrol Lieutenant of the booked currency and the circumstances of the seizure as soon as possible.

604.3.3 SEIZED VEHICLES

Vehicles seized subject to forfeiture will be taken to a designated secure storage facility. A seized vehicle should not be impounded. The officer seizing the vehicle shall notify their supervisor of the seizure of the vehicle and circumstances of the seizure as soon as possible.

If the vehicle cannot be driven, a tow truck will be used to tow the vehicle to the storage facility.

Personal property located in a seized vehicle shall be removed and booked into Property as either evidence or for safekeeping.

604.4 ASSET FORFEITURE LOG

A computerized inventory of all asset forfeiture cases shall be kept by the detective. The inventory shall include the following:

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

- Case number.
- Date of seizure.
- Value.
- Type of seizure (federal or state).
- Status of the seizure.

Information maintained on the log will be provided to the Chief of Police or authorized staff, as requested.

604.5 MAINTAINING SEIZED PROPERTY

The Evidence Room 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.

604.6 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(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:

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 Departmental Directives. 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 19.290.00095; 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).

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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.
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 Pacific 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 19.290.00095).

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.

604.7 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Confidential Informants

606.1 PURPOSE AND SCOPE

In many instances, a successful investigation cannot be conducted without the use of confidential informants. To protect the integrity of the Pacific Police Department and the officers using informants, it shall be the policy of this department to take appropriate precautions by developing sound informant policies.

606.2 INFORMANT FILE SYSTEM

The Detective or his/her designee shall be responsible for maintaining informant files. A separate file shall be maintained on each confidential informant.

606.2.1 FILE SYSTEM PROCEDURE

Each file shall be coded with an assigned informant control number. An informant history shall be prepared to correspond to each informant file and include the following information:

(a) Informant's name and/or aliases.

(b) Date of birth.

(c) Physical description: height, weight, hair color, eye color, race, sex, scars, tattoos or other distinguishing features.

(d) Current home address and telephone numbers.

(e) Current employer(s), position, address(es) and telephone numbers.

(f) Vehicles owned and registration information.

(g) Places frequented.

(h) Informant's photograph.

(i) Briefs of information provided by the informant and his/her subsequent reliability. If an informant is determined to be unreliable, the informant's file is marked as "Unreliable".

(j) Name of officer initiating use of the informant.

(k) Signed informant agreement.

(l) Update on active or inactive status of informant.

The informant files shall be maintained in a secure area within the detective office. These files shall be used to provide a source of background information about the informant, enable review and evaluation of information given by the informant, and minimize incidents that could be used to question the integrity of detectives or the reliability of the confidential informant.

Access to the informant files shall be restricted to the Chief of Police, the Detective, or their designees.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

606.3 USE OF INFORMANTS

Before using an individual as a confidential informant, an officer must receive approval from the detective. The detective shall compile sufficient information through a background investigation in order to determine the reliability, credibility and suitability, of the individual, including age, maturity and risk of physical harm.

606.3.1 JUVENILE INFORMANTS

The use of juvenile informants under the age of 13-years is prohibited.

For purposes of this policy, a juvenile informant means any juvenile who participates, on behalf of this department, in a prearranged transaction or series of prearranged transactions with direct face-to-face contact with any party, when the juvenile's participation in the transaction is for the purpose of obtaining or attempting to obtain evidence of illegal activity by a third party and where the juvenile is participating in the transaction for the purpose of reducing or dismissing a pending juvenile petition against the juvenile.

606.4 GUIDELINES FOR HANDLING CONFIDENTIAL INFORMANTS

All confidential informants are required to sign and abide by the provisions of the departmental Informant Agreement. The officer using the confidential informant shall discuss each of the provisions of the agreement with the confidential informant.

Details of the agreement are to be approved in writing by the unit supervisor before being finalized with the confidential informant.

606.4.1 RELATIONSHIPS WITH CONFIDENTIAL INFORMANTS

No member of the Pacific Police Department shall knowingly maintain a social relationship with a confidential informant while off duty, or otherwise become intimately involved with a confidential informant. Members of the Pacific Police Department shall neither solicit nor accept gratuities nor engage in any private business transaction with a confidential informant.

To maintain officer/informant integrity, the following must be adhered to:

(a) Officers shall not withhold the identity of an informant from their superiors.

(b) Identities of informants shall otherwise be kept confidential.

(c) Criminal activity by informants shall not be condoned.

(d) Informants shall be told they are not acting as police officers, employees or agents of the Pacific Police Department, and that they shall not represent themselves as such.

(e) The relationship between officers and informants shall always be ethical and professional.

(f) Social contact shall be avoided unless necessary to conduct an official investigation, and only with prior approval of the Detective.

(g) Officers shall not meet with informants of the opposite sex in a private place unless accompanied by at least one additional officer or with prior approval of the Detective.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Officers may meet informants of the opposite sex alone in an occupied public place such as a restaurant. When contacting informants of either sex for the purpose of making payments officers shall arrange for the presence of another officer, whenever possible.

(h) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

606.5 NARCOTICS INFORMANT PAYMENT PROCEDURES

The potential payment of large sums of money to any confidential informant must be done in a manner respecting public opinion and scrutiny. Additionally, to maintain a good accounting of such funds requires a strict procedure for disbursements.

606.5.1 PAYMENT PROCEDURE

The amount of funds to be paid to any confidential informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case.
- The significance, value or effect on crime.
- The amount of assets seized.
- The quantity of the drugs seized.
- The informant's previous criminal activity.
- The level of risk taken by the informant.

The Detective will discuss the above factors with the Lieutenant and arrive at a recommended level of payment that will be subject to the approval of the Chief of Police. The amount of payment will be based on a percentage of the current market price for the drugs or other contraband being sought, not to exceed 15-percent.

606.5.2 CASH DISBURSEMENT POLICY

The following establishes a cash disbursement policy for confidential informants. No informant will be told in advance or given an exact amount or percentage for services rendered.

(a) When both assets and drugs have been seized, the confidential informant shall receive payment based upon overall value and the purchase price of the drugs seized not to exceed a maximum of $150,000.

(b) A confidential informant may receive a cash amount for each quantity of drugs seized whether or not assets are also seized, not to exceed a maximum of $30,000.

606.5.3 PAYMENT PROCESS

A check shall be requested, payable to the case agent. The case number shall be recorded justifying the payment. The Chief of Police and the Mayor's signatures are required for disbursements over $500. Payments of $500 and under may be paid in cash out of the Detective

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Section Buy/Expense Fund. The Detective will be required to sign the voucher for amounts under $500.

To complete the transaction with the confidential informant the case agent shall have the confidential informant initial the cash transfer form. The confidential informant will sign the form indicating the amount received, the date, and that the confidential informant is receiving funds in payment for information voluntarily rendered in the case. The Pacific Police Department case number shall be recorded on the cash transfer form. The form will be kept in the confidential informant's file.

If the payment amount exceeds $500.00, a complete written statement of the confidential informant's involvement in the case shall be placed in the confidential informant's file. This statement shall be signed by the confidential informant verifying the statement as a true summary of his/her actions in the case(s).

Each confidential informant receiving a cash payment shall be informed of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income.

606.5.4 REPORTING OF PAYMENTS

Each confidential informant receiving a cash payment shall be informed of his/her responsibility to report the cash to the IRS as income. If funds distributed exceed $600 in any reporting year, the confidential informant should be provided IRS Form 1099 (26 CFR § 1.6041-1). If such documentation or reporting may reveal the identity of the confidential informant and by doing so jeopardize any investigation, the safety of peace officers or the safety of the confidential informant (26 CFR § 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the confidential informant shall be provided a letter identifying the amount he/she must report on a tax return as "other income" and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the confidential informant's file.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Sexual Assault Investigations

607.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

607.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in RCW 9A.44.010 et seq. and RCW 9A.64.020.

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.

607.2 POLICY

It is the policy of the Pacific Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

607.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

(a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.

(b) Conduct follow-up interviews and investigation.

(c) Present appropriate cases of alleged sexual assault to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.

(e) Provide referrals to therapy services, victim advocates and support for the victim.

(f) Participate in or coordinate with the SART or other multidisciplinary investigative teams as applicable.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

607.4 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to Valleycom, should be the health and safety of the victim, the preservation of evidence, and 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.

607.4.1 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).

607.4.2 VICTIM PERSONAL REPRESENTATIVE

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, employee or volunteer from a community sexual assault program or specialized treatment service provider (RCW 70.125.030; RCW 70.125.060).

607.5 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Detective 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.

607.6 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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 and prosecuting sexual assault cases developed pursuant to RCW 43.101.270.
8. Proper protocol for the use of the statewide sexual assault kit tracking system (RCW 35.21.195; RCW 36.28.200).

607.7 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.

607.8 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

607.8.1 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 70.125.090):

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 (Chapter 26 § 3, 2020 Laws).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

607.8.2 STATEWIDE SEXUAL ASSAULT KIT TRACKING SYSTEM
Members investigating a sexual assault should ensure that that biological evidence is tracked appropriately in the statewide sexual assault kit tracking system (RCW 35.21.195; RCW 36.28.200).

607.8.3 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.

607.9 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 Detective Section supervisor.

Classification of a sexual assault case as unfounded requires the Detective 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

607.10 CASE REVIEW

The Detective 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.

607.10.1 RETENTION

The Detective 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Operations Planning and Deconfliction

608.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

608.1.1 DEFINITIONS

Definitions related to this policy include:

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.

608.2 POLICY

It is the policy of the Pacific 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.

608.3 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.

608.4 RISK ASSESSMENT

608.4.1 RISK ASSESSMENT FORM PREPARATION

Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

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:

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.

(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).

608.4.2 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.

608.4.3 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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

8. Canines
9. Evidence Room 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.

608.5 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.

608.6 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,

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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.

608.6.1 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.

608.7 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(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 Valleycom 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 Valleycom, 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.

608.8 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.

608.9 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.

608.10 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

608.11 TRAINING

The Training Manager should ensure officers and SWAT team members who participate in operations subject to this policy should receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Eyewitness Identification

609.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques.

609.1.1 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.

609.2 POLICY

The Pacific 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.

609.3 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.

609.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Detective 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(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.

609.5 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.

609.6 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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 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.

609.7 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.

(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.

609.8 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Brady Material Disclosure

610.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

610.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** - Information known or possessed by the Pacific Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

610.2 POLICY

The Pacific 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 Pacific 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.

610.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., confidential informant or protected personnel files); the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

610.4 DISCLOSURE OF PERSONNEL INFORMATION

If a member of this department is a material witness in a criminal case, a person or persons designated by the Chief of Police shall examine the personnel file and/or internal affairs file of the officer to determine whether they contain *Brady* information. If *Brady* information is located, the following procedure shall apply:

(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.

610.5 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).

610.6 TRAINING

Department personnel should receive periodic training on the requirements of this policy.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Chapter 7 - Equipment

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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 Lieutenant, 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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 Lieutenant.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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 Departmentor 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.

702.1.1 PRIVACY POLICY

Any employee utilizing any computer, internet service, phone service or other wireless service provided by or funded by the Department expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender and recipient of any communication utilizing such service might otherwise have, including as to the content of any such communication. The Department also expressly reserves the right to access and audit any and all communications (including content) sent, received and/or stored through the use of such service.

702.2 POLICY

The Pacific 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-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the 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.

702.2.1 INDIVIDUALLY OWNED PCD

Employees may carry their own individually owned PCD while on duty subject to the following conditions:

(a) Carrying an individually owned personal communication device is optional.

(b) The device shall be purchased, used and maintained at the employee's expense.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

702.2.2 USE OF PERSONAL COMMUNICATION DEVICES

PCDs, whether provided by the Department or personally owned, should only be used by on-duty employees for legitimate department-related business except as provided for below.

Employees may use a PCD to communicate with other personnel in situations where the use of the radio is either impractical or not feasible. PCDs however, should not be used to replace regular radio communications.

(a) PCDs shall not be carried in a manner that allows it to be generally visible while in uniform.

(b) PCDs may not be used to conduct personal business while on duty except when brief personal communications may be warranted by the circumstances (e.g., inform family of extended hours). While employees may use personally owned PCDs for personal business during authorized breaks, such usage should be limited as much as practical to areas where the communication will not be seen or heard by members of the public.

(c) Extended or frequent use of departmentally issued or personally owned PCDs while on duty for personal use is prohibited and may be subject to discipline. Employees may be responsible for reimbursing the Department for any charges incurred as a result of personal use.

702.2.3 USE WHILE DRIVING

The use of a PCD while driving can cause unnecessary distractions and presents a negative image to the public. Officers should restrict the use of these devices while driving to matters of an urgent nature and should, where practical, stop the vehicle at an appropriate location to complete their communication (RCW 46.61.667).

Except in the case of an emergency employees who are operating non-emergency vehicles shall not use cellular phones or other personal communication devices while driving unless the telephone is specifically designed and configured to allow hands-free listening and talking. Such use should be restricted to business related calls or calls of an urgent nature.

702.2.4 OFFICIAL USE

The use of personal communication devices may be appropriate the following situations:

(a) Barricaded suspects.

(b) Hostage situations.

(c) Mobile Command Post.

(d) Catastrophic disasters, such as plane crashes, earthquakes, floods, etc.

(e) Major political/community events.

(f) Investigative stakeouts where regular phone usage is not practical.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(g) Emergency contact with outside agency or outside agency field unit equipped with PCDs.

(h) When immediate communication is needed and the use of the radio is not appropriate and other means are not readily available.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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 City of Pacific to provide assigned take-home vehicles.

703.2 POLICY

The Pacific 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 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.

This subsection does not apply to those who are assigned to transport vehicles to and from the maintenance yard or car wash.

703.3.2 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 shall 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.

When transporting any suspect, prisoner, or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

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.

703.3.3 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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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.

703.3.4 MOBILE DIGITAL COMPUTER

Members assigned to vehicles equipped with a Mobile Digital Computer (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 Valleycom. Use of the MDC is governed by the Mobile Digital Computer Use Policy.

703.3.5 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.

703.3.6 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.

703.3.7 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.

703.3.8 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.

703.3.9 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.

703.3.10 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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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.

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 not assigned a take-home car 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 City of Pacific 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. Members who reside outside a 25 mile radius of the City of Pacific 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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 the personal use is de minimis and incidental to the employee's drive between work and home or special circumstances exist and the Chief of Police or a Sergeant 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 Sergeants and there is a high probability that the member will be called back to duty.
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 Sergeants.
4. When the vehicle is being used by the Chief of Police, Sergeants 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).

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(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 Pacific Police Department or while off-duty, an officershall not initiate enforcement actions except in those circumstances where they are in uniform and equipped for patrol operations or a potential threat to life or serious property damage exists. In all cases, an officer considering enforcement action while driving a take-home vehicle outside the jurisdiction of the City of Pacific shall evaluate the need to act against the hazards of initiating enforcement actions off-duty or in other jurisdictions as noted in 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).

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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(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 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.

703.6 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 Sergeant within five working days explaining the circumstances.

703.7 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Vehicle Maintenance

704.1 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.

704.2 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.

704.2.1 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.

704.2.2 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.

704.2.3 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.

704.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

704.3.1 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
- 1 Fingerprint kit
- 1 Fire extinguisher

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

- Camera
- Spike strips
- Long gun
- 100' tape measure
- Personal Protective Equipment per § 1016 and § 1024

704.3.2 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
- 1 Fingerprint kit
- 1 Fire extinguisher
- Camera
- Spike strips
- 100' tape measure
- Personal Protective Equipment per § 1016 and § 1024

704.4 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.

704.5 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.

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.

704.6 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"

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Personal Protective Equipment

707.1 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.

707.1.1 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.

707.2 POLICY

The Pacific Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

707.3 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.

707.4 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.

707.5 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

The Firearms Instructor shall ensure eye protection meets or exceeds the requirements provided in WAC 296-800-16050.

707.6 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.

707.7 RESPIRATORY PROTECTION

The Administration Sergeant 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.

707.7.1 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):

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(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.

707.7.2 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.

707.7.3 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:

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(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.

707.7.4 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.

707.7.5 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.

707.7.6 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.

707.8 RECORDS
The Training Manager is responsible for maintaining records of all:

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(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.

707.9 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).

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Chapter 8 - Support Services

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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.

800.2 DEFINITIONS

Property - Includes all items of evidence, items taken for safekeeping,found property, and items taken for destruction.

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,latent fingerprints, and digital evidence.

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.

800.3 PROPERTY HANDLING

Any employee who first comes into possession of any property, shall retain such property in his/her possession until it is properly tagged and secured in anintake 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 releasemust be completed in a Spillman report that includes the name, DOB, address, and phone number of the person collecting the property.

800.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

(a) Complete the electronic 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(d) Place the case number in the upper right-hand corner of the bag.

(e)

(f) When property with no evidentiary value is too large to be placed in a locker, the item may be retained in the supply room after entry into the electronic evidence management system and attaching a property tag to the item.

(g) Narcotics, dangerous drugs, firearms, currency, and other potentially dangerous or valuable evidence/property must be booked into secure storage. If unable to secure such items in the intake lockers, the employee booking the property shall call the evidence technician or detective. The evidence technician or detective shall respond and ensure the items are stored appropriately.

800.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately, using a separate property report form. The orig

800.3.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Lieutenant.. A 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.

Employees shall not bring explosives in the police facility. Only 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 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.

800.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

(a) Bodily fluids such as blood or semen stains shall be air dried prior to booking.

(b) License plates found not to be stolen or connected with a known crime, should be released directly to the evidence 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 evidence custodian, or placed in the bicycle storage area until a evidence custodian can log the property.

(d) All cash shall be counted in the presence of a second officer, or when unavailable within view of the evidence processing room surveillance camera.Tthe envelope will be initialed by the booking officer and the witnessing officer.. Shift Sergeant

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(e) The Lieutenant and **[evidence technician]** will insure that booked cash is transported to the Pacific Finance department within one work week, where it will be placed in the appropriate fund,

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.

800.3.5 PROPERTY SUBJECT TO FORFEITURE

Whenever property seized by the Department is subject to forfeiture, specific notification procedures must be followed. It shall be the responsibility of the assigned officer, detective, or the evidence custodian to ensure that the following notifications are completed.

The owner of the property will be notified of the seizure and intended forfeiture of the seized property within 15 days following the seizure. Notification includes any person having any known right or legal interest in the seized property, including any community property interest. The notice of the seizure may be made by any method authorized by law (RCW 10.105.010).

The notification will include the legal reason for the seizure and information regarding how to appeal the pending forfeiture.

Notification procedures for property seized under Asset Forfeiture (RCW 69.50.505) are detailed in the Asset Forfeiture Policy.

800.3.6 STORAGE OF SURRENDERED FIREARMS

Officers shall accept and store a firearm from any individual who has surrendered firearms under RCW 9.41.800 (Surrender of weapons), the Extreme Risk Protection Order Act, or after being detained under RCW 71.05.150 or RCW 71.05.153. The officer receiving the firearm shall:

(a) Record the individual's name, address, and telephone number.

(b) Record the firearm's serial number.

(c) Record the date that the firearm was accepted for storage.

(d) Prepare a surrendered firearm form and provide a copy to the individual who surrendered the firearm.

  (a) If the firearm was surrendered pursuant to the Extreme Risk Protection Order Act, the original receipt should be forwarded promptly to the Records Specialist for timely filing with the court (RCW 7.94.090).

The evidence custodian shall store the firearm accepted pursuant to this policy.

800.3.7 FOUND PROPERTY

Found property surrendered to the Department shall be handled as required by RCW 63.21.050.

800.4 PACKAGING OF PROPERTY

Certain items require special consideration and shall be booked separately as follows:

(a) Narcotics and dangerous drugs.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(b) Firearms (ensure they are unloaded and booked separately from ammunition).

(c) Property with more than one known owner.

(d) Fireworks.

(e) Contraband.

800.4.1 PACKAGING CONTAINER
Employees shall package all property, except narcotics and dangerous drugs in a suitable container or packaging for its size. Knife boxes should be used to package knives.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

800.4.2 PACKAGING NARCOTICS
The officer seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged, and placed in a secured evidence locker, accompanied by two copies of the property record. Prior to packaging and if the quantity allows, a presumptive test can be made on all suspected narcotics as long as all officers present wear appropriate PPE... If conducted, the results of this test shall be included in the officer's report.Due to the safety concerns with the prevalence of synthetic narcotics such as Fentanyl, all suspected narcotics will be sent to the laboratory for testing.

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.

800.5 RECORDING OF PROPERTY
The evidence custodian receiving custody of evidence or property shall log and track the chain of custody within the Department's evidence management system.

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 Pacific Police Department shall be noted in the evidence management system..

800.6 PROPERTY CONTROL
Each time the property technician receives property or releases property to another person, he/she shall enter the date, time, reason for release/or receipt, in the evidence management system. Officers needing evidence for court, shall contact the property technician at least one day prior to the court day.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

800.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry documenting the chain of custodyo shall be completed within the department's evidence management system. No property or evidence is to be released without first receiving written authorization from a supervisor.

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the property technician. This request may be filled out any time after the submission of the property or evidence.

800.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time on the chain of custody form and complete the appropriate request for the laboratory analysis.

The property technician releasing the evidence must maintain a log of the chain of custody on the evidence. The lab forms will be transported with the property to the examining laboratory. The original copy of the lab form will remain with the evidence and the copy will be returned to the evidence room for filing with the case.

800.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of custody. Temporary release of property to officers for investigative purposes, or for court, shall be noted on the chain of custody form, stating the date, time, and to whom released.

The Evidence Custodian shall document 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 within the evidence management system, indicating date, time, and the person who returned the property.

800.6.4 AUTHORITY TO RELEASE PROPERTY

The Lieutenant shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department, except cash-see below. A supervisor or the detective may recommend to the Lieutenant the release of evidence and property.

No cash may be released without written approval of both the **[agencyHead]** and the City Administrator/Finance Director's permission. Cash 100 dollars or less that is classified as safekeeping may be released with the written approval of the Lieutenant

800.6.5 RELEASE OF PROPERTY

The Pacific Police Department shall make every effort to return personal property that is in the possession of this department when such property is not considered evidence of a crime or is no longer needed as evidence. In such cases, the evidence 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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 in the manner provided by RCW 63.32 or RCW 63.40. The disposition of all proceeds from such auctions shall be accounted for and recorded according to law. (RCW 63.32.030).

(b) Retain the property for the use of the Department subject to giving notice in the manner prescribed in RCW 63.32.020 (or RCW 63.40.020) and the right of the owner, or the owner's legal representative, to reclaim the property within one year after receipt of notice, without compensation for ordinary wear and tear if, in the opinion of the Chief of Police, the property consists of firearms or other items specifically usable in law enforcement work, provided that at the end of each calendar year during which there has been such a retention, the Department shall provide the City's elected body and retain for public inspection a list of such retained items and an estimation of each item's replacement value. At the end of the one-year period any unclaimed firearm shall be disposed of pursuant to RCW 9.41.098(2).

(c) Destroy an item of personal property at the discretion of the Chief of Police if he/she determines that the following circumstances have occurred:

1. The property has no substantial commercial value, or the probable cost of sale exceeds the value of the property; and
2. The item has been unclaimed by any person after notice procedures have been met, as prescribed in this section; and
3. The Chief of Police has determined that the item is unsafe and unable to be made safe for use by any member of the general public.

If the item is not unsafe or illegal to possess or sell, it may, after satisfying the notice requirements as prescribed in RCW 63.32.020, be offered by the Chief of Police to bona fide dealers, in trade for law enforcement equipment. Such equipment shall be treated as retained property for purpose of annual listing requirements of the RCW. Such items may be destroyed at the discretion of the Chief of Police if he/she believes that it has been, or may be used in a manner that is illegal (RCW 63.32.010).

The evidence 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 Evidence Room. Upon release, the proper entry shall be documented in the Property Log.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

800.6.6 DISPUTED CLAIMS TO PROPERTY
Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Department may wish to file an interpleader to resolve the disputed claim.

800.6.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS
The evidence custodian ,under the direction of the Lieutenant, will be responsible for the storage, control, and destruction of all narcotics and dangerous drugs coming into the custody of this department.

800.7 DISPOSITION OF PROPERTY
All personal property, other than vehicles governed by Chapter 46.52 RCW, not held for evidence in a pending criminal investigation or proceeding, and held for 60 days or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The evidence 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).

800.7.1 BIOLOGICAL EVIDENCE
The 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 Sergeant

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 Detective Sergeant.

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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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, theSergeant should be consulted.

800.7.2 RETURN OF FIREARMS

Prior to the return of a privately owned firearm, the 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) Twenty-four hours has elapsed from the time the firearm was obtained by law enforcement or five business days if the firearm was seized in connection with a domestic violence call under RCW 10.99.030.

(e) Notification is made to those family or household members, or an intimate partner, who have requested notification pursuant to established department protocol (RCW 9.41.340).

1. Firearms shall be held in custody for 72 hours from the time notification is provided.

If a firearm or dangerous weapon was surrendered or lawfully seized pursuant to a protection order issued under RCW 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 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.

800.7.3 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 7.94.100):

(a) Confirming through a background check that the person is currently eligible to possess the firearm under federal and state law.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(b) Confirming with the court that the extreme risk protection order is no longer in effect.

(c) Notice has been provided to a family or household member who requested notification.

If an individual other than the restrained person claims title to any firearms surrendered or taken into custody, and that individual is determined to be the lawful owner and a lawful possessor of the firearm, the firearm shall be returned to that individual provided that he/she agrees to store the firearm in a manner that prevents the restrained person from access (RCW 7.94.090).

800.7.4 SEXUAL ASSAULT KITS

Unreported sexual assault kits shall be stored and preserved for 20 years from the date of collection (Chapter 26 § 3, 2020 Laws).

800.7.5 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).

800.8 INSPECTIONS OF THE EVIDENCE ROOM

(a) On a monthly basis, the supervisor of the evidence custodian shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.

(b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief of Police.

(c) An annual audit of evidence held by the department shall be conducted by a Sergeant (as appointed by the Chief of Police) not routinely or directly connected with evidence control.

(d) Whenever a change is made in personnel who have access to the evidence room, an inventory of all evidence/property shall be made by an individual not associated to the property room or function to ensure that records are correct and all evidence property is accounted for.

800.8.1 EVIDENCE ROOM SECURITY

Access to the Pacific Police Department Evidence Room is restricted to authorized department personnel only. It shall be the responsibility of the evidence custodian to control all access to the Evidence Room.

The evidence custodian shall maintain a log of all persons entering the secured area of the Evidence Room. Personnel, other than those assigned to the Evidence Room, who have legitimate business in the secured area will be required to record their name, the date, time, and purpose for entry.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Records

802.1 PURPOSE AND SCOPE

The Records Specialist shall maintain the Department Records Section Procedures Manual on a current basis to reflect the procedures being followed within the Records Section. Policies and procedures that apply to all employees of this department are contained in this chapter.

802.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically within the Records Section by Records Section personnel.

Reports are numbered commencing with the last two digits of the current year followed by a sequential number beginning with 00001 starting at midnight on the first day of January of each year. As an example, case number 09-00001 would be the first new case beginning January 1, 2009.

802.1.2 UNIFORM CRIME REPORTING

The Pacific Police Department participates in the Uniform Crime Reporting Program (UCR) and/ or the National Incident Based Reporting System (NIBRS). The Records Specialist is responsible for ensuring that UCR/NIBRS reports are provided to the Washington Association of Sheriffs and Police Chiefs (WASPC) on a regular basis.

802.2 FILE ACCESS AND SECURITY

All reports including, but not limited to, initial, supplemental, follow-up, evidence, and all reports critical to a case shall be maintained in a secure area within the Records Section.

Pacific Police Department employees shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether hard copy or electronic file format, except in accordance with department policy and with a legitimate law enforcement or business purpose or as otherwise permissible by law.

802.2.1 REQUESTING ORIGINAL REPORTS

Generally, original reports shall not be removed from the Records Section. Should an original report be needed for any reason, the requesting employee shall first obtain authorization from the Records Specialist. All original reports removed from the Records Section shall be recorded on the Report Check-Out Log, which shall constitute the only authorized manner by which an original report may be removed from the Records Section.

802.2.2 RECORDS CONCERNING JUVENILES

The Records Specialist 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

- Upon receiving notification from the Office of the Governor that a specific juvenile has received a full and unconditional pardon, the Records Specialist shall ensure that all records pertaining to that juvenile are destroyed within 30 days.

802.3 REQUISITION OF SUPPLIES

Personnel in need of supplies shall obtain the suppplies from the Records Specialist.

802.4 USE OF A CENTRAL COMPUTERIZED ENFORCEMENT SERVICE SYSTEM (ACCESS)

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

802.4.1 ACCESS USE REQUIREMENTS

No member of the Pacific Police Department shall operate any of the ACCESS systems without first complying with the training requirements as listed in the ACCESS manual.

802.4.2 ACCESS REQUIREMENTS

As an authorized ACCESS user, the Pacific 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 Specialist to ensure that all ACCESS computer and network security requirements are in place and operational.

802.5 OFFICER SAFETY ADVISORIES

A Violent Person File (VPF) database is maintained by the National Crime Information Center (NCIC) and is intended to provide protection to police, corrections, or other criminal justice officers. Individuals who represent a potential threat to officers may be entered into the WACIC when they have previously exhibited assaultive or threatening behavior during contacts by law enforcement.

To qualify for entry, one or more of the following conditions must be met (WACIC Manual Chapter 29.01 II, A):

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(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 his/her intent to commit an act of unlawful violence against a member of the law enforcement or criminal justice community.

Officers who encounter a person who 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 his/her designee.

Once approved, the Records Section is responsible for making the appropriate entry into the WACIC.

Whenever an Officer Safety Advisory is initiated by the Pacific Police Department, it is the responsibility of the Records Specialist 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.

802.6 COURT ORDERS

The Records Specialist 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 Specialist shall see that the order is removed from the applicable system (Chapter 230, 2017 Laws).

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Records Maintenance and Release

806.1 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.

806.2 POLICY

The Pacific 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.).

806.3 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 section 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 the most common laws that exempt or prohibit disclosure of specific information or records of the Department is available to the public (RCW 42.56.070) and that the complete law is referenced on that posted document via a clear statement such as "FOR A COMPLETE LIST OF DOCUMENTS THAT MAY BE EXEMPT FROM PUBLIC DISCLOSURE PLEASE REFER TO RCW 42.56)

(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).

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(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).

806.4 PUBLIC REQUESTS FOR RECORDS

The Public Records Act provides that public records created by a public agency shall be subject to inspection and copying pursuant to request, except pursuant to exemptions set forth in the Act or otherwise established by statute (RCW 42.56.070(1)).

The Records Specialist shall publish, maintain and make available to the public a current list containing every law that exempts or prohibits disclosure of specific information or records of the department (RCW 42.56.070(2)). The business hours for record inspection or copying shall be posted on the department's website and made known by other means designed to provide the public with notice (RCW 42.56.090).

The Records Section shall also establish, maintain and make available for public inspection and copying a statement of the actual per page cost or other costs, if any, that it charges for providing photocopies of public records and a statement of the factors and manner used to determine the actual per page cost or other costs, if any (RCW 42.56.070(7) and (8)).

Public requests for records of this Department shall be processed as follows (RCW 42.56.070):

806.4.1 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

3. Acknowledging the receipt of the request and providing a reasonable estimate of time the Department will require to respond to the request. Additional time may be required to respond based upon:
   (a) The need to clarify the intent of the request.
   (b) The need to locate and assemble the information requested.
   (c) Notification to third persons or agencies affected by the request.
   (d) Determination whether any of the information requested is exempt.
4. Acknowledging the receipt of the request and asking the requester for clarification if the request is not clear and providing the requester a reasonable estimate of the time that will be needed to respond if the request is not clarified. If the requester does not respond, and the entire request is unclear, the 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.

806.4.2 PROMPT RESPONSE REQUIRED

Responses to requests for public records shall be made promptly. Within five business days of receiving a public record request, the Department must respond by either (RCW 42.56.520):

(a) Providing the record.

(b) Acknowledging receipt of the request and providing a reasonable estimate of the time required to respond to the request.

(c) Denying the public record request.

(d) Providing an Internet address and link on the agency's web site to the specific records requested, except that if the requester notifies the agency that he/she cannot access the records through the Internet, then the agency must provide copies of the record or allow the requester to view copies using an agency computer.

Additional time required to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request. In acknowledging receipt of a public record request that is unclear, a request to clarify what information the requestor is seeking may be made. If the requestor fails to clarify the request, the Department need not respond to it.

Denials of requests must be accompanied by a written statement of the specific reasons for denial. The Records Specialist will establish mechanisms for the most prompt possible review of decisions denying inspection.

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 42.56.660).

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

806.4.3 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).

806.5 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 details of the alleged assault, identity, or contact information of a child victim of sexual assault who is under age 18. Identifying information means the child victim's name, address, location, photograph, and in cases in which the child victim is a relative, stepchild, or stepsibling of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Contact information includes phone numbers, email addresses, social media profiles, and usernames and passwords (RCW 10.97.130; RCW 42.56.240).

(h) Personal identifying information collected relating to local security alarm system programs and vacation crime watch programs (RCW 42.56.240).

(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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(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 Pacific 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.

806.5.1 ARREST REPORTS

A person who is the subject of the record who requests information must comply with requirements of RCW 10.97.080.

In addition to the restrictions stated above, all requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the County Prosecutor, City Attorney or the courts.

Local criminal history information including, but not limited to, arrest history and disposition, fingerprints and booking photos shall only be subject to release to those agencies and individuals set forth in Policy Manual § 812.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

806.5.2 TRAFFIC COLLISION REPORTS
Traffic collision reports (and related supplemental reports) are for official use only and may only be released without redaction pursuant to (RCW 46.52.080) to the following:

- The Washington State Patrol
- Department of Motor Vehicles
- Other Law Enforcement Agencies
- As authorized by law or valid court order

Upon request, parties having proper interest or involvement in the specific reported collision shall receive all of the factual data submitted in the report with the exception of the reports signed by the drivers involved in the accident. Such parties include the following (RCW 46.52.083):

- Involved Drivers
- Legal guardians of the drivers
- Parent of a minor driver
- Injured parties
- Owners of damaged property
- Authorized attorney or insurance carrier

Requests for traffic collision reports from individuals or entities other than those listed above are entitled to receive reports in redacted format.

806.5.3 PERSONNEL RECORDS
Requests for disclosure of employment and licensing information involving employees of the Pacific Police Department should be referred to the city of Pacific City Clerk's office.

806.6 OTHER RECORDS

This Department maintains the right to refuse to disclose or release any other record when it would appear that the public's interest in accessing such record is outweighed by the need for non-disclosure and that refusal is supported by provisions of Washington State's Public Records Act, a Court Order, or other state or federal law.

Any record which was created exclusively in anticipation of potential litigation involving this Department shall not be subject to public disclosure to the extent allowed by law.

Any other record not addressed in this policy shall not be subject to release where such record is exempted or prohibited from disclosure pursuant to state or federal law, including, but not limited to:

(a) Drafts, Notes Recommendations, Memorandums: Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

or policies formulated or recommended are exempt under this chapter, except that a specific record is not exempt when publicly cited by an agency in connection with any agency action (RCW 42.56.280).

(b) Department Party to Controversy: Records that are relevant to a controversy to which the Department is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts (RCW 42.56.290).

(c) Security: Those portions of records assembled, prepared, or maintained to prevent, mitigate, or respond to criminal terrorist acts, which are acts that significantly disrupt the conduct of government or of the general civilian population of the state or the United States and that manifest an extreme indifference to human life, the public disclosure of which would have a substantial likelihood of threatening public safety, consisting of (RCW 42.56.420):

1. Specific and unique vulnerability assessments or specific and unique response or deployment plans, including compiled underlying data collected in preparation of or essential to the assessments, or to the response or deployment plans.

2. Records not subject to public disclosure under federal law that are shared by federal or international agencies, and information prepared from national security briefings provided to state or local government officials related to domestic preparedness for acts of terrorism.

(d) Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility or any individual's safety, including:

1. Information compiled by school districts or schools in the development of their comprehensive safe school plans under RCW 28A.320.125, to the extent that they identify specific vulnerabilities of school districts and each individual school.

2. Information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities.

3. The security section of transportation system safety and security program plans required under RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, and 81.112.180.

806.6.1 PERSONAL IDENTIFYING INFORMATION

Employees shall not access, use or disclose personal identifying information, including an individual's photograph, social security number, driver identification number, name, address, telephone number and the individual's medical or disability information, which is contained in any driver license record, motor vehicle record or any department record except as authorized by the

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Department and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721 and 18 USC § 2722).

806.7 SUBPOENA DUCES TECUM

Any Subpoena Duces Tecum (SDT) should be promptly provided to a supervisor for review and processing. While a Subpoena Duces Tecum may ultimately be subject to compliance, it is not an order from the Court that will automatically require the release of the requested information.

All questions regarding compliance with any Subpoena Duces Tecum should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

806.8 RELEASED RECORDS TO BE STAMPED

Each page of any record released pursuant to a Public Records Act request or Subpoena Duces Tecum shall be stamped with a departmental stamp identifying the individual to whom the record was released.

806.9 RECORDS RETENTION

Authority for records retention lies with the Secretary of State's Office, which publishes records retention schedules for various types of public records including Law Enforcement Agencies. The Department maintains its records for at least the minimum time specified in the Local Government Common Records Retention Schedule (CORE). Retention beyond the legal limitation minimum will be based on the continuing need for the document and direction for the City of Pacific government. The Pacific Police Department maintains a copy of the Secretary of State Law Enforcement Records Retention Schedule.

806.10 SECURITY BREACHES

Members who become aware that any Pacific 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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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).

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Protected Information

808.1 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 Pacific 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.

808.2 POLICY

Members of the Pacific 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.

808.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

(a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Licensing (DOL) records and the Washington Crime Information Center (WACIC).

(b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.

(c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.

(d) Developing procedures to ensure training and certification requirements are met.

(e) Resolving specific questions that arise regarding authorized recipients of protected information.

(f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

808.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Pacific Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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.

808.4.1 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.

808.4.2 RELEASE OF CHRI
Only the persons listed below are authorized to release CHRI. Each authorized person releasing CHRI is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient with a right and need to know.

(a) Criminal Records Security Officer.

(b) Specialist.

(c) Full-time employees of the Records Section.

(d) Personnel specifically designated in writing by Sergeants with the concurrence of the Criminal Records Security Officer.

808.4.3 RELEASE OF CHRI TO FIELD PERSONNEL
Personnel shall not have access to CHRI until a background investigation has been completed and approved.

CHRI shall not be transmitted by radio broadcast or through computer terminals to field personnel or vehicles. Nothing in this procedure is intended to prohibit broadcasting warrant information concerning wanted persons.

808.4.4 RECORDS SUITABLE FOR RELEASE
Conviction Records may be disseminated without restriction (RCW 10.97.050(1)).

808.5 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).

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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 Specialist 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.

808.6 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:

(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).

808.7 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.

808.7.1 COMPUTER TERMINAL SECURITY

Computer terminal equipment capable of providing access to automated criminal offender record information is located in the Records Section, Valleycom and in the Detective Section to preclude access by unauthorized persons.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

No employee shall be authorized to operate computer terminal equipment with access to CHRI until the operator has completed the appropriate training.

808.7.2 DESTRUCTION OF CHRI
When any document providing CHRI has served the purpose for which it was obtained, it shall be destroyed by shredding.

Each employee shall be responsible for destroying the CHRI documents they receive.

808.8 TRAINING PROGRAM

All personnel authorized to process or release CHRI shall be required to complete a training program prescribed by the Criminal Record Security Officer. The Training Officer shall coordinate the course to provide training in the proper use, control, and dissemination of CHRI.

808.9 PENALTIES FOR MISUSE OF RECORDS

RCW 10.97.120 makes it a misdemeanor to furnish, buy, receive, or possess rap sheets without authorization by a court, statute, or case law.

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of Policy Manual § 340.3.7(a).

Employees who obtain, or attempt to obtain, information from the department files other than that to which they are entitled in accordance with their official duties is a violation of Policy Manual § 340.3.7(a).

808.10 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).

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Computers and Digital Evidence

810.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

810.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

(a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.

(b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.

(c) If the computer is off, do not turn it on.

(d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.

1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery.

(e) Label each item with case number, evidence sheet number, and item number.

(f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.

(g) Lodge all computer items in the Property Room. Do not store computers where normal room temperature and humidity is not maintained.

(h) At minimum, officers should document the following in related reports:

1. Where the computer was located and whether or not it was in operation.
2. Who was using it at the time.
3. Who claimed ownership.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

4. If it can be determined, how it was being used.

(i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives, and disk drives) should be seized along with all media. Accessories (printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture.

810.2.1 BUSINESS OR NETWORKED COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Officers should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should only be done by someone specifically trained in processing computers for evidence.

810.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, or floppy disks, compact discs, or any other storage media is required, forward the following items to a computer forensic examiner:

(a) Copy of report(s) involving the computer, including the Evidence/Property sheet.

(b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation.

(c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).

(d) An exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

810.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media (e.g., hard discs, floppy discs, CDs, DVDs, tapes, memory cards, flash memory devices) should be seized and stored in a manner that will protect them from damage.

(a) If the media has a write-protection tab or switch, it should be activated.

(b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request the Evidence Room to copy the contents to an appropriate form of storage media.

(c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.

(e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

810.4 SEIZING PCDS

Personal communication devices such as cell phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

(a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.

(b) Do not turn the device on or off. The device should be placed in a solid metal container such as a paint can or in a Faraday bag, to prevent the device from sending or receiving information from its host network.

(c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.

810.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Officers handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

810.5.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

810.5.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media used by cameras or other recorders:

(a) The recording media (smart card, compact flash card or any other media) shall be brought to the evidence technician as soon as possible for submission into evidence.

(b) Officers are not authorized to review or copy memory cards. The evidence technician is the only employees authorized to copy and/or distribute digital media made from the memory cards.

(c) As soon as possible following the collection of evidence, the camera operator is to remove the memory card from their digital camera and place the card into a plastic

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

carrier. The card and carrier are then to be placed into a zip-lock type baggie. The camera operator shall write their name and the related case number on the outside of the baggie before placing in the film drop box along with the evidence form.

(d) The evidence technician will make a copy of the memory card using appropriate storage media. Once they have verified that the images properly transferred to the storage media, the technicians will erase the memory card for re-use. The storage media will be marked as the original.

(e) Officers requiring a copy of the digital files must request a copy on the evidence form when submitted to evidence.

810.5.3 DOWNLOADING OF DIGITAL FILES

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed:

(a) Files should not be opened or reviewed prior to downloading and storage.

(b) Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

810.5.4 PRESERVATION OF DIGITAL EVIDENCE

(a) Only evidence technicians are authorized to copy original digital media that is held as evidence. The original digital media shall remain in evidence and shall remain unaltered.

(b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.

(c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Animal Control Procedures

811.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the Pacific Police Department personnel in dealing with animal control related calls for service and to set forth procedures regarding animal control services, the handling of injured animals, and the abatement of animal nuisances. The City of Pacific contracts with Metro Animal Control for animal control services.

811.2 METRO ANIMAL CONTROL

Metro Animal Control (MAC) shall be responsible for enforcing local, state, and federal laws relating to animals, and for appropriately resolving or referring animal problems as outlined in this policy.

Assistance from the Animal Control Officer (ACO) will be at the discretion of the on-duty officer or supervisor.

811.3 OFFICER RESPONSIBILITY

If the ACO is unavailable, the following animal related calls for service will be handled by the appropriate on-duty officer.

Officers may be dispatched to animal related calls and should take appropriate actions to control the situation until the arrival on an ACO. Due to the hazards of handling animals without proper equipment, responding officers generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of the ACO. The following are examples of when an officer may consider acting before the arrival of the ACO:

a) When there is a threat to the public safety

b) When an animal has bitten someone, officers should take measures to confine the animal and prevent further injury.

c) When an animal is creating a traffic hazard.

d) When the owner/handler has been arrested and there is no other alternative placement for the animal.

e) When the animal is gravely injured.

811.3.1 ANIMAL CRUELTY COMPLAINTS

Officers should conduct a preliminary investigation on all reports of animal cruelty and forward the information to the ACO for follow-up. Officers shall not hesitate to take any immediate actions deemed necessary. The assistance of an animal control officer may be requested to assist with the investigation, when appropriate, for the purpose of handling the disposition of any animal(s) associated with the case.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

811.3.2 STRAY DOGS

If the dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the police department and secured, making sure the animal has water. The ACO should be contacted as soon as possible and requested to respond and take custody of the animal.

A case report will be taken and completed. Once the report has been approved, it will be forwarded to Metro Animal Control. Releases will be handled by the ACO. The ACO will transport any animals to their holding facility, per their guidelines.

811.3.3 ANIMAL BITE REPORTS

Officers should obtain as much information as possible for forwarding to the ACO for follow-up. Officers shall instruct the owner of a biting animal, if contacted, to keep the animal confined on the property until contacted by the ACO. If the animal is a stray, then every effort shall be made to capture and impound the animal immediately.

811.3.4 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Officers shall obtain and forward to the ACO as much information as possible regarding the nature of the complaint, complaining person, owner information (if possible), location of the problem, etc. Officers should also document any actions taken, citation(s) issued, related report numbers, etc.

In the event responding officers cannot fulfill urgent requests for service because the animal is difficult or dangerous to handle, the ACO may be called to duty to handle. If the ACO is unavailable, the patrol supervisor may request the assistance of animal control officer from an allied agency.

All requests to call in the ACO must be approved by a field supervisor or the Lieutenant.

811.4 DECEASED ANIMALS

Deceased animals on public property will be removed and properly disposed of by the ACO. Patrol officers will remove deceased animals when the ACO is not available. The deceased animal may be placed in an approved container for disposal.

(a) For health and sanitary reasons, deceased animals should be placed in a sealed plastic bag prior to being placed in a container. The ACO should be contacted for removal of large anmals.

(b) No patrol officer will be required to climb onto or under any privately owned structure for the purpose of removing a deceased animal.

811.5 INJURED ANIMALS

When any injured domesticated animal is brought to the attention of a member of this agency, all reasonable efforts shall be made to contact the owner or responsible handler. When the owner or responsible handler cannot be located and the animal is not an immediate danger to the community, it may be taken to a doctor of veterinary medicine as described below (RCW 16.52.085(2)):

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

a) During normal business hours, the animal should be taken to an authorized veterinary care clinic.

b) If after normal business hours, the animal should be taken to the department authorized veterinary emergency clinic.

c) The only exception to the above is when the animal is an immediate danger to the community or the owner is identified and takes responsibility for the injured animal.

When the need to kill a seriously injured or dangerous animal is necessary, the department Use of Force Policy 303 shall be followed. Destruction of an animal shall be undertaken with reasonable prudence and, whenever possible, in consultation with a licensed veterinarian and the owner of the animal (RCW 16.52.210). The decision to dispose of a seriously injured animal will rest with the on-duty supervisor.

Injured wildlife should be referred to the SPCA, Marine Mammal Center, or Department of Fish and Game as applicable. The SPCA will not pick up common pigeons (red legs), starlings, bats, or skunks.

When handling dead or injured animals, department employees shall attempt to identify and notify the owner of the final disposition of the animal.

Each incident shall be documented and include, at a minimum, the name of the reporting party and veterinary hospital and/or person to whom the animal is released. A copy of the police report may be forwarded to Metro Animal Control for their review.

811.6 CITATIONS

It should be at the discretion of the officer or the on-duty supervisor as to the need for, or advisability of, the issuance of a citation for a violation.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Chapter 9 - Custody

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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 Pacific 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.

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 Pacific Police Department prior to being released or transported to a housing or other type of facility.

900.1.2 TRANSPORTATION OF PRISONERS

Generally and when circumstances permit, prisoners of the opposite sex, or adult and juvenile prisoners, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating prisoners is not practicable, officers should be alert to inappropriate physical or verbal contact between them and take appropriate action as necessary.

Whenever a prisoner is to be transported from the Temporary Holding Facility to another facility by a member of this department, the transporting officer shall be responsible for the following

(a) Verify that the identity of each prisoner to be transported matches the booking paperwork.

(b) Ensure that all pertinent documentation accompanies the prisoner, such as copies of booking forms, medical records when appropriate, an itemized list of the prisoner's property, warrant copies, etc.

(c) Ensure that any known threat or danger the prisoner may pose, such as escape risk, suicide potential, or medical condition, is recorded on the prisoner's booking documentation and is transported with the prisoner to the next facility. The transporting officer shall ensure such threat or danger is communicated to intake personnel at the facility.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(d) An arrestee who the officer has reason to believe is pregnant or recovering postpartum should not be handcuffed or restrained by the wrists, ankles, or both, unless it is reasonably necessary for the safety of the arrestee, officers, or others.

(e) Personally conduct a thorough pat-down search of the prisoner prior to placement in the transport vehicle.

(f) Thoroughly search the transport vehicle prior to and then after the transport.

(g) Officers shall make sure they have secured their weapon/s in either the trunk of their car or in a secure lock box at the correctional facility.

(h) The transporting officer should not remove any restraining devices from the prisoner unless directed by the receiving corrections officer or if the correctional facility protocol requires the corrections officer to remove the restraining devices.

900.2 POLICY

The Pacific 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 Pacific 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.

(c) Any individual who is seriously injured.

(d) Individuals who are a suspected suicide risk (see the Emergent 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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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. In the event that none is readily available, the female in custody should be transported to another facility or released pursuant to another lawful process.

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.

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.

(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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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 do the following:

(a) Advise the Shift Sergeant of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).

(b) Avoid placing an adult in a cell with another adult unless no other cell is available. When such placement is necessary, members shall:

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.

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 Sergeant will ensure that the U.S. Department of State’s list of countries and

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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.

1. 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.

1. 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.

(d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.

2. 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.

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 FIRE SAFETY

The person, designated by the Lieutenant as having responsibility for the Temporary Holding Facility should, at the beginning and end of each shift, inspect the Temporary Holding Facility to ensure:

(a) No flammable materials are stored in the detention area.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(b) Fire extinguishers are serviceable.

(c) First aid kits are readily available and completely stocked.

(d) Smoke detectors are operational.

The Lieutenant or his/her designee shall inspect the facility on a monthly basis. The results of the monthly inspection shall be documented in writing. The inspection record shall be retained for two years.

900.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the Pacific 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 Pacific 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.

(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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(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 aid will be summoned. A supervisor shall 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 Pacific 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.

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).

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(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.

900.6 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 Pacific 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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.

(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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

900.9 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

The Patrol Sergeant will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Pacific 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 Detective Sergeant.

(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.

900.9.1 RECEIPT OF PRISONERS

The arresting officer should:

(a) Make a thorough search of all prisoners booked into the Temporary Holding Facility. Female prisoners should be searched by female officers or other female staff whenever possible.

(b) Inventory and record all property removed from the prisoner's person.

(c) Secure property for safekeeping.

(d) Remove all hazardous items from the prisoner's person.

(e) Remove belts, shoes, jewelry, and jackets.

(f) Complete the following:

1. For non-retainable misdemeanor offenses, use LiveScan.
2. For retainable misdemeanor and felony offenses, use LiveScan.
3. For warrant arrests complete, use LiveScan.
4. For traffic offense warrants, use LiveScan.

(g) The arresting officer will seek approval from his/her supervisor regarding the decision to keep the prisoner or transport.

(h) Complete the Pacific Police Department booking form or County Intake Form.

(i) Before the booking procedure is completed, the arresting or booking officer will log the prisoner into the Temporary Holding Facility Log. This procedure is to be completed regardless of the time the prisoner is to be held in the facility and shall include those prisoners whose admittance is for booking only.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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 his/her property, warrant copies).

(f) The individual is not permitted in any nonpublic areas of the Pacific 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 he/she is being sent to another facility.

1. The department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.

(h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.

(i) 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 his/her personal needs as reasonable.

900.10.1 TRANSFER TO HOSPITAL

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 (Chapter 267, 2015 Laws):

(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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

3. In the interest of public safety, his/her 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.

900.11 ASSIGNED ADMINISTRATOR

The Patrol Sergeant 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Custodial Searches

902.1 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 Pacific Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

902.1.1 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.

902.2 DEFINITIONS OF SEARCHES

Pat-Down Search - The normal type of search used by officers in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the prisoner, or other prisoners.

Booking Search - A search used in the jail and again involves a thorough patting down of an individual's clothing. All pockets, cuffs and folds of the clothing are checked to locate all personal property, contraband, or weapons. The prisoner's personal property is taken and inventoried.

Strip Search- A search that requires a person to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks or genitalia of such person (RCW 10.79.070(1)). This includes monitoring of an arrestee showering or changing clothes where the arrestee's private underclothing, buttocks, genitalia or female breasts are visible to the monitoring employee.

Physical Body Cavity Search - The touching or probing of a person's body cavity, whether or not there is actual penetration of the body cavity (RCW 10.79.070(2)). Body cavity means the stomach or rectal cavity of a person and the vagina of a female (RCW 10.79.070(3)).

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

902.3 FIELD AND TRANSPORTATION SEARCHES

An officer shall conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

902.4 STRIP SEARCHES

No person shall be strip searched without a warrant unless (RCW 10.79.130):

(a) There is a reasonable suspicion to believe that a strip search is necessary to discover weapons, criminal evidence, contraband, or other thing concealed on the body of the person to be searched, that constitutes a threat to the security of a holding, detention, or local correctional facility.

(b) There is probable cause to believe that a strip search is necessary to discover other criminal evidence concealed on the body of the person to be searched, but not constituting a threat to facility security.

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

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

No employee should view an arrestee's private underclothing, buttocks, genitalia or female breasts while that person is showering or changing clothes unless the arrestee otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the arrestee with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the arrestee's consent and/or otherwise protect the arrestee's privacy and dignity.

Nothing in this policy section shall prohibit the otherwise lawful collection of trace evidence from an arrestee based on a valid exigency, consent or a search warrant.

902.4.1 STRIP SEARCHES PROCEDURES

Strip searches shall be conducted as follows:

(a) No strip search shall be conducted without prior written authorization from a supervisor. The date, time and place of the search, the name and gender of the person conducting the search, a statement of the results of the search and a description of the nature and extent of the search shall be recorded in the arrest record. A copy of the

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

written authorization and recorded information shall be retained and made available to the arrestee or other authorized representative upon request.

(b) All strip searches shall be conducted under sanitary conditions and in an area of privacy so the search cannot be observed by persons not participating in the search.

(c) Unless conducted by a physician or other licensed medical personnel, the officer(s) conducting the strip search shall be of the same gender as the person being searched.

(d) Whenever possible, an officer of the same gender as the arrestee should also be present during the search for the purpose of security and to act as a witness to the finding of evidence. No unnecessary persons shall be present or able to view the procedure.

(e) Persons conducting the strip search shall not touch the person being stripped except as reasonably necessary to complete the strip search of the person.

902.5 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. If authorization from the Shift Sergeant is received electronically, it shall be printed and signed by the Shift Sergeant as soon as possible (RCW 10.79.080). A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

(b) Only a qualified physician, registered nurse or physician's assistant may conduct a physical body cavity search (RCW 10.79.100).

(c) Except for the qualified physician, registered nurse or physician's assistant conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.

(d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.

(e) All such searches shall be documented, including (RCW 10.79.080):

1. The facts that led to the decision to perform a physical body cavity search of the individual.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The Shift Sergeant's approval.
4. A copy of the search warrant.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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).

902.6 CONDUCTING PHYSICAL BODY CAVITY SEARCHES

Body cavity searches shall be conducted as follows:

(a) The search must be performed under sanitary conditions.

(b) The search must be conducted by a physician, registered nurse or physician's assistant.

(c) Privacy will be afforded to the person. This includes while the person is dressing and undressing. Anyone not physically conducting or assisting shall be excluded from observing the search, except as necessary to ensure the safety of the people involved in the search.

(d) The search shall be performed or observed only by persons of the same sex as the person being searched, except for licensed medical professionals as required by subsection (b) and (c) above.

902.7 DOCUMENTATION OF A BODY CAVITY SEARCH

The officer requesting a body cavity search shall prepare and sign a report regarding the body cavity search, which shall include (RCW 10.79.080(4)):

(a) A copy of the written authorization required under Policy Manual § 902.6(b).

(b) A copy of the warrant and any supporting documents.

(c) The name and sex of all persons conducting or observing the search.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(d) The time, date, place and description of the search.

(e) A statement of the results of the search and a list of any items removed from the person as a result of the search.

902.8 LIABILITY

The Revised Code of Washington expressly provides that a person who suffers damage or harm as a result of an improper search may bring a civil action to recover damages (RCW 10.79.110).

The agency and its employees are not liable for injury, death, or damage caused by a person in custody when the injury, death or damage was made possible by contraband that would have been discovered sooner but for the delay caused by having to seek a search warrant (RCW 10.79.170).

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Court Transportation

903.1 START OF SHIFT

A. Officers assigned to prisoner transport will report and be ready for duty at 0700 hours (unless otherwise directed) on court days.

B. Officers assigned to courtroom security will report and be ready for duty at 0800 hours (unless other wise directed) on court days.

C. Being prepared for duty means being properly dressed in department issued attire. This includes uniform, black shoes or boots, utility belt, a fully charged radio, and all other accessories needed to perform job related duties.

D. At the time the corrections officer goes into service, the officer shall notify Valley Comm that he/she is in service at their duty assignment, e.g. in service as transport officer en route to jail facility or in service at the court.

903.2 TRANSPORTING PRISONERS

A. Officers assigned to prisoner transport shall obtain the prisoner transport list provided by the administrative clerk at the police department upon arrival for duty.

B. Officers shall obtain the police transport van keys from the lock box located in the squad room.

C. Officers shall inspect the police transport van's exterior for damage and ensure that it is safe to drive, not limited to but including tire pressure.

D. Officer shall inspect the interior of the van to ensure that required equipment is present, such as waist chains and leg shackles. Officers shall also inspect the individual secure cages for contraband, trash, and other items that do not belong.

E. Officers shall check the gas gauge to ensure there is sufficient fuel and if the tank is less that 1/2 full, the officers shall fill the tank at the authorized gas pumps and report the low fuel to the corrections sergeant, lieutenant, or other senior officer on duty.

F. In order to maintain timelines, officers shall leave for the jail no later that 0710 hours.

G. Prior to leaving for the jail facility, officers shall contact Valley Communications via radio to report that they are in service and are enroute to the jail facility to pick up prisoners for court.

903.3 JAIL FACILITY

A. Upon arriving at the jail facility, officers shall contact Valley Communications via radio to report that they have arrived.

B. Once prisoners are turned over to the transportation officer, each prisoner shall be cuffed, placed in leg chains and leg shackles, and then be loaded into the transport van.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

C. No more than nine (9) prisoners shall be placed into the van; three behind the driver and three in each rear cage. Under no circumstances shall a female prisoner be placed in the same cage as a male prisoner.

D. Once all prisoners are secure in the transport van, the officer shall contact Valley Communications via radio to report they are in enroute with the number of prisoners and whether they are male or female, before they actually leave the jail facility. If transporting a prisoner of the opposite sex from the jail facility to the Pacific Municipal Court, the officer must provide Valley Communications with the starting mileage.

E. Upon arriving at the Pacific Municipal Court, the officer shall contact Valley Communications via radio to report that they have arrived. If transporting a prisoner of the opposite sex to the Pacific Municipal Court, the officer must provide Valley Communications with the ending mileage.

F. An officer shall not escort more than two prisoners at a time to or from the jail van in any area that is not secured, i.e. surveillane cameras and gated enclosures.

G. If with another officer, no more than four prisoners shall be escorted at a time to or from the jail van in any area that is not secured, i.e. surveillance cameras and gated enclosures.

H. These same procedures must all be followed when returning prisoners to the jail facility.

903.4 REPORTING FOR DUTY AT THE COURT HOUSE

A. Officers assigned to courtroom security shall obtain the prisoner transport list, as well as any special instructions from the administrative clerk at the Pacific Police Department and then proceed to the court house.

B. Officers shall set up the body scanner which includes powering it on, required signage and other necessary items including but not limited to the hand wand, cell phone bags, property tray, waist chain, latex gloves, and the court calendar.

C. Officers shall set up chairs for the in-custody defendants in the courtroom.

D. Officers shall visually inspect the courtroom for suspicious items in the courtroom that are not normally present.

E. Officers shall visually inspect both restrooms for suspicious items or contraband before court.

F. Officers shall visually inspect the restroom for suspicious items or contraband before a prisoner is allowed to use the restroom facility.

G. Officers shall inspect the exterior of the court house for unusual or suspicious objects.

903.5 OPENING THE COURTROOM FOR BUSINESS

A. The courtroom is normally open upon the arrival of the judge and/or prosecuting attorney. The court clerk may also direct the courtroom security officer to allow persons to enter. Upon the arrival of the judge and/or prosecuting attorney, the court clerk shall be notified. As soon as the judge, prosecutor, or public defender appears, defendants may be allowed in the courtroom.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

B. Ask all persons entering the courtroom to empty the contents of their pockets and place them into the property tray.

C. All handbags, briefcases, and backpacks will be placed on the table and searched by the security officer. If a person refuses to allow the officer to inspect the contents of their handbag, briefcase, or backpack, the officer will refuse that person entry into the courtroom.

D. Cell phones shall not be allowed in the courtroom (exceptions: attorneys, interpreters, police officers, and courtroom officials). In all cases, the cell phone must be silenced.

1. Defendant and spectator cell phones shall be turned off and placed into a paper bag with the owner's name written on the bag.

2. Upon the defendant or spectators departure from the courtroom, the cell phone shall be returned to the same person from whom it was originally received.

E. Officers are not obligated to give court information. Questions from defendants shall be directed to the court clerk.

F. Officers shall not give legal advice to any person.

G. When court is session, there shall be at least one officer in the courtroom and one officer at the scanner at all times.

The only exception is when a second officer is not available or staffing only allows one person for courtroom duties. The police department, judge, and court clerks must all be notified when there is a staff shortage.

903.6 DUTIES WHEN COURT IS IN SESSION

A. The officers shall control noise and conduct in the courtroom when the judge is seated at the bench. The officer will contact loud and or disruptive individuals and request that they either stop talking or leave the courtroom.

In-custody defendants shall not talk to each other or any individual while in the courtroom except for their attorney.

B. No in-custody defendants shall be allowed to leave the courtroom without an escort even it it is to speak to their attorney.

C. All officers are to be alert as to what is going on in the courtroom. If the officer notices that a defendant is becoming argumentative with the judge, they shall be prepared to contact the defendant to either calm the situation down or escort the disruptive person away from the bench as directed by the judge.

If a defendant becomes argumentative, the proper force may be utilized.

i. Calm voice command, escalating to firm voice command.

ii. Touching or guiding a peson up and away from the bench.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

iii. Lifting or pulling the person from his/her seated position and physically escorting that person out of the courtroom.

If a defendant or another individual becomes combative, then your police radio should be utilized to call for assistance. As a last resort, when you feel that you cannot control the situation with any lesser application of force, the officer may use their department issued TASER on the individual.

i. Use handcuffs to first detain the defendant. Waist chains can be used later if desired to transport the defendant to jail.

ii. As a court security officer, you have no law enforcement powers and there fore cannot arrest any individual. If you must use the aforementioned force, you are merely detaining this person until he/she is placed under arrest by a law enforcement officer.

D. On heavy court calendar days, due to seating restrictions, the courtroom security officer may limit entry into the courtroom to defendants and attorneys only.

E. On such days, officers shall not restrict defendants from entering the courtroom. If necessary, contact the judge and request that only defendants be allowed in the courtroom and all other persons must leave to make room. As seating permits, then others will be allowed back into the courtroom. Support persons can enter the courtroom once the defendant is called by the judge or attorneys for their hearing if they have anything to add or to view the proceeding.

F. Children under the age of 10 are not permitted in the courtroom. If a defendant has a child under 10, inform the court clerk that the defendant is present but in the hall waiting to be called. If the judge allows, then the child will be allowed into the courtroom.

G. The courtroom duty officer shall maintain an unusual occurrence log that is located in the court clerk's officer. Each unusual occurrence shall be recorded in the log with a minimum of the following:

1. Date, time and title of incident

2. Description of incident including names of all persons involved

3. dispostion of incidents

4. Name of officer documenting the incident

H. When prisoners are escorted to the restroom, the corrections officer shall clear the restroom first before entering with the prisoner. While in the restroom, the corrections officer shall do a visiual check for possible contraband.

I. When escorting a female prisoner to the restroom, clear the restroom after knocking and making an announcement. Do not enter the restroom but advise the prisoner that you will be standing outside and have the door partially open.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

903.7 END OF COURT

A. After the final defendant has left the courtroom, contact the judge and request to be excused from duty.

B. Unless there is court the following day, unplug and place the body scanner back into its original position. Place the table and chair back in their original position and place the scanning accessories back into the clerk's office. Prior to leaving, make certain that the clerk's office is locked and the courtroom door is closed. If there is court the following day, only place the accessories in the clerk's office. Make sure that the body scanner is unplugged.

C. Return to the police station and provide the administrative clerk with a copy of the in custody list, identifying the status of each in custody defendant.

D. If available, then advise the lieutenant that the court day is complete.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Prison Rape Elimination

904.1 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 Pacific Police Department Temporary Holding Facilities (28 CFR 115.111).

904.1.1 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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

- 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).

904.2 POLICY

The Pacific 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 Pacific 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).

904.3 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 Pacific 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 Pacific 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).

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(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).

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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).

904.4 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).

904.4.1 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:

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(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.

904.4.2 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).

904.5 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).

904.5.1 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(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).

904.5.2 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 Pacific 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.

904.5.3 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).

904.5.4 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)).

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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).

904.5.5 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 Mayor. The Chief of Police or Mayor 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.

904.6 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.

904.7 REVIEWS AND AUDITS

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

904.7.1 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).

904.7.2 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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 Pacific 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).

904.8 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).

904.9 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 Manager 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

- Proper use of *Miranda* and *Garrity* warnings.
- Sexual abuse evidence collection in confinement settings.
- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Training Manager 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Chapter 10 - Personnel

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Recruitment and Selection

1000.1 PURPOSE AND SCOPE

The employment policy of the City of Pacific shall provide equal opportunities for applicants and its employees regardless of race, sexual orientation, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, marital status, veteran status, or sex, and shall not show partiality or grant any special favors to any applicant, employee or group of employees. The rules governing employment practices for this department are maintained by the City of Pacific Personnel Department.

1000.2 APPLICANT QUALIFICATIONS

Candidates for job openings will be selected based on merit, ability, competence and experience.

1000.2.1 APPLICANT TESTING REQUIREMENTS

Prior to appointment, all candidates for sworn positions will, at a minimum, be screened through the following methods and must successfully pass them:

(a) A background investigation, proof of which will subsequently be submitted to the Washington State Criminal Justice Training Commission (RCW 43.101.095(2)(a)).

(b) A medical examination, including a drug screening, performed by a licensed physician.

(c) A psychological fitness examination conducted by a qualified professional (e.g., a licensed psychologist or psychiatrist); the qualified professional, examination and subsequent report shall meet the standards as established in WAC 139-07-030.

(d) A polygraph examination administered by an experienced polygraph examiner who meets the standards in WAC 139-07-040.

(e) Driver's license history check.

(f) Credit history check.

The Department may conduct additional examinations or evaluations in order to make selection decisions regarding applicants. This includes but is not limited to:

(a) Written tests

(b) Oral interviews

(c) Physical/agility tests

1000.2.2 SECURITY OF APPLICANT FILES

All applicant files will be secured and available only to those who are authorized to participate in the selection process.

1000.3 STANDARDS

Employment standards shall be established for each job classification and shall include minimally, the special training, abilities, knowledge and skills required to perform the duties of the job in a

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

satisfactory manner. The City of City of Pacific Civil Service Department maintains standards for all positions.

The dilemma facing the Department is one of developing a job-valid and non-discriminatory set of policies which will allow it to lawfully exclude persons who do not meet the City of City of Pacific or State of Washington hiring standards.

The following standards have been adopted for public safety applicants:

1000.3.1 OPERATION OF A MOTOR VEHICLE

(a) The ability to possess a valid Washington driver's license.

(b) The ability to drive safely.

(c) The ability to control a motor vehicle at high speeds.

(d) The ability to operate a motor vehicle in all types of weather conditions.

(e) The following shall be disqualifying:

1. Receipt of three or more moving violations (or any single violation of a potential life threatening violation, such as reckless driving, speed contest, suspect of a pursuit, etc.) within three years prior to application. Moving violations for which there is a factual finding of innocence shall not be included.

2. Involvement as a driver in two or more chargeable (at fault) collisions within three years prior to date of application.

3. A conviction for driving under the influence of alcohol and/or drugs within three years prior to application or any two convictions for driving under the influence of alcohol and/or drugs.

1000.3.2 INTEGRITY

(a) Refusing to yield to the temptation of bribes, gratuities, payoffs, etc.

(b) Refusing to tolerate unethical or illegal conduct on the part of other law enforcement personnel.

(c) Showing strong moral character and integrity in dealing with the public.

(d) Being honest in dealing with the public.

(e) The following shall be disqualifying:

1. Any material misstatement of fact or significant admission during the application or background process shall be disqualifying, including inconsistent statements made during the initial background interview or polygraph examination or discrepancies between this background investigation and other investigations conducted by other law enforcement agencies.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

2. Any forgery, alteration, or intentional omission of material facts on an official employment application document or sustained episodes of academic cheating.

1000.3.3 CREDIBILITY AS A WITNESS IN A COURT OF LAW

(a) The ability to give testimony in a court of law without being subject to impeachment due to his/her honesty or veracity (or their opposites) or due to prior felony conviction.

(b) The following shall be disqualifying:

1. Conviction of any criminal offense classified as a misdemeanor under Washington law within three years prior to application.
2. Conviction for two or more misdemeanor offenses under Washington law as an adult.
3. Conviction of any offense classified as a misdemeanor under Washington law while employed as a peace officer (including military police officers).
4. Admission(s) of having committed any act amounting to a felony (including felony-misdemeanor offenses) under Washington law, as an adult, within five years prior to application or while employed as a peace officer (including military police officers).
5. Admission(s) of administrative conviction of any act while employed as a peace officer (including military police officers) involving lying, falsification of any official report or document, or theft.
6. Admission(s) of any act of domestic violence as defined by law, committed as an adult.
7. Admission(s) of any criminal act, whether misdemeanor or felony, committed against children including but not limited to: molesting or annoying children, child abduction, child abuse, lewd and lascivious acts with a child, or indecent exposure. Acts of consensual unlawful intercourse accomplished between two minors shall not be included, unless more than four years difference in age existed at the time of the acts.
8. Any history of actions resulting in civil lawsuits against the applicant or his/her employer may be disqualifying.

1000.3.4 DEPENDABILITY

(a) Having a record of submitting reports on time and not malingering on calls, etc.

(b) A record of being motivated to perform well.

(c) A record of dependability and follow through on assignments.

(d) A history of taking the extra effort required for complete accuracy in all details of work.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(e) A willingness to work the hours needed to complete a job.

(f) The following shall be disqualifying:

1. Missing any scheduled appointment during the process without prior permission.
2. Having been disciplined by any employer (including military) as an adult for abuse of leave, gross insubordination, dereliction of duty, or persistent failure to follow established policies and regulations.
3. Having been involuntarily dismissed (for any reason other than lay-off) from two or more employers as an adult.
4. Having held more than seven paid positions with different employers within the past four years, or more than 15 paid positions with different employers in the past ten years (excluding military). Students who attend school away from their permanent legal residence may be excused from this requirement.
5. Having undergone personal bankruptcy more than once, having current financial obligations for which legal judgments have not been satisfied, currently having wages garnished, or any other history of financial instability.
6. Resigning from any paid position without notice shall be disqualifying, except where the presence of a hostile work environment is alleged.
7. Having any outstanding warrant of arrest at time of application.

1000.3.5 LEARNING ABILITY

(a) The ability to comprehend and retain information.

(b) The ability to recall information pertaining to laws, statutes, codes, etc.

(c) The ability to learn and to apply what is learned.

(d) The ability to learn and apply the material, tactics and procedures that are required of a law enforcement officer.

(e) The following shall be disqualifying:

1. Being under current academic dismissal from any college or university where such dismissal is still in effect and was initiated within the past two years prior to the date of application.
2. Having been academically dismissed from any CJTC certified basic law enforcement academy wherein no demonstrated effort has been made to improve in the deficient areas, except: subsequent successful completion of another CJTC basic law enforcement academy shall rescind this requirement.

1000.3.6 PERSONAL SENSITIVITY

(a) The ability to resolve problems in a way that shows sensitivity for the feelings of others.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(b) Empathy.

(c) Discretion, not enforcing the law blindly.

(d) Effectiveness in dealing with people without arousing antagonism.

(e) The ability to understand the motives of people and how they will react and interact.

(f) The following shall be disqualifying:

1. Having been disciplined by any employer (including the military and/or any law enforcement training facility) for acts constituting racial, ethnic or sexual harassment or discrimination.

2. Uttering any epithet derogatory of another person's race, religion, gender, national origin or sexual orientation.

3. Having been disciplined by any employer as an adult for fighting in the workplace.

1000.3.7 JUDGMENT UNDER PRESSURE

(a) The ability to apply common sense during pressure situations.

(b) The ability to make sound decisions on the spot.

(c) The ability to use good judgment in dealing with potentially explosive situations.

(d) The ability to make effective, logical decisions under pressure.

(e) The following shall be disqualifying:

1. Admission(s) of administrative conviction or criminal convictions for any act amounting to assault under color of authority or any other violation of federal or state Civil Rights laws.

2. Any admission(s) of administrative conviction or criminal conviction for failure to properly report witnessed criminal conduct committed by another law enforcement officer.

1000.3.8 ILLEGAL USE OR POSSESSION OF DRUGS

(a) The following examples of illegal drug use or possession will be considered automatic disqualifiers for public safety applicants, with no exceptions:

1. Any adult use or possession of a drug classified as a hallucinogenic within seven years prior to application for employment.

2. Any adult use or possession of marijuana within one year prior to application for employment.

3. Any other illegal adult use or possession of a drug not mentioned above (including cocaine) within three years prior to application for employment.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

4. Any illegal adult use or possession of a drug while employed in any law enforcement capacity, military police, or as a student enrolled in college-accredited courses related to the criminal justice field.
5. Any adult manufacture or cultivation of a drug or illegal substance.
6. Failure to divulge to the Department any information about personal illegal use or possession of drugs.
7. Any drug test of the applicant, during the course of the hiring process, where illegal drugs are detected.

(b) The following examples of illegal drug use or possession will be considered in relationship to the overall background of that individual and may result in disqualification:

1. Any illegal use or possession of a drug as a juvenile.
2. Any illegal adult use or possession of a drug that does not meet the criteria of the automatic disqualifiers specified above (e.g., marijuana use longer than one year ago or cocaine use longer than three years ago).
3. Any illegal or unauthorized use of prescription medications.

1000.4 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 Pacific Police Department and that are promulgated and maintained by the Personnel Department.

1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Pacific Police Department (RCW 43.101.095).

1000.5.1 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

1000.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

- 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 Personnel Department should maintain validated standards for all positions.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Promotional and Transfer Policy

1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish required and desirable qualifications for promotion within the ranks of the Pacific Police Department

1002.1.1 GENERAL REQUIREMENTS

The following conditions will be used in evaluating employees for promotion or transfer:

(a) Presents a professional, neat appearance.

(b) The member maintains a physical condition, which aids in their performance.

(c) Demonstrates:

- Emotional stability and maturity.
- Sound judgment and decision making.
- Personal integrity.
- Honesty.
- Leadership.
- Initiative.
- Ability to confront and/or deal with issues both positive and/or negative.
- Ability to conform to organizational goals and objectives.

1002.2 SWORN NON-SUPERVISORY SELECTION PROCESS

The following assignments are not considered promotions:

(a) CSPA Special Operations Team member

(b) Field Training Officer

(c) Training Officer

(d) CSPA Major Crime Task Force Member

1002.2.1 DESIRABLE QUALIFICATIONS

The following qualifications apply to consideration for special assignments:

(a) Two years experience.

(b) Off probation.

(c) Has shown an expressed interest in the position appplied for.

(d) Education, training, and demonstrated abilities in related areas; such as, enforcement activities, investigative techniques, report writing, public relations, etc.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(e) Complete any training required by CJTC or law.

1002.3 PROMOTIONAL SPECIFICATIONS

Specifications for promotional opportunities are established by the Civil Service Commission.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Nepotism and Conflicting Relationships

1003.1 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.

1003.1.1 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.

1003.2 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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, financial or business 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, financial or business 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.

1003.2.1 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 officer either relieve the involved employee or minimally remain present to witness the action.

1003.2.2 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 prevent, mitigate, or avoid such violations, whenever possible. Supervisors shall

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

also promptly notify the Chief of Police of such actual or potential violations through the chain of command.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Reporting of Employee Convictions

1004.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties; therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

1004.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

Washington and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1004.3 REPORTING PROCEDURE

All members of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

1004.4 PROCEDURE FOR RELIEF

Relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Each employee shall seek relief from firearm restrictions on their own time and through their own resources.

Pending satisfactory proof of relief from any legal restriction imposed on an employee's duties, the employee may be placed on administrative leave, reassigned or disciplined. The Department may, but is not required to return an employee to any assignment, reinstate any employee or

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Grievance Procedure

1007.1 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.

1007.1.1 GRIEVANCE DEFINED

Grievance - Is any dispute involving the interpretation or application of any of the following documents by the person(s) affected:

- The employee bargaining agreement (Memorandum of Understanding).
- This Policy Manual.
- City rules and regulations covering personnel practices or working conditions.

Grievances may be brought by an individual affected employee or by a group representative.

Specifically outside the category of grievance are complaints related to alleged acts of sexual, racial, ethnic or other forms of unlawful harassment, as well as complaints related to allegations of discrimination on the basis of sex, race, religion, ethnic background and other lawfully protected status or activity are subject to the complaint options set forth in the Discriminatory Harassment Policy; and personnel complaints related to consist of any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law set forth in the Personnel Complaints Policy.

1007.2 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 Lieutenant.

(c) If a successful resolution is not found with the Lieutenant, 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:

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(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 Mayor 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 Mayor is considered final.

1007.3 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.

1007.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to Administration for inclusion into a secure file for all written grievances. A second copy of the written grievance will be maintained by the Mayor's office to monitor the grievance process.

1007.5 GRIEVANCE AUDITS

The Training Manager 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 Manager 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 Manager should promptly notify the Chief of Police.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Seat Belts

1009.1 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.

1009.1.1 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).

1009.2 POLICY

It is the policy of the Pacific Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

1009.3 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.

1009.4 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

1009.5 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any department vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints (WAC 204-41-030).

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1009.6 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.

1009.7 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.

1009.8 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Drug- and Alcohol-Free Workplace

1013.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

1013.2 GENERAL GUIDELINES

The consumption of illegal drugs is strictly prohibited and the consumption of alcohol is generally prohibited by on-duty personnel except as necessary and expressly authorized in the performance of an official special assignment. Personnel who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Employees who have consumed an amount of an alcoholic beverage or taken any medication that would tend to adversely affect their mental or physical abilities shall not report for duty. The affected employee shall notify the Shift Sergeant or appropriate supervisor as soon as the employee is aware that he/she will not be able to report to work. If the employee is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner.

1013.2.1 PURCHASE OR POSSESSION OF DRUGS OR ALCOHOL ON DUTY

Department employees shall not purchase or possess alcohol or other controlled substances on City property, at work, or while on-duty except in the performance of a special assignment as described above.

Department employees shall not illegally manufacture any alcohol or drugs while on-duty, on City property or at any other time.

1013.2.2 USE OF PRESCRIBED MEDICATIONS

Department employees who are medically required to take prescription medications during work hours shall not allow such medications to impair their ability to perform their work. Any employee who is required to take any medication with side effects which might impair his/her ability to fully and safely perform all requirements of the position shall report the need for such medication to the immediate supervisor. No employee shall be permitted to work or drive a department-owned or leased vehicle while taking such potentially impairing medication without a written release from his/her physician.

Possession or use of medical marijuana or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action (RCW 69.51A.060(7)).

1013.3 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist employees who wish to seek help for alcohol and drug problems. There is also available a variety of insurance coverages which provide treatment for drug and alcohol abuse. Employees may contact the

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Personnel Department, their insurance provider, or the Employee Assistance Program for additional information.

Employees who experience drug or alcohol problems are encouraged to seek referral for rehabilitation through the Employee Assistance Programs or their insurance provider. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1013.4 WORK RESTRICTIONS

If an employee informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with the safe and efficient performance of his/her duties, the employee may be required to obtain clearance from his/her physician before he/she continues to work.

If a supervisor reasonably believes, based upon objective facts, that an employee's ability to perform his/her duties safely and efficiently may be impaired by the consumption of alcohol or other drugs, the supervisor may ask the employee whether he/she has consumed any alcohol or other drugs and, if so the amount and type of alcohol or other drug consumed and the time of consumption, and the name of the person who prescribed the controlled substance.

If the supervisor reasonably believes, based on objective facts, that an employee is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the employee from continuing work and shall transport him/her or cause him/her to be transported safely away from the Department.

1013.5 REQUESTING SCREENING TESTS

The Department may request an employee to submit to a screening test if the Department:

(a) Reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.

(b) Informs the employee of the specific facts supporting its belief and prepares a written record of those facts, and:

1. Informs the employee in writing whether the test will be for alcohol or drugs or both.
2. Informs the employee that the result of the test is not admissible in any criminal proceeding against him/her.
3. Informs the employee that he/she may refuse the test but that refusal may result in dismissal or other disciplinary action.

1013.5.1 ADDITIONAL SCREENING TESTS FOR OFFICERS

The Department may request an employee to submit to a screening test if the employee:

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(a) Is a law enforcement officer and, during the performance of his/her duties, discharges a firearm other than by accident.

(b) During the performance of his/her duties, drives a motor vehicle in such a manner as to cause bodily injury to him/herself or another person or substantial damage to property.

1013.5.2 SCREENING TEST REFUSAL
An employee is subject to disciplinary action if he/she:

(a) Fails or refuses to submit to a screening test as requested.

(b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested by his/her appointing authority, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.

1013.6 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due employees. Disclosure of any information relating to chemical abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the employee involved or pursuant to lawful process. The written results of any screening test may be provided to the employee but will remain confidential and separate from the employee's other personnel files and is not subject to public disclosure.

1013.7 COMPLIANCE

Employees must, as a condition of employment, abide by the terms of this policy. Employees must promptly and fully report the illegal use of controlled substances on their part or the part of any other employee.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Sick Leave

1015.1 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 50.04.010 et seq.).

1015.2 EMPLOYEE RESPONSIBILITIES

Sick leave may be used for absences caused by illness, injury, temporary disability (including pregnancy/maternity), or for medical, dental or vision exams or medical treatment of the employee or the employee's immediate family when it is not possible to schedule such appointments during non-working hours.

Upon return to work, employees shall complete and submit a leave request describing the type of leave used and the specific amount of time taken.

1015.2.1 NOTIFICATION

Employees are encouraged to notify theirsupervisor as soon as they are aware that they will not be able to report to work. At a minimum, employees shall make such notification no less than one hour before the start of their scheduled shift. If an employee is unable to contact the supervisor in the case of an emergency, every effort should be made to have a representative contact the supervisor.

When the necessity for leave is foreseeable, such as an expected birth or planned medical treatment, the employee shall, whenever possible, provide the Department with no less than 30-days notice of the intent to take leave.

1015.3 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

1015.4 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; 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Communicable Diseases

1017.1 PURPOSE AND SCOPE

This policy is intended to provide guidelines for department personnel to assist in minimizing the risk of contracting and/or spreading communicable diseases and to minimize the incidence of illness and injury. The policy will offer direction in achieving the following goals:

(a) To manage the risks associated with bloodborne pathogens (BBP), aerosol transmissible diseases (ATD) and other potentially infectious substances.

(b) To assist department personnel in making decisions concerning the selection, use, maintenance, limitations, storage and disposal of personal protective equipment (PPE).

(c) To protect the privacy rights of all department personnel who may be exposed to or contract a communicable disease during the course of their duties.

(d) To provide appropriate treatment and counseling should an employee be exposed to a communicable disease.

1017.1.1 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 Pacific Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1017.2 PROCEDURES FOR CONTACT WITH BLOOD OR BODILY FLUIDS

All department personnel who may be involved in providing emergency medical care or who come in contact with another person's blood or bodily fluids (e.g., during an altercation or while attending to any injured person), shall follow these procedures and guidelines (WAC 296-823-140 et seq.).

1017.2.1 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Department's Exposure Control Officer (ECO). The ECO shall be responsible for:

(a) The overall management of the BBP Exposure Control Plan (ECP).

(b) Establishing written procedures and a training program related to ATD.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(c) Working with management to develop and administer any additional related policies and practices necessary to support the effective implementation of this plan, and remaining current on all legal requirements concerning BBP and other communicable diseases.

(d) Acting as a liaison during Occupational Safety and Health Administration (OSHA) inspections and conducting program audits to maintain an up-to-date ECP.

(e) Maintaining an up-to-date list of police personnel requiring training; developing and implementing a training program; maintaining class rosters and quizzes; and periodically reviewing the training program.

(f) Reviewing and updating the ECP annually (on or before January 1 of each year).

Department supervisors are responsible for exposure control in their respective areas. They shall work directly with the ECO and the affected employees to ensure that the proper exposure control procedures are followed.

1017.2.2 UNIVERSAL PRECAUTIONS

All human blood and bodily fluids such as saliva, urine, semen and vaginal secretions, are to be treated as if they are known to be infectious. Where it is not possible to distinguish between fluid types, all bodily fluids are to be assumed potentially infectious (WAC 296-823-14060).

1017.2.3 PERSONAL PROTECTIVE EQUIPMENT

The PPE is the last line of defense against communicable disease. Therefore, the following equipment is provided for all personnel to assist in the protection against such exposures (WAC 296-823-15005):

- Not less than two pair of disposable latex gloves (keeping a box in the car is recommended)
- Safety glasses or goggles
- Rescue mask with a one-way valve
- Alcohol (or similar substance) to flush skin at emergency site (keeping several alcohol hand wipes in the car is recommended)
- Disposable booties

The PPE is to be kept in each police vehicle. It should be inspected at the start of each shift and replaced immediately upon returning to the station if it has been used or damaged during the shift, or as otherwise needed.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

1017.2.4 IMMUNIZATIONS
All department personnel who, in the line of duty, may be exposed to or have contact with a communicable disease shall be offered appropriate treatment and/or immunization for Hepatitis B (HBV) (WAC 296-823-130 and WAC 296-823-13005).

1017.2.5 WORK PRACTICES
All personnel shall use the appropriate barrier precautions to prevent skin and mucous membrane exposure whenever contact with blood or bodily fluid is anticipated (WAC 296-823-15005).

Disposable gloves shall be worn on all medical emergency responses. Disposable gloves shall be worn before making physical contact with any patient and/or when handling items (e.g., evidence, transportation vehicle) soiled with blood or other bodily fluids. Should one's disposable gloves become contaminated with blood or other bodily fluids, the gloves shall be disposed of as contaminated waste (WAC 296-823-15010). Care should be taken to avoid touching other items (e.g., pens, books and personal items in general) while wearing the disposable gloves in a potentially contaminated environment.

All procedures involving blood or other potentially infectious materials shall be done in a way to minimize splashing, spraying or otherwise generating droplets of those materials (WAC 296-823-14020).

Eating, drinking, smoking, applying lip balm and handling contact lenses shall be prohibited in areas where a potential for an exposure exists.

1017.3 DISPOSAL AND DECONTAMINATION
The following procedures will apply to the disposal and decontamination after responding to an event that involved contact with a person's blood or bodily fluids.

1017.3.1 USE OF WASTE CONTAINERS
Officers shall dispose of biohazards with the on-scene fire response vehicle, or at the attending clinic/hospital with its approval, or in an appropriately marked biohazard waste container at the station immediately upon arrival.

The biohazard waste container located at the station shall be collapsible, leak-proof, red or appropriately labeled with a biohazard warning, and routinely emptied (WAC 296-823-14060).

1017.3.2 DECONTAMINATION OF SKIN AND MUCOUS MEMBRANES
Personnel shall wash their hands immediately (on-scene if possible) or as soon as possible following the removal of potentially contaminated gloves. Antibacterial soap and warm water or an approved disinfectant shall be used to wash one's hands, paying particular attention to the fingernails.

If an employee's intact skin contacts someone else's blood or bodily fluids or other potentially infectious materials, the employee shall immediately wash the exposed part of his/her body with soap and warm water and/or an approved disinfectant as soon as possible. If the skin becomes grossly contaminated, body washing shall be followed by an approved hospital strength

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

disinfectant. If large areas of the employee's skin are contaminated, the employee shall shower as soon as possible, using warm water and soap and/or an approved disinfectant. Medical treatment should be obtained (WAC 296-823-14030).

Contaminated non-intact skin (e.g., injured skin, open wound) shall be cleaned using an approved disinfectant and then dressed or bandaged as required. Medical treatment is required.

All hand, skin and mucous membrane washing that takes place in the station shall be done in the designated cleaning or decontamination area. Cleaning shall not be done in the kitchen, bathrooms or other locations not designated as the cleaning or decontamination area (WAC 296-823-14030).

1017.3.3 SHARPS AND ITEMS THAT CUT OR PUNCTURE

All personnel shall avoid using or holding sharps (needles) unless needed to do so while assisting a paramedic or collecting them for evidence. Unless required for evidentiary reasons related to evidence preservation, employees are not to recap sharps. If recapping is necessary, a one-handed method shall be employed to avoid a finger prick. Disposal, when practicable, shall be into a puncture-proof biohazard container.

All sharps and items that cut or puncture (e.g., broken glass, razors and knives) shall be treated cautiously to avoid cutting, stabbing or puncturing one's self or any other person. In addition, if a sharp object contains known or suspected blood or other bodily fluids, that item is to be treated as a contaminated item. If the item is not evidence, touching it with the hands shall be avoided. Rather, use a device such as tongs or a broom and a dustpan to cleanup debris. If the material must be hand held, protective gloves must be worn (WAC 296-823-14015).

1017.3.4 DISPOSABLE PROTECTIVE EQUIPMENT

Contaminated disposable supplies (gloves, dressings, CPR mask) shall be transported with the patient or suspect in the ambulance or police vehicle. The waste material shall then be disposed of in a biohazard waste container at the hospital or police station. Disposable gloves are to be worn while placing the waste into the waste biohazard container, placing the gloves in with the waste when through (WAC 296-823-15030).

1017.3.5 DECONTAMINATION OF PPE

After using any reusable PPE, it shall be washed or disinfected and stored appropriately. If it is non-reusable (e.g., disposable gloves), it shall be discarded in a biohazard waste container as described in this policy.

Any PPE that becomes punctured, torn or loses its integrity, shall be removed as soon as feasible. The employee shall wash up and replace the PPE if the job has not been terminated. If this situation resulted in a contaminated non-intact skin event, the measures above shall be implemented.

Contaminated reusable PPE that must be transported prior to cleaning it shall be placed into a biohazard waste bag and transported in the ambulance, paramedic truck or police vehicle. Gloves

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

shall be worn while handling the biohazard waste bag and during placement into the biohazard waste container, and then included in with the waste (WAC 296-823-15030).

1017.3.6 DECONTAMINATION OF NON-DISPOSABLE EQUIPMENT

Contaminated non-disposable equipment (e.g., flashlight, gun, baton, clothing, portable radio) shall be decontaminated as soon as reasonably practicable. If it is to be transported, it shall be done by first placing it into a biohazard waste bag.

Grossly contaminated non-disposable equipment items shall be transported to a hospital, fire station or police station for proper cleaning and disinfecting. Porous surfaces such as nylon bags and straps shall be brushed and scrubbed with a detergent and hot water, laundered and allowed to dry. Non-porous surfaces (e.g., plastic or metal) shall be brushed and scrubbed with detergent and hot water, sprayed with a bleach solution, rinsed and allowed to dry. Delicate equipment (e.g., radios) should be brushed and scrubbed very carefully using a minimal amount of a type of germicide that is approved by Environmental Protection Agency (EPA).

Pay close attention to handles, controls, portable radios and corners (tight spots) when cleaning equipment. Equipment cleaning shall not be done in the kitchen, bathrooms or other areas not designated as the cleaning/decontamination area.

Contaminated equipment should be cleaned using an approved EPA germicide or a 1:100 solution of chlorine bleach (one-quarter cup of bleach per one gallon of water), while wearing disposable gloves and goggles. Large particles of contaminants such as vomit, feces or blood clots should first be removed using a disposable towel or other means to prevent direct contact, and properly disposed (WAC 296-823-14055).

1017.3.7 DECONTAMINATION OF CLOTHING

Contaminated clothing such as uniforms and undergarments shall be removed as soon as feasible and rinsed in cold water to prevent the setting of bloodstains. If the clothing may be washed in soap and hot water, do so as soon as possible. If the clothing must be dry cleaned, place it into a biohazard waste bag and give it to the ECO. The ECO will secure a dry cleaner that is capable of cleaning contaminated clothing, and inform them of the potential contamination. This dry cleaning will be done at the Department's expense (WAC 296-823-15030).

Contaminated leather boots shall be brushed and scrubbed with detergent and hot water. If the contaminant soaked through the boot, the boot shall be discarded.

1017.3.8 DECONTAMINATION OF VEHICLES

Contaminated vehicles and components such as the seats, radios and doors shall be washed with soap and warm water and disinfected with an approved germicide as soon as feasible.

1017.3.9 DECONTAMINATION OF STATION AND CLEANING AREA

The ECO shall designate a location at the station that will serve as the area for cleaning/ decontamination. This area is to be used to keep equipment clean and sanitary and for the employees to wash any potential contamination from their bodies. This area is to be thoroughly

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

cleaned after each use and maintained in a clean and sanitary order at all times between each use. The application of cosmetics, smoking cigarettes and consuming food and drink are prohibited in this designated area at all times.

1017.4 POST-EXPOSURE REPORTING AND FOLLOW-UP REQUIREMENTS

In actual or suspected exposure incidents, proper documentation and follow-up action must occur to limit potential liabilities, ensure the best protection and care for the employee (WAC 296-823-160 et seq.).

1017.4.1 EMPLOYEE RESPONSIBILITY TO REPORT EXPOSURE

In order to provide appropriate and timely treatment should exposure occur, all employees shall verbally report the exposure to their immediate supervisor and complete a written exposure report as soon as possible following the exposure or suspected exposure. That report shall be submitted to the employee's immediate supervisor.

1017.4.2 SUPERVISOR REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure that occurs as soon as reasonably practicable following the incident, while gathering the following information (WAC 296-823-16005):

(a) Names and social security numbers of the employees exposed

(b) Date and time of incident

(c) Location of incident

(d) The potentially infectious materials involved

(e) Source of material or person

(f) Current location of material or person

(g) Work being done during exposure

(h) How the incident occurred or was caused

(i) PPE in use at the time of incident

(j) Actions taken post-event (clean-up, notifications, etc.)

The supervisor shall use the above information to prepare a written summary of the incident, its causes and recommendations for avoiding similar events. This report will be provided to the ECO, the consulting physician and to the City's Risk Manager.

1017.4.3 MEDICAL CONSULTATION, EVALUATION, AND TREATMENT

Any employee who was exposed or suspects he/she was exposed to any bodily fluids should be seen by a physician (or qualified health care provider) immediately following the exposure or as soon as practicable thereafter. The doctor (or qualified health care provider) should review the supervisor's report, the employee's medical records relevant to the visit and examination and the

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Communicable Disease Notification Report. The medical consultation, evaluation and treatment shall be provided at no cost to the affected employee.

The health care professional shall provide the ECO and/or the City's Risk Manager with a written opinion/evaluation of the exposed employee's situation. This opinion shall only contain the following information:

- If a post-exposure treatment is indicated for the employee.
- If the employee received a post-exposure treatment.
- Confirmation that the employee received the evaluation results.
- Confirmation that the employee was informed of any medical condition resulting from the exposure incident that will require further treatment or evaluation.
- Whether communicable disease testing from the source is warranted, and if so, which diseases should the testing include.

All other findings or diagnosis shall remain confidential and are not to be included in the written report (WAC 296-823-16005).

1017.4.4 COUNSELING
The Department shall provide the exposed employee (and his/her family if necessary) the opportunity for counseling and consultation (WAC 296-823-16005).

1017.4.5 CONFIDENTIALITY OF REPORTS
Most of the information involved in the process must remain confidential. The ECO shall ensure that all records and reports are kept in the strictest confidence.

The ECO shall be responsible for maintaining records containing the employee's HBV status and the results of examinations, medical testing and follow-up procedures that took place as a result of an exposure.

The Risk Manager shall be responsible for maintaining the name and social security number of the employee and copies of any information provided to the consulting health care professional as a result of an exposure.

This information is confidential and shall not be disclosed to anyone without the employee's written consent (except as required by law).

1017.5 SOURCE TESTING
Testing for communicable diseases of a person who was the source of an exposure shall be sought whenever the source is a known individual.

(a) A licensed health care provider should notify the person to be tested of the exposure and make a good faith effort to obtain voluntary informed consent from the person or his/her authorized legal representative to perform a test for HIV, hepatitis B, hepatitis C and other communicable diseases the health care provider deems appropriate.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(b) The voluntary informed consent obtained by the health care provider must be in writing and include consent for three specimens of blood for testing. The ECO should document the consent as a supplement to the exposure report.

(c) The results of the tests should be made available to the source and the exposed employee.

It is the responsibility of the ECO to ensure the proper testing and reporting occur (WAC 296-823-16010). If consent is not obtained, the ECO should document that fact and promptly consult with the City Attorney to consider requesting that a court order be sought for appropriate testing.

When an employee is exposed to the bodily fluids of an arrestee, the ECO shall file a report with the county health officer. The county health officer may pursue testing for HIV or hepatitis B or C (RCW 70.24.360 and WAC 246-100-206).

Since there is potential for overlap between attempts to obtain consent and the duties of the county health officer, the ECO is responsible for coordinating the testing with the county health officer to prevent unnecessary or duplicate testing.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Smoking and Tobacco Use

1019.1 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 Pacific 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.

1019.2 POLICY

The Pacific Police Department recognizes that tobacco use is a health risk and can be offensive to other employees and to the public. It is the policy of the Pacific Police Department to prohibit the use of tobacco by employees while on-duty or at any time the employee is acting in an official capacity for the Department.

1019.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Pacific Police Department.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside City facilities and vehicles.

1019.4 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).

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Personnel Complaints

1020.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Pacific 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.

1020.2 POLICY

The Pacific 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.

1020.3 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.

1020.3.1 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 Lieutenant, 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 Lieutenant, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

1020.3.2 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.

1020.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1020.4.1 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.

1020.4.2 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.

1020.5 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.

1020.6 ADMINISTRATIVE INVESTIGATIONS
Allegations of misconduct will be administratively investigated as follows.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

1020.6.1 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 Sergeant 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 Personnel Department 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(i) Ensuring that the procedural rights of the accused member are followed.

(j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1020.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or Lieutenant, 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 Pacific 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(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).

1020.6.3 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.

1020.6.4 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

1020.6.5 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.

1020.6.6 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.

1020.7 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.

1020.8 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.

1020.9 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

The Pacific 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.

1020.10 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.

1020.10.1 SERGEANT RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Sergeant of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Sergeant 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 Sergeant 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 Sergeant 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.

1020.10.2 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 Sergeant 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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

discipline. The Chief of Police shall render a timely written decision to the member and specify 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.

1020.10.3 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.

1020.11 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.

1020.12 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.

1020.13 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

1020.14 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.

1020.15 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.

1020.16 NOTIFICATION TO CRIMINAL JUSTICE TRAINING COMMISSION (CJTC) CERTIFICATION BOARD

Upon termination of a peace officer for any reason, including resignation, the Department shall, within 15 days of the termination, notify the CJTC on a personnel action report form provided by the commission. The Department shall, upon request of the CJTC, provide such additional documentation or information as the commission deems necessary to determine whether the termination provides grounds for revocation of the peace officer's certification (RCW 43.101.135).

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Body Armor

1024.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1024.2 POLICY

It is the policy of the Pacific 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.

1024.3 ISSUANCE OF BODY ARMOR

The Administration supervisor shall ensure that body armor is issued to all officers when the officer begins service at the Pacific Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administration supervisor shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

Each employee shall be issued a uniquely fitted vest that conforms to the individual wearer.

1024.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

(a) Officers shall only wear agency-approved body armor.

(b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.

(c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.

(d) Body armor shall be worn when an officer is working in uniform or taking part in Department range training.

(e) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

1024.3.2 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.

1024.3.3 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.

1024.4 FIREARMS INSTRUCTOR RESPONSIBILITIES
The Firearms Instructor 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Personnel Records

1025.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1025.2 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.

1025.3 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

1025.4 SECTION FILE

Section files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Section file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

1025.5 TRAINING FILE

An individual training file shall be maintained by the Training Manager 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 Manager or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Training Manager or supervisor shall ensure that copies of such training records are placed in the member’s training file.

1025.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Lieutenant 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 Lieutenant 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

1025.7 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(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.

1025.8 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 Mayor, City Attorney or other attorneys or representatives of the City in connection with official business.

1025.8.1 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.

1025.8.2 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.

1025.8.3 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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(d) That the member may seek to enjoin release of the records under RCW 42.56.540 (court protection of public records).

1025.9 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS

Any member may request access to his/her own personnel records annually during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from his/her 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 files containing any of the following information:

(a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.

(b) Confidential portions of internal affairs files that have not been sustained against the member.

(c) Criminal investigations involving the member.

(d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.

(e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.

(f) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for department planning purposes.

(g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.

(h) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.

1025.10 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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Request for Change of Assignment

1028.1 PURPOSE AND SCOPE

It is the intent of the Department that all requests for change of assignment are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

1028.2 REQUEST FOR CHANGE OF ASSIGNMENT

Personnel wishing a change of assignment are to complete a memo to the Chief of Police via the chain of command

1028.2.1 PURPOSE OF MEMO

The form is designed to aid employees in listing their qualifications for specific assignments. All relevant experience, education and training should be included when completing this form.

All assignments an employee is interested in should be listed on the memo.

The Request for Change of Assignment memo will remain in effect until the end of the calendar year in which it was submitted. Effective January 1st of each year, employees still interested in new positions will need to complete and submit a new Change of Assignment Request memo.

1028.3 SUPERVISOR'S COMMENTARY

The officer's immediate supervisor shall make appropriate comments on the memo before forwarding it up the chain of command.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Employee Commendations

1030.1 PURPOSE AND SCOPE

Special recognition may be in order whenever an employee performs his/her duties in an exemplary manner. This procedure provides general guidelines for the commending of exceptional employee performance.

1030.2 WHO MAY MAKE COMMENDATIONS

A written commendation may be made by any supervisor regarding any other employee of the Department, provided the reporting person is superior in rank or is the person-in-charge of the individual being commended. Additionally, investigating officers may commend uniformed officers for exceptional assistance in investigative functions, with approval from the investigator's supervisor. Any employee may recommend a commendation to the supervisor of the employee subject to commendation.

1030.3 COMMENDABLE ACTIONS

A meritorious or commendable act by an employee of this department may include, but is not limited to, the following:

- Superior handling of a difficult situation by an employee.
- Conspicuous bravery or outstanding performance by any employee of the Department.
- Any action or performance that is above and beyond the typical duties of an employee.

1030.3.1 COMMENDATION PROCEDURE

When department personnel perform a meritorius act which is perceived to be worthy of greater recognition than afforded by a Letter of Commendation, the following procedure shall be followed:

Supervisor or Lieutenant:

(a) Complete a commendation report (CIA) for the employee/s involved.

(b) Request a review of the report by each of the involved individuals for purposes of accuracy.

(c) Submit the approved report to the Chief of Police, via the chain of command.

Involved employee:

(a) Review the commendation report for accuracy

(b) Return the corrected and/or approved report to the supervisor from whom it was received.

Lieutenant:

(a) Review the commendation report.

(b) Initial the report.

(c) Write the citation to accompany the report.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(d) Forward the report to the Chief of Police.

Chief of Police:

(a) Review the commendation report.

(b) Bring the report to the attention of command staff

(c) The Chief and Lieutenant will reach a consensus on the appropriate award.

(d) Should the award be determined to be the Medal of Valor or the Medal of Distinction, the Chief will:

1. Request the Mayor present the appropriate medal and certificate at the next available city council meeting or another appropriate ceremony, or

2. Personnally present the medal and certificate should the situation dictate otherwise.

(e) Forward the completed CIA report to the Lieutenant for documentation and storage.The Lieutenant will alsoforward a copy of the approved citation to the Personnel Department to be maintained in the employee's personnel file.

(f) Should the command staff determine the award does not merit the Medal of Valor or Distinction, but rather a Letter of Commendation, those procedures will be followed.

1030.4 TYPES OF AWARDS

The Medal of Valor will be awarded to department personnel for acts that meet all of the following conditions:

(a) When the act conspicuously displays extreme courage, beyond the normal demands for police service.

(b) When failure to take such action would not justify official censure.

(c) When substantial risk to their physical safety actually existed and the individual was unquestionably conscious of this imminent threat.

(d) When the objective was logically believed to be of sufficient importance to justify the risk taken.

The Medal of Distinction will be awarded to department personnel for acts which meet all of the following criteria:

(a) When personnel manifest courage in the performance of duty under circumstances less than those required for the Medal of Valor.When a risk to the individual's physical safety actually existed, or when there was reason to belive that such a risk was present.

(b) When the act indicated that the individual was conscious of the imminent danger to their personal safety, or when a reasonable and prudent person would normally assume such danger was present.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(c) When the objective was reasonably believed to be of sufficient importanace to justify the risk taken.

(d) When the individual accomplished the objective, or was prevented from doing so by circumstances beyond his/her control.

The Lifesaving Medal shall be awarded to department personnel for acts that meet all of the following criteria:

(a) When the acts were personally peformed by the employee.

(b) When affirmed by competent medical authority, an individual saved a human life or prolonged life beyond the day of extraordinary circumstances.

The Merit Medal shall be awarded to department personnel for acts that meet all of the following criteria:

(a) When individuals distinguish themselves by excellence in events which involve tactical action.

(b) When the event involves some risk to the individual.

Letter of Commendation

When department personnel perform a commendable act, which is perceived to be worthy of a Letter of Commendation, a commendation report (CIA) shall be submitted.

Any individual of higher rank or position than the individual to be commended, may submit a commenation report (CIA), accompanied by a letter of Commendation, on behalf of that individual, via the chain of command to the Chief of Police.

(a) No copy shall be provided to the individual at this point.

The Chief, upon receipt of the commendation report, will either:

(a) Forward the completed CIA to the Lieutenant for documentation and storage. The Lieutenant will also forward a copy of the approved citation to the Personnel Department to be placed in the employee's personnel file, and:

1. Personally present the individual with the Letter of Commendation, or

2. Return a copy of the letter to the individual's supervisor for presentation, or

(b) Return the commendation report to the submitting party, via the appropriate chain of command:

1. When the report contains insufficient information, or

2. When the incident lacks merit, or

3. When the incident is believed to be worthy of consideration for a higher award.

Commendation

When an individual receives positive recognition from the public or from another member of the department that does not rise to the level of a Letter of Commendation, the Chief will direct the Lieutenant to:

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(a) Furnish a copy of the recognition to the subject employee and his/her supervisor.

(b) Post a copy of the recognition on the Employee Recognition Board.

(c) Record the recognition on a C.I.A Form as a commendation and store will all other CIA records.

1030.5 CITIZEN COMMENDATIONS

The effective investigation, prosecution, and reduction of crime cannot be accomplished by the police without the support and cooperation of the citizens whom they serve.

Each citizen must recognize his/her obligation to the community and the shared responsiblity for its welfare.

The Department seeks to further the acceptance of these duties through recognition of those citizens whose actions have contributed to the apprehension of cirminals, the prevention of crime, or the safety of the community.

(a) When a private citizen performs an act peceived to be deserving of department recognition:

Any department employee may request the recognition on behalf of the private citizen by submitting a written request to the Chief via the chain of command.

Upon receipt of the request, the Chief will evaluate the request and accomplish one of the following:

(a) Request the Mayor present a Certificate of Recognition at an upcoming City Council meeting.

(b) Issue a Certificate of Appreciation.

(c) Return the request to the submitting individual, via the chain of command.

1. In the absence of adequate documentation.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Fitness for Duty

1032.1 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.

1032.2 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.

1032.3 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 Sergeant, 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

1032.4 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.

1032.5 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 Personnel Department 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(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.

1032.6 LIMITATION ON HOURS WORKED

Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour) period, or
- 30 hours in any 2 day (48 hour) period, or
- 84 hours in any 7 day (168 hour) period.

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

1032.7 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Meal Periods and Breaks

1034.1 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 Mayor.

1034.1.1 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 patrol and traffic officers shall request clearance from Valleycom prior to taking a meal period. Uniformed officers shall take their breaks within the City limits unless on assignment outside of the City.

The time spent for the meal period shall not exceed the authorized time allowed.

1034.1.2 15 MINUTE BREAKS

Each employee is entitled to a 15 minute break, near the mid point, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Employees normally assigned to the police facility shall remain in the police facility for their breaks. This would not prohibit them from taking a break outside the facility if on official business.

Field officers will take their breaks in their assigned areas, subject to call and shall monitor their radios. When field officers take their breaks away from their vehicles, they shall do so only with the knowledge and clearance of Valleycom.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Payroll Records

1036.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of department members who are eligible for the payment of wages.

1036.1.1 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 Administration.

1036.1.2 TIME REQUIREMENTS

All employees are paid on the 5th and 20th of each month with certain exceptions such as holidays. All time sheets shall be completed and submitted prior to the 1st and 15th or when requested.

1036.2 RECORDS

The Lieutenant 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).

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Overtime Compensation Requests

1038.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Collective Bargaining Agreement (CBA), 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.

1038.1.1 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. If no supervisor is available in person or via phone then an officer may exercise her/his sound judgement as to the need to work overtime.

All overtime work shall be in accordance with the current CBA.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed the limit established by any union contract.

1038.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime payment request forms for verification by their immediate supervisor and then forward them to Administration as soon as practical. Failure to submit a request for overtime payment in a timely manner may result in a denial of compensation.

1038.2.1 EMPLOYEES RESPONSIBILITY

Employees shall complete the requests immediately after working the overtime and turn them in to their immediate supervisor or the Lieutenant . Employees submitting overtime cards for on-call pay when off duty shall submit cards to their supervisor the first day after returning for work.

1038.2.2 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 Sergeant or Lieutenant for final approval.

1038.2.3 LIEUTENANTS RESPONSIBILITY

The Lieutenant, after approving payment, will then forward the form to the City Finance Department..

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

1038.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, the Memorandum of Understanding provides that a minimum number of hours will be paid, (e.g., two hours for Court, four hours for outside overtime). The supervisor will enter the actual time worked.

1038.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

TIME WORKED	INDICATE ON CARD
1 to 15 minutes	1/4 hour
16 to 30 minutes	1/2 hour
31 to 45 minutes	3/4 hour
46 to 60 minutes	1 hour

1038.3.2 VARIATION IN TIME REPORTED

Where two or more employees are assigned to the same activity, case, or court trial and the amount of time for which payment is requested varies from that reported by the other officer, the approving supervisor may require each employee to include the reason for the variation on the back of the overtime payment request.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Outside Employment

1040.1 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.

1040.1.1 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. 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.

1040.2 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 a memo to the Chief of Police describing the details of the outside employment request.

If approved, the employee will receive written notification.

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.

1040.2.1 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).

1040.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any approved outside employment may be revoked or suspended under the following circumstances:

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(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. 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.

(b) Suspension or revocation of a previously approved outside employment may be included as a term or condition of sustained discipline.

(c) If, at any time during the term of a valid outside employment, an employee's conduct or outside employment conflicts with the provisions of department policy, permission for outside employment 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 will be suspended until the employee has been cleared to return to full duty status.

1040.3 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.

1040.3.1 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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.

1040.3.2 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.

1040.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Chief of Police, 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.

1040.4 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

1040.4.1 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 Policy Manual § 1040.2.2(c).

1040.5 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.

1040.6 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.

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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(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 Pacific Police Department, a request (in writing) may be made to the Chief of Police to resume outside employment.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Occupational Disease and Work-Related Injury Reporting

1042.1 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.

1042.1.1 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).

1042.2 POLICY

The Pacific 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.).

1042.3 RESPONSIBILITIES

1042.3.1 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.

1042.3.2 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.

1042.3.3 SERGEANT RESPONSIBILITIES

The Sergeant 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 Administration Sergeant 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

1042.3.4 CHIEF OF POLICE RESPONSIBILITIES
The Chief of Police shall review and forward copies of the report to the Personnel Department. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

1042.4 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 Sergeant through the chain of command and a copy sent to the Administration Sergeant.

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.

1042.5 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.

1042.5.1 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Personal Appearance Standards

1044.1 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.

1044.2 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.

1044.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, worn up or in a tightly wrapped braid or ponytail.

1044.2.2 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1044.2.3 FACIAL HAIR

Facial hair may be worn by employees. Acceptable facial hair for all staff includes a mustache, goatee, or a beard. Any employee choosing to wear facial hair must keep it neatly trimmed, with no patches.

- Mustaches may not be more than one half inch in depth and may not extend below the corners of the mouth or over the upper lip.
- Goatees may not be more than one half inch in depth, may not extend more than one half inch beyond the corners of the mouth, and may not extend more than one half inch below the chin. The facial hair directly above the upper lip may not extend over the upper lip.
- Beards may not be more than one half inch in depth and may not extend past the halfway point of the neck (as measured between the collar and the chin). The beard shall connect with the extension of the sideburns and shall connect with the mustache. It shall also be uniform in width and taper from the chin to the width of the sideburn. The width of the beard shall be no less than one inch and no greater than three inches. Cuts such as thin lines along the cheekbones and around the chin are not authorized. No portion of the beard may be exceptionally longer than the rest.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Examples of facial hair which are not authorized include : stubble or "a few days growth"; soul patch, Vandyke, or lower lip whisker patch; a goatee or beard without the mustache; elongated and/or extra wide sideburns; long mustaches extending over the lip, or any facial hair that prevents an officer from successfully passing a "fit test" with a gas mask or respirator. Chief of Police.

1044.2.4 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.

1044.2.5 JEWELRY AND ACCESSORIES
No jewelry or personal ornaments shall be worn by officers on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar.

Earrings shall not be worn by uniformed sworn members, detectives or special assignment personnel without permission of the Chief of Police or his/her designee. Only one ring may be worn on each hand of the employee while on-duty.

1044.3 TATTOOS
Unapproved tattoos shall not be visible on any member of the Department while on-duty or representing the department in any official capacity.. Employees shall not have visible tattoos or body art on their face, neck, head, or hands. Cosmetic tattoos, such as eyeliner, eyebrows and lips are an exception to this policy as long as they are natural in appearance.

Employees who have tattoo(s) which are visible while wearing short sleeved, collared shirts may request to keep those tattoos visible during their work shift. This request will be reviewed by the Chief or his/her designee. Should the Chief (or designee) find the tattoo is not offensive, he or she may authorize the employee to have the tattoo visible while on-duty. Examples of offensive tattoos would include but not be limited to those depicting racial, sexual, discriminatory, gang-related, or obscene language or imagery.

1044.4 BODY PIERCING OR ALTERATION
Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited except with prior authorization of the Chief of Police. Such body alteration includes, but is not limited to:

(a) Tongue splitting or piercing.

(b) The complete or transdermal implantation of any material other than hair replacement.

(c) Abnormal shaping of the ears, eyes, nose or teeth.

(d) Branding or scarification.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Uniform Regulations

1046.1 PURPOSE AND SCOPE

The uniform policy of the Pacific Police Department is established to ensure that uniformed officers will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated Policy Manual sections:

Section 700 - Department Owned and Personal Property.

Section 1024 - Body Armor.

Section 1044 - Grooming Standards.

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Chief of Police or his/her designee. That manual should be consulted regarding authorized equipment and uniform specifications.

The Pacific Police Department will provide uniforms for all employees required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement.

1046.2 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.

(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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(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.

1046.2.1 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 Sergeant.

1046.3 UNIFORM CLASSES

1046.3.1 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 and Pacific Police tie tack.

(b) Polished shoes.

Boots with pointed toes are not permitted.

1046.3.2 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.

(b) A white, navy blue or black crew neck t-shirt must be worn with the uniform.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(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.

1046.3.3 CLASS C UNIFORM
Jump suits are approved for every shift and weekends or when authorized by a supervisor.

1046.3.4 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.

1046.3.5 FOUL WEATHER GEAR
Jump suits are approved for inclement weather conditions.

1046.4 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.

(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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(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.

1046.4.1 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.

1046.5 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.
5. Distasteful printed slogans, buttons or pins.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(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 Pacific Police Department or the morale of the employees.

1046.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, Pacific 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 Pacific 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.

1046.7 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT

(a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department issued item.

(b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.

(c) Replacement of items listed in this order as optional shall be done as follows:

1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.

2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (Policy Manual § 700).

1046.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Pacific 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Uniform Regulations

Pacific 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Discipline

1048.1 PURPOSE AND SCOPE

To set procedures used when disciplinary action is appropriate. Disciplinary procedures will be followed per department guidelines and Union contract.

Whenever possible, the Pacific Police Department will avoid terminating an otherwise productive member when performance problems occur. When discipline is deemed appropriate, and it is practicable to do so, a progressive disciplinary system is used to bring about change once it is shown that a member knew, or should have known, that such conduct, behavior, or performance, failed to comply with established directives. Furthermore, discipline shall be for cause and shall follow the basic concepts of due process as established by administrative procedures.

This department does not discriminate against current members, potential members or member groups, on the basis of sex, ethnic background, race, religion, color, age, or physical disability in any disciplinary or termination proceedings.

1048.2 NON-DISCIPLINARY STEPS

Correcting undesirable conduct, behavior, or work performance, is at times best handled by the immediate supervisor in a non-formal atmosphere. This means taking the member aside and discussing the problem, candidly and openly. These actions may or may not be formally documented, depending on the supervisor's discretion. Facts to be considered in making this decision include, but are not limited to, the member's intentions to do well, the member's appreciation of the supervisory consulting, and the member's immediate actions to correct the problem. In addition to supervisory consulting, the following situations may be used in lieu of formal discipline.

Counseling

At times, personal problems may interfere with the member's ability to perform normally. Counseling is not a form of discipline but is an additional management tool to correct a problem if the member is not capable of doing so.

Administrative Leave

Administrative leave occurs any time the member must be removed from duty until a proper investigation or other administrative proceeding can be conducted. These situations usually involve a case of suspected misconduct, such as drinking, fighting, or being mentally or physically unfit for duty. In such cases, leaving the member in a position would create an unreasonable liability or safety issue for the department.

The immediate supervisor can relieve an officer from duty, then immediately report the action to the next supervisor in the chain of command. Incident documents should follow the chain of command

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

to the Chief, who should initiate an investigation about whether the relief will continue, and for how long, and make a decision within 24 hours of receiving such notice.

Leave following the use of deadly force is not discipline and should not be viewed as such. There are additional administrative actions that may be necessary for the use of deadly force.

The purpose of an administrative leave is to help the member adjust and handle any personal or emotional needs resulting from traumatic events.

1048.3 STEPS OF PROGRESSIVE DISCIPLINE

Depending on the severity of the commission or omission of the act, the following actions will be taken:

Verbal Warning - Can be issued by a Supervisor, Relief Supervisor, or Field Training Officer. It is not written and does not go beyond the supervisor and officer.

Written Warning - Is more severe than a verbal warning and is placed in the officer's personnel file. Persons receiving this warning will initial it. It can be issued by a Supervisor or Chief of Police.

Written reprimand - Generally recommended by the employee's supervisor. Written reprimands are more severe than written warnings, and are issued with the approval of the Chief of Police. Persons receiving a written reprimand will be told why they are receiving the reprimand and will sign it. A written reprimand will be placed in the personnel file.

Formal reprimand - This is the most serious reprimand. More than one of these reprimands in like areas will result in dismissal. This reprimand will be signed by the officer and placed in their personnel file. Formal reprimands are issued by the Chief of Police..

Suspension - Suspension, as a form of discipline, is intended to be punitive and can occur when an officer or a supervisor is involved. This is a serious form of disciplinary action for an officer or a supervisor and may include loss of pay for the duration of the suspension. The length of suspension will be determined by the Chief of Police.

Demotion - Demotion, as a form of discipline, is intended to be punitive and can occur when a supervisor is involved. This is perhaps the most serious form of disciplinary action for a supervisor and last effort for the Department to try and save the member's position. Demotions will be handled by the Chief of Police.

Termination - All members are subject to termination for the following general conditions. All terminations will be handled by the Chief of Police.

1048.3.1 TERMINATION CAUSES

Consistent performance failure(s) or a single performance failure that results in serious consequences to the officer's public credibility or ability to do business in an effective and efficient manner, with or without fault, is grounds for termination.

Termination for performance failure (through acts of omission or commission while on or off duty) can occur with or without fault on the member's part. While no attempt is being made here

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

to list all situations that may result in such removals, the following examples illustrate the kinds of failure that lead to this cause for termination:

Termination with Fault

Examples include insubordination, threatening a supervisor, fighting and assaults or provoking a fight or assault, forbidden harassment, endangering another, drug or alcohol abuse, theft, false reporting or witnessing, or any felony. In cases of termination with fault, management attempts to establish, through substantial evidence, that the member had culpability - in other words, that the member acted purposefully, knowingly, recklessly or negligently.

Termination without Fault

Examples include chronic problems, substantial impairment of the employment relationship, and situations where performance is not reasonably expected to improved or where problems are not expected to be resolved in a reasonable time.

Chronic problems include excessive excused and non-excused absences, failure to consistently accomplish expected levels of performance results on assigned tasks, and chronic complaining about operations to the extent that management must spend excessive time dealing with the problems caused by complaints.

Examples of substantial impairment of the employment relationship include unreasonable disruption of normal operations of the Department, endangering the Department's mission purposes, actions or inactions that contribute to an unnecessary risk to the public image, and creating conflicts of interest.

Situations where performance is not reasonably expected to improve include past failures to respond positively to progressive discipline, habitual violations of directives, work effort requiring excessive supervision after reasonable training has occurred to prepare the member for the duties and responsibilities of the position, the member's failure to learn the formal aspects of the job not covered by formal training but that are reasonable to expect of a competent member who has gained knowledge and experience from the normal work environment; and the member's failure to accept the department's purpose, mission, code of conduct, or oath of office.

Failures to comply with directives are normally handled through an investigative process. These investigations are conducted to determine the appropriateness of discipline and administrative sanctions. Important considerations in decisions to discipline include maintaining and advancing the Department's effectiveness, efficiency and safe operations. These considerations are combined with the demonstrated performance, conduct, proficiency and behavior of the member.

1048.3.2 PRE-TERMINATION NOTICE

Prior to any hearing, a pre-termination hearing (Loudermill hearing) will be conducted by the Chief of Police.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

1048.3.3 NOTICE OF TERMINATION

If a member's performance requires an investigation, the member may be placed on paid administrative leave pending the outcome of the investigation. Depending on the finding, the member may then be terminated. If this occurs, members are provided with information that includes:

1. The reason for the termination.
2. The effective date of termination.
3. Whom to contact regarding the status of fringe and retirement benefits.
4. A statement that the content of the member's record relating to the termination will be made available to the member according to state public law.

This section informs members that this procedure does not intend to illegally discriminate against any member or group of members. The only basis upon which management wishes to make discretionary decisions in these areas is on the legitimate business needs of the office, the member's performance, and the subsequent results of a member's performance.

1048.4 APPEALS

Appeals concerning demotions or terminations may be made as set forth in the City of Pacific Civil Service Rules #19, Appeals Sections #19-1, or in the Union contract.

Appeals of formal or written reprimands may be made in writing to the Chief of Police within five days of the receipt of the reprimand.

1048.5 MAINTENANCE OF RECORDS

All personnel records are maintained by the City of Pacific Personnel Director. The personnel file is open for review by the employee, the employee's first direct supervisor, and Chief of Police.

No information shall be released from an employee's personnel file without a signed waiver or release by the employee, or a court order.

An employee's personnel file contains the employee's application, background check, academy and field training records, copies of evaluations, training records, commendations, letters of meritorious service, pay schedules and disciplinary actions.

See the City Clerk for records retention policy and guidelines.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Domestic Violence Involving Law Enforcement Employees

1052.1 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).

1052.1.1 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.

1052.2 DEPARTMENT RESPONSIBILITIES

Pacific Police Department has the following obligations (RCW 10.99.030 and 10.99.090):

(a) Provide pre-hire screening procedures reasonably calculated to disclose whether an applicant for a sworn employee position has a history of domestic violence, child abuse allegations, or have been subject to protective order.

(b) Maintain ongoing and meaningful relationships with victim advocacy groups and other domestic violence professionals in the community.

(c) Provide education to Pacific Police Department employees on the dynamics of interpersonal violence.

(d) In response to observed behavior or at the request of the employee, the Pacific Police Department may offer or recommend intervention services to employees. If domestic violence is suspected, the referral should be to a domestic violence specialist.

(e) Any employee who becomes aware of domestic violence committed by a sworn employee must immediately report that allegation to their supervisor.

(f) Recognize that employees who disclose that they have personally engaged in criminal acts of domestic violence are not entitled to confidentiality. Such acts shall be investigated administratively and criminally as appropriate.

(g) Provide information to employing law enforcement agencies within 24 hours of a domestic violence or domestic dispute report involving a sworn officer.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(h) Provide information on this domestic violence policy and programs under RCW 26.50.150 to employees and make it available to employee families and the public.

(i) Provide victims of domestic violence by Pacific 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 Pacific 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 Pacific Police Department employees who are alleged victims of violence at the hands of sworn employees of the Pacific 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 Pacific 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.

1052.2.1 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.

1052.2.2 LIEUTENANT RESPONSIBILITIES

When the lieutenant is notified of an incident covered by this policy, he/she shall notify the Chief of Police promptly of such incident and:

(a) If a Pacific Police Department employee is involved they shall:

1. Determine if the involved employee's law enforcement powers shall be suspended and if duty weapon, and other Department-owned equipment shall be removed pending investigation outcome and possible prosecutorial charging decision.

2. Issue an administrative order prohibiting contact with the victim if appropriate.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

3. Forwarded information on the incident to 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 they shall:

1. Verify command notification of the employing agency.
2. Verify the supervisor has offered assistance with removing weapons, police powers, etc.
3. Ensure that the Pacific Police Department provides appropriate reports and any other requested documentation to the employing agency.

1052.3 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 Lieutenant 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 Lieutenant within 24 hours.

(e) Employees are expected to fully cooperate with the investigation of allegations under this Policy but only as requested by a supervisor, the Lieutenant or by court subpoena.

(f) When a law enforcement agency responds to a call in which a sworn employee is alleged to have been involved in a domestic dispute or committed an act of domestic violence, the involved employee must immediately report that police response to their supervisor. A written report must follow within 24 hours, subject to the agency's internal investigatory process.

(g) When an employee becomes the subject of an investigation for child abuse or neglect, or becomes subject to an order under RCW 26.44.063 or RCW 26.50 or any equivalent order issued by another state or tribal court, that employee must immediately report the fact to his/her supervisor. A written report must follow within 24 hours to include

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

a copy of any order and any notices of court dates, appearances, and proceedings received by the employee.

1052.4 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) 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.

1052.4.1 RADIO RESPONSE

Employees of Valleycom 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.

1052.4.2 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

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, etc. or other troubling event 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 Chief of Police. Access to the report should then be restricted to some form of "read only" version or physically secured.

1052.4.3 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 Pacific Police Department involving any law enforcement officer.

(c) Coordinate the investigation, applying appropriate resources and special units such as forensics, photography, domestic violence specialists, advocates and ensuring command notification.

(d) Write a report on all incidents, whether deemed criminal or not and route it through the chain of command.

(e) In the event of the arrest of a sworn employee of the Pacific 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(i) Provide the victim with a copy of this policy and PPD contact information, acting as the point of contact until another assignment is made.

1052.5 VICTIM SAFETY ASSISTANCE AND NOTIFICATION

The Pacific Police Department will work with community resources and domestic violence advocacy agencies and shall make available to the victim (RCW 10.99.090):

(a) Information on how to obtain protective orders and/or removal of weapons from his/her home.

(b) Assistance with obtaining such orders in coordination with domestic violence victim advocates.

(c) A copy of this policy and any agency confidentiality policy.

(d) Information about public and private domestic violence advocacy resources to include the Washington State Domestic Violence Hotline.

(e) Information related to relevant confidentiality policies related to the victim's information and public disclosure as provide by law.

(f) The Pacific Police Department will coordinate victim notification regarding criminal and administrative investigative processes through the designated agency liaison in order to assist with victim safety.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Department Badges

1054.1 PURPOSE AND SCOPE

The Pacific Police Department badge and uniform patch as well as the likeness of these items and the name of the Pacific Police Department are the property of the Department and their use shall be restricted as set forth in this policy.

1054.2 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.

1054.2.1 FLAT BADGE

Sworn officers, with the written approval of the Chief of Police may purchase, at his/her own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of departmental policy as the uniform badge.

(a) An officer may sell, exchange, or transfer the flat badge he/she purchased to another officer within the Pacific Police Department with the written approval of the Chief of Police.

(b) Should the flat badge become lost, damaged, or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in Policy Manual 700.

(c) An honorably retired officer may keep his/her flat badge upon retirement.

(d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

1054.2.2 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.

1054.2.3 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

1054.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees and non-sworn uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for Department use shall be subject to approval by the Chief of Police.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1054.4 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 Pacific 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Temporary Modified-Duty Assignments

1056.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for assigning employees to modified duty. Temporary modified duty assignments may be available to employees who have incurred a duty-related illness or injury and, due to restrictions or limitations, are unable to perform their regular assigned duties. Non-duty related illnesses or injuries may also be considered for eligibility in accordance with this policy. Eligibility for modified duty assignment is subject to the approval of the Chief of Police or his/her designee.

Modified duty assignments are intended to provide an employee with the ability to continue working within the limits of his/her restrictions and limitations on a temporary basis while providing the Department with a productive employee during the interim period.

The Department will engage in a good faith interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability.

1056.2 DEFINITIONS

Modified Duty - Means a temporary, limited-term assignment not requiring performance of the full range of duties associated with the regular job classification. Modified duty also may be termed as light-duty assignments.

1056.3 LIMITATIONS

Modified duty assignments are a management prerogative and not an employee right. Modified duty assignments shall be subject to continuous re-assessment dependent upon Department need and the employee's ability to perform in a modified duty capacity.

An injured employee may be offered a modified duty position outside of his/her normal assignment or duties if it becomes available, but the employee shall be given the option to either accept the position or continue to draw on applicable sick leave, worker's compensation or disability accounts as applicable.

(a) If an employee cannot adequately perform in a modified duty assignment, such assignment may be modified or terminated.

(b) The lack of Department need or a change in priorities may result in the employee's removal from or modification of a modified duty assignment.

(c) The Department may place conditions as deemed appropriate upon any modified duty assignment.

1056.4 PROCEDURE

Employees may request assignment to modified duty by providing a signed statement from their health care provider describing their restrictions, limitations and expected duration to their

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Sergeant or his/her designee. The statement must also indicate if the employee requires any workplace accommodations, mobility aids or medical devices.

The Sergeant will determine what modified duty assignments may be available based on the needs of the Department, limitations of the employee and suitability of the employee to work a particular assignment. Requests for a modified duty assignment of 20 hours or less may be approved and facilitated by the Shift Sergeant or Sergeant. Assignments of longer duration are subject to the approval of the Chief of Police or his/her designee.

1056.4.1 MODIFIED DUTY SCHEDULES

The schedules of employees assigned to modified duty may be adjusted to suit medical appointments or Department needs at the discretion of the Sergeant.

The employee and his/her supervisors should be informed in writing of the schedule, assignment and limitations and restrictions as determined by the employee's health care provider.

1056.4.2 ACCOUNTABILITY

The employee's supervisors shall coordinate efforts to ensure proper time accountability and shall complete and process a change of shift/assignment form.

(a) Employees on modified duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee's sick leave.

(b) Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their supervisor of any change in restrictions or limitations as determined by their health care provider. An employee assigned to a modified duty assignment shall provide a duty status report to their supervisor no less than once every 30 days while the employee is on modified duty.

(c) Supervisors shall keep the Sergeant apprised of the employee's status and ability to perform the modified duty assignment. Modified duty assignments that extend beyond 60 days will require a written status report and a request for an extension to the Sergeant with an update of the employee's current status and anticipated date of return to regular duty. Extensions require approval of the Chief of Police.

(d) When it is determined that an employee on modified duty will return to regular duty, the supervisor shall notify the Sergeant and complete and process a change of shift/assignment form. All training and certification necessary for return to duty shall be reviewed and updated as necessary.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

1056.4.3 MEDICAL EXAMINATIONS
The Department reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any employee assigned to a modified duty assignment or of any employee having been on such assignment. Such examinations shall be at the expense of the Department.

Prior to returning to full-duty status, employees shall be required to provide a statement signed by their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assignment without restriction or limitation.

1056.5 PREGNANCY
It is the policy of the Department to reassign employees who are pregnant upon request by the employee or when deemed necessary by the Department to temporary assignments that will not routinely expose the employee to potentially hazardous environments or activities.

1056.5.1 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 Sergeant that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

1056.5.2 SUPERVISOR'S RESPONSIBILITY
Upon receiving the medical verification of the pregnancy and a request for job accommodation, reassignment or leave, the supervisor shall notify the Sergeant, who will consider assigning the employee to an available temporary modified duty assignment if it is deemed appropriate by the Department or medically necessary by the employee's health care provider.

If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted consistent with the City Personnel Rules and Regulations regarding family and medical care leave.

1056.6 PROBATIONARY EMPLOYEES
Probationary employees who are assigned to a temporary modified duty assignment shall have their probation extended by a period of time equal to the employee's assignment to modified duty.

1056.7 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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

Nothing in this policy limits a pregnant employee's right to a temporary modified-duty assignment if required under RCW 43.10.005 or WAC 357-26-030 et seq.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Employee Speech, Expression and Social Networking

1059.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1059.1.1 APPLICABILITY

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

1059.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Pacific Police Department will carefully balance the individual employee's rights against the Department's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

1059.3 SAFETY

Employees should consider carefully the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of the Pacific Police Department employees, such as posting personal information in a public forum, can result in compromising an employee’s home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be expected to compromise the safety of any employee, an employee's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

1059.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the department's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

(a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Pacific Police Department or its employees.

(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Pacific Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Pacific Police Department or its employees. Examples may include:

1. Statements that indicate disregard for the law or the state or U.S. Constitution.
2. Expression that demonstrates support for criminal activity.
3. Participating in sexually explicit photographs or videos for compensation or distribution.

(c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.

(d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.

(e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Pacific Police Department.

(f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee (RCW 9A.68.020).

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

(g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Pacific Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.

(h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:

1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
2. During authorized breaks; such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1059.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the Pacific Police Department or identify themselves in any way that could be reasonably perceived as representing the Pacific Police Department in order to do any of the following, unless specifically authorized by the Chief of Police:

(a) Endorse, support, oppose or contradict any political campaign or initiative.

(b) Endorse, support, oppose or contradict any social issue, cause or religion.

(c) Endorse, support or oppose any product, service, company or other commercial entity.

(d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g. bargaining group), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Pacific Police Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1059.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to e-mails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any department technology system.

The Department reserves the right to access, audit and disclose for whatever reason any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department e-mail system, computer network or any information placed into storage on any department system or device.

This includes records of all key strokes or web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a user name or password will not create an expectation of privacy if it is accessed through department computers, electronic devices or networks. However, the Department shall not require a member to disclose a personal user name or password, or open a personal social website, except when access is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (RCW 49.44.200).

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Special Assignments and Promotions

1061.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making special assignments within the Pacific Police Department.

1061.2 POLICY

The Pacific 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.

1061.3 SPECIAL ASSIGNMENT POSITIONS

The following positions are considered special assignments and not promotions:

(a) CSPA Major Crimes Task Force Investigator

(b) Detective

(c) Traffic Officer

(d) Field Training Officer

(e) Instructor positions

1061.3.1 GENERAL REQUIREMENTS

The following requirements should be considered when selecting a candidate for a special assignment:

(a) Three years of relevant experience

(b) Off probation

(c) Possession of or ability to obtain any certification required by CJTC or law

(d) Exceptional skills, experience, or abilities related to the special assignment

1061.3.2 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

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

5. Leadership skills
6. Initiative
7. Adaptability and flexibility
8. Ability to conform to department goals and objectives in a positive manner

1061.3.3 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 Sergeant for whom the candidate will work.

(b) Sergeant interview - The Sergeant will schedule interviews with each candidate.

1. Based on supervisor recommendations and those of the Sergeant after the interview, the Sergeant will submit his/her recommendations to the Chief of Police.

(c) Assignment by the Chief of Police.

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.

1061.4 PROMOTIONAL REQUIREMENTS

Requirements and information regarding any promotional process are available at the City of Pacific Personnel Department.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Anti-Retaliation

1062.1 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.

1062.2 POLICY

The Pacific 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.

1062.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

1062.4 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 Director.

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.

1062.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.

(b) Receiving all complaints in a fair and impartial manner.

(c) Documenting the complaint and any steps taken to resolve the problem.

(d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.

(e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.

(f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.

(g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.

(h) Not interfering with or denying the right of a member to make any complaint.

(i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

1062.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

(a) Communicating to all members the prohibition against retaliation.

(b) The timely review of complaint investigations.

(c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.

(d) The timely communication of the outcome to the complainant.

1062.7 WHISTLE-BLOWING

Washington law protects employees who make good faith reports of improper government actions. Improper government actions include violations of Washington law, abuse of authority, gross waste of funds, and substantial and specific danger to the public health or safety (RCW 42.40.010 et seq.; RCW 49.60.210; RCW 42.41.010 et seq.).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Lieutenant for investigation pursuant to the Personnel Complaints Policy.

1062.7.1 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).

1062.8 RECORDS RETENTION AND RELEASE

The Records Specialist shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1062.9 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Evaluation of Employees

1063.1 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.

1063.2 POLICY

The Pacific Police Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to sex, race, color, national origin, religion, age, disability or other protected classes.

1063.3 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

1063.3.1 RESERVE OFFICER EVALUATIONS
Reserve officer evaluations are covered under the Reserve Officers Policy.

1063.4 FULL TIME PROBATIONARY PERSONNEL

Non-sworn personnel are on probation for six 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.

1063.5 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.

1063.5.1 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:

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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Unsatisfactory - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated.

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.

1063.6 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.

1063.7 EVALUATION REVIEW

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the rater's supervisor (Sergeant). The Sergeant shall review the evaluation for fairness, impartiality, uniformity, and consistency. The Sergeant shall evaluate the supervisor on the quality of ratings given.

1063.8 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 Personnel Department.

1063.9 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):

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

1. The remedial training being provided.
2. The timeline for providing the training.
3. The timeline for evaluating the employee's subsequent performance.
4. The consequences if the employee fails to perform.
5. The desired outcome if the remediation is successful.

(b) Prior to implementing the remedial training, the supervisor shall present the PIP to the employee 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.

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

INDEX / TOPICS

A

ABBREVIATIONS 14
ACCESS 137
ADDRESS CHANGE 152
ADMINISTRATIVE INVESTIGATIONS
OIS. 69
ADMINISTRATIVE LEAVE 504
AIRCRAFT
Accidents. 279
Ambulance. 318
Flying while armed. 81
Pursuits. 88
ALCOHOL
Vehicle use. 387
ALCOHOL USE 485
AMMUNITION 76
ANIMALS
Dangerous. 80
Euthanize. 80
Injured. 80
ANTI-RETALIATION 564
APPOINTMENTS
Operations director. 368
Reserve coordinator. 221
Reserve officer/deputy. 220
ARRESTS
Citations. 262
Consular notifications. 437
Seat belts. 484
ASSET FORFEITURE
Procedure. 354
ATTENDANCE 152
AUDIO/VIDEO RECORDING
Holding cells. 442
AUTHORITY
Law enforcement. 10
AUTOMATED EXTERNAL DEFIBRILLATORS
(AED) 319
AUXILIARY RESTRAINTS 52

B

BACKGROUNDS 472
BADGE
Mourning Badge. 539
BARRICADED SUSPECTS 254
BATON 56
BETTING 154
BODY ARMOR
Suspects. 74
BODY CAVITY SEARCH 446
BOMB CALLS 256
BOMB THREATS 258
BOMBS
MDC/MDT. 300
MDT/MDC. 299
BOOKING SEARCH 446
BRIBE 154

C

CANINES
Pursuits. 89
CAROTID CONTROL HOLD 41
CASH
Custody. 442
CHANGE OF ADDRESS 152
CHANGE OF ASSIGNMENT 515
CHIEF'S MEMO 25
CHILD ABUSE 128
CHILD ABUSE
Definitions. 128
CHILD ABUSE MANDATORY NOTIFICATION
. 129
CHILD PROTECTIVE SERVICES 128
CHILD SAFETY 207
CHILDREN
Firearms. 78
Safety. 440
CITATIONS 262
CIVIL
Liability response. 71
COMMAND STAFF
Work-related injuries. 532
COMMUNICABLE DISEASES
Custody. 435
First responders. 317
COMMUNICABLE DISEASES
Confidentiality. 496
Counseling. 496
COMMUNICATIONS CENTER
OIS. 65
Vehicle pursuits. 89
COMMUNICATIONS WITH HEARING
IMPAIRED OR DISABLED 194
CONCEALED PISTOL LICENSE 27
CONDUCT
OIS. 65
CONDUCT UNBECOMING 154

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

CONFIDENTIAL INFORMANTS
Payment Procedure. 361
CONFIDENTIAL INFORMATION 157
CONFIDENTIALITY
Custodial telephone calls. 440
Radio broadcasts. 299
CONSULAR OFFICERS 265
CONTACTS AND TEMPORARY DETENTIONS
Bias-based policing. 243
CONTROL DEVICES
Carotid control hold. 41
Custody. 441
CONTROL DEVICES 55
CORRESPONDENCE 25
COURT APPEARANCE 174
COURT ORDERS
Citation releases. 262
COURTROOM ATTIRE 177
COURTROOM PROTOCOL 176
CPL 27
CRIMINAL ACTIVITIES 154
CRIMINAL ACTIVITY REPORTING . . . 166
CRIMINAL STREET GANGS 290
CUNDUCTED ENERGY DEVICE 58

D

DAMAGE BY CITY PERSONNEL 168
DEADLY FORCE REVIEW 47
DEATH
Custody. 443
Native American Graves (NAGPRA). . . 226
DEATH INVESTIGATION 186
DEATH NOTIFICATION 187
DEBRIEFING
OIS. 71
DECONFLICTION 370
DECONTAMINATION 492
DEFECTIVE VEHICLES 392
DEFINITIONS 14
DEPARTMENT OWNED PROPERTY . . . 381
DEPARTMENT PROPERTY
Loss Or Damage. 382
DEPARTMENTAL DIRECTIVE 20
DEPENDENT ADULTS
Safety. 440
DIPLOMATIC AGENTS 265
DIPLOMATIC IMMUNITY 264
DISCLAIMER OF POLICIES 13
DISCRIMINATION 154
DISCRIMINATORY HARASSMENT . . . 124
Complaints. 125
Definitions. 123
Supervisor's Role. 125
DISGRACEFUL CONDUCT 154
DISHONESTY 154
DISOBEDIENCE 154
DISPARAGING REMARKS 154
DISTRIBUTION 15
DOMESTIC VIOLENCE 99
DOMESTIC VIOLENCE BY LAW
ENFORCEMENT EMPLOYEES 546
DRIVING
MDT/MDC. 298
Pursuit tactics. 87
DRUG USE 485

E

ELECTRICAL LINES 278
ELECTRO-MUSCULAR DISRUPTION
TECHNOLOGY DEVICE 58
ELECTRONIC CIGARETTES 498
EMERGENCY MANAGEMENT PLAN . . . 21
EMERGENCY UTILITY 278
EMPLOYEE ASSISTANCE 485
EMPLOYEE COMMENDATIONS 516
EPINEPHRINE ADMINISTRATION . . . 321
EVALUATION 567
EVIDENCE
NAGPRA. 226
Seizing recordings. 314
Use of force. 42
EXCESSIVE FORCE 154
EXPLOSIVES 256
EXPOSURE CONTROL 490
EXPOSURE CONTROL OFFICER 490
EXPOSURE(S) 251
EYEWITNESS IDENTIFICATION 374

F

FAILURE TO TAKE ACTION 154
FALSE REPORT 166
FALSE STATEMENTS 154
FALSIFICATION OF RECORDS 154
FIELD TRAINING OFFICER 282
FIGHTING 153
FIREARMS 73
Custody. 441
Pursuits. 92
Vehicle use. 388
FITNESS FOR DUTY 520

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

FLYING WHILE ARMED 81
FOOT PURSUITS 304
FORCE 39
FOREIGN
Nationals. 437
FOREIGN COURT ORDERS 102
FOREIGN NATIONALS
Arrest or Detention. 264
Arrest Procedure. 270
In-Custody Arrests. 267
Traffic Collisions. 269
Vehicle Registration. 265
FORMS
Eyewitness identification. 374

G

GAMBLING 154
GANGS 290
GRATUITY 154
GRIEVANCE PROCEDURE 481
GROOMING STANDARDS 534
GUIDE DOGS 210

H

HANDCUFFING AND RESTRAINTS
Custody. 441
HATE CRIMES 149
HEARING IMPAIRED 194
HELICOPTER ASSISTANCE 285
HONORARY CONSULS 265
HORSEPLAY 153
HOSTAGES 254

I

IMMUNITY 264
IMPAIRED DRIVING 339
INFORMATION TECHNOLOGY USE . . . 163
INSPECTIONS
Holding cells. 442
INSUBORDINATION 154
INTERNAL AFFAIRS
Personnel records. 511
INTERNET USE 164
INTOXICANTS 154
INVESTIGATION AND PROSECUTION . 349

J

JURISDICTION
Consular notification. 437
OIS. 64
Pursuits. 90
JUVENILE INFORMANTS 360
JUVENILES
Non-Contact Requirements. 110
Use as Informants. 360

K

KEYS
Vehicle. 387

L

LAW ENFORCEMENT AUTHORITY . . . 10
LEG IRONS 52
LEG RESTRAINT 50
LIGHT DUTY 554
LIMITED ENGLISH PROFICIENCY . . . 189
LOUDERMILL PROCEDURE 161

M

MANDATORY APPEARANCE 174
MANUALS 21
MDC 298
MEAL PERIODS AND BREAKS 523
MEDIA
OIS. 72
Operations plans. 372
MEDIA REQUEST 170
MEDICAL 317
Opioid overdoses. 320
Personnel records. 511
Releases. 318
Screening - custody adults. 440
Treatment for work-related injury and illness 532
MEDICAL EXAMS 556
MEDICAL MARIJUANA 323
MINIMUM STAFFING 26
MISAPPROPRIATION OF PROPERTY . . 154
MISSING PERSON
at-risk. 137
Investigation Diligence. 135
MISUSE OF PUBLIC FUNDS 154
MOBILE AUDIO VIDEO 294
Evidence. 296

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

Required Activation. 294
Review. 295
Video Media Storage. 296
MOBILE DIGITAL TERMINAL USE . . . 298
MODIFIED DUTY ASSIGNMENTS 554
Pregnancy. 556
MOURNING BADGE 539

N

NATIVE AMERICAN GRAVES (NAGPRA) 226
NCIC 137
NONSWORN
Vehicles. 387
NOTIFICATION
Consular. 437
NOTIFICATIONS
Adult abuse. 119
Custody suicide attempt, death or serious injury. 443
NAGPRA. 226
OIS. 66
Termination of reserve officer/deputy. . 225
NUMERICAL FILING 410

O

OATH 12
OC SPRAY 56
OFFICER SAFETY
Crime and disaster scene integrity. . . . 246
Firearm confiscation. 65
Seat belts. 483
Vehicle pursuits. 83
OPERATIONS PLANNING AND DECONFLICTION 368
ORGANIZATIONAL STRUCTURE 17
OUTSIDE EMPLOYMENT 527
Obtaining Approval. 527
Prohibited Outside Employment. . . . 528
Security Employment. 528
OVERTIME PAYMENT 525

P

PARKING 387
PATROL FUNCTION 236
PEPPER SPRAY 56
PERSONAL APPEARANCE 534
PERSONAL PROPERTY 381
Loss Or Damage. 382
PERSONAL PROTECTIVE EQUIPMENT . 395
PERSONNEL COMPLAINTS 499
PERSONNEL RECORDS 418
PHOTO LINEUP 350
PHOTOGRAPHS
Photo lineups. 375
PHYSICAL AND MENTAL EXAMINATIONS 521
PHYSICAL CONDITION 157
POLICY MANUAL 13
POLITICAL ACTIVITIES 154
PREGNANCY
Custody. 435
PREGNANCY 556
PROBATIONARY EMPLOYEES
Personnel complaints. 507
PROPERTY AND EVIDENCE 401
PROPERTY PROCEDURES
Narcotics And Dangerous Drugs. . . . 402
Property Release. 405
PROTECTED INFORMATION 422
PUBLIC INFORMATION OFFICER 281
PUBLIC RECORDING OF LAW ENFORCEMENT ACTIVITY 313
PURSUITS
Vehicle. 83

R

RAPID RESPONSE AND DEPLOYMENT . 272
RECORDS RELEASE 413
RECORDS REQUESTS
Personnel records. 512
RECORDS RETENTION
Personal protective equipment. 398
RECRUITMENT AND SELECTION . . . 472
RELEASE OF RECORDS AND INFORMATION
Arrest Reports. 417
Personnel Records. 418
RELIGION
Accommodations in custody. 441
NAGPRA. 226
REPORT CORRECTIONS 169
REPORT PREPARATION 166
REPORTING CONVICTIONS
Domestic Violence 479, 479
RESERVE OFFICERS 220
Duties. 220
Training. 222
RESTRICTED INFORMATION 172

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department

RETALIATION PROHIBITED 564
REVIEW BOARD
Force. 47
REVIEWS
Eyewitness identification process- annual. 374
Post pursuit 89, 89
Public records on social media. 234
Pursuit policy. 95
Vehicle pursuits - annual. 94
RIDE-ALONG
Eligibility. 248
RISK ASSESSMENT 368

S

SAFETY
Canine. 386
Personal protective equipment. 395
SAFETY EQUIPMENT
Seat belts. 483
SEARCH & SEIZURE 105
SEARCHES
Crime scene. 246
SEAT BELTS 483
SECURITY
Personnel records. 512
SECURITY EMPLOYMENT 528
SEIZED CURRENCY 355
SERVICE ANIMALS 210
SEXUAL HARASSMENT 124
SMOKING AND TOBACCO USE 498
SOCIAL MEDIA 232
STAFF 13
STAFFING LEVELS 26
STANDBY 174
STRIP SEARCH 446
SUBPOENA DUCES TECUM 420
SUBPOENAS 174
Acceptance. 175
Civil Subpoenas. 176
Failure To Appear. 176
SUPERVISION DEPLOYMENTS 26
SWEEPS 274

T

TAKE HOME VEHICLES 388
TASER 58
TECHNOLOGY USE 163
TEMPORARY CUSTODY
Adults. 434
TRAFFIC FUNCTION AND RESPONSIBILITY
. 329
TRAFFIC OFFICER 329
TRAFFIC SIGNAL 278
TRAINING
AED. 320
Custody. 445
Epinephrine administration. 321
Firearms. 79
In-service reserve officers/deputies. . . 223
Operation planning and deconfliction. . . 373
Opioid medication. 320
Personal protective equipment. 399
Personnel records. 511
Pursuits. 94
Social media. 234
TRAINING
Anti-Retaliation. 566
TRAINING, PROTECTED INFORMATION 424
TRANSPORT BELTS 52

U

UNIFORM REGULATIONS 536
USE OF FORCE 39
USE OF SOCIAL MEDIA 232
UTILITY SERVICE 278

V

VEHICLE MAINTENANCE 392
VEHICLE SEIZURE
Vehicle Forfeiture. 345
VEHICLES
Pursuits. 83
VULNERABLE ADULT 118

W

WACIC 137
WASHING OF VEHICLES 393
WATCH COMMANDERS 316
WATER LINES 278

Copyright Lexipol, LLC 2020/06/08, All Rights Reserved.
Published with permission by Pacific Police Department