CHIEF'S PREFACE

As the Chief of Police for the City of Kirkland, 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 department personnel that these policies are in full effect

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CODE OF ETHICS

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 to my chosen profession . . . law enforcement.

Kirkland Police Department Code of Ethics

As a law enforcement employee, my fundamental obligation is to protect the constitutional rights and freedoms of the citizens of Kirkland.

While I consider the way I choose to conduct my private affairs a personal freedom, I accept the responsibilities for my actions, as well as inactions, while on duty or off duty, when those actions bring disrepute on the public Image of my employer, my fellow employees, and the law enforcement profession.

I vow to perform all my duties in a professional and competent manner. I consider the abilities to be courageous in the face of danger and to exercise restraint in the use of my powers and authorities to be the ultimate public trust. I accept that I must consistently strive to achieve

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excellence in learning the necessary knowledge and skills associated with my duties. I will keep myself physically fit and mentally alert so that I am capable of performing my duties according to the standards of quality expected of my position.

I vow to be truthful and honest in my dealings with others. I deplore lies and half-truths that mislead or do not fully inform those who must depend upon my honesty. I will obey the very laws that I am committed to uphold. I will seek affirmative ways to comply with the standards of my department and the lawful directions of my supervisors.

I vow to treat others with courtesy at all times. I consider it to be a professional weakness to allow another's behavior to dictate my response. I will not allow others' actions or failings to be my excuse for not performing my duties in a responsible and expected manner.

I vow to empathize with the problems of people with whom I come into daily contact. However, I cannot allow my personal feelings, prejudices, animosities, or friendships to influence the discretionary authorities entrusted to my job. I will affirmatively seek ways to avoid conflicts and potential conflicts of interest that could compromise my official authority or public image.

I hold the authority inherent in my position to be an affirmation of the public's trust in me as a law enforcement employee. I do not take this trust lightly. As long as I remain in this position, I will dedicate myself to maintaining this trust and upholding all the ideals of the law enforcement profession.

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KIRKLAND POLICE DEPARTMENT MISSION AND VISION STATEMENT, VALUES

Mission Statement

The Mission of the Kirkland Police Department is to protect and serve our community with honor, integrity and courage.

Values

Honor: We live and die by our obligations to fulfill our duty and commitment to justice.

Integrity: We do the right thing for the right reason, even when no one is looking.

Courage: We choose to face challenges or adversity even when others will not or cannot.

Vision Statement

The Vision of the Kirkland Police Department is to proactively reduce crime through partnerships and teamwork.

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Chapter 1 - Law Enforcement Role and Authority

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Law Enforcement Authority

100.1 PURPOSE AND SCOPE

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

100.2 POLICY

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

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

100.3 PEACE OFFICER POWERS

Sworn members of this department are authorized to exercise peace officer powers pursuant to applicable state law. (see note below for restrictions imposed on Special Commissioned personnel.)

NOTE

General authority Washington peace officers are defined in RCW 10.92.020, which states, "...any full-time, fully compensated and elected, appointed, or employed officer of a general authority Washington law enforcement agency who is commissioned to enforce the criminal laws of the state of Washington..." Special commissioned Washington peace officers are defined in RCW 10.93.020, which states, "...any officer, whether part-time or full-time, compensated or not, commissioned by a general authority Washington law enforcement agency to enforce some or all of the criminal laws of the state Washington, who does not qualify under this chapter as a general authority peace officer for that commissioning agency..."

All Correctional Officers for the Kirkland Police Department are to be considered Special Commissioned, as they have been commissioned by the Chief of Police to enforce some of the criminal laws of the State of Washington. The Special Commission includes the authority to carry department issued firearms while in an on-duty capacity.

This special commission is restricted by the Chief of Police to arrest powers surrounding:

(a) Arrest warrants

(b) Court Orders

(c) Detention and subsequent transport of persons under arrest by a general authority peace officer

(d) Other arrest powers at the specific direction of the Chief of Police.

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Correctional Officers are not to take general authority police action, which includes, but is not limited to:

(a) Traffic related enforcement action

(b) On-view related enforcement action

Nothing in this section is meant to prevent a Correctional Officer from taking appropriate action to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.

100.3.1 ARREST AUTHORITY

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

(a) When a peace officer has probable cause to believe that a person has committed or is committing a felony, the peace officer shall have the authority to arrest the person without a warrant.

(b) A peace officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of an officer, except as provided in RCW 10.31.100 (e.g., when there is probable cause for certain offenses that involve domestic violence, driving under the influence, motor vehicle accidents).

(c) A peace officer may arrest a person in compliance with an arrest warrant. The officer must first confirm that the identity of the person matches that of the subject of the warrant. Absent a valid form of identification such as a driver's license or identification card, various matching factors such as a social security number, date of birth, physical description, fingerprint, photograph, or other means of positive identification may be used. The warrant must be confirmed as an active, valid warrant with the agency that entered the warrant into the database. If applicable, extradition should be confirmed.

100.4 OREGON AUTHORITY

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

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

(b) In response to a reasonable belief that emergency law enforcement assistance is necessary to preserve life and circumstances make it impractical for Oregon law enforcement officials to formally request assistance.

(c) For the purpose of assisting Oregon law enforcement officials with emergency assistance in response to criminal activity, traffic accidents, emergency incidents or other similar public safety situations, an Oregon law enforcement official is present at the scene of the incident.

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

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

100.5 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

(a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.

(b) When an officer enters Idaho or Oregon in fresh pursuit of a person believed to have committed a felony (Idaho Code 19-701; ORS 133.430).

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

100.6 CONSTITUTIONAL REQUIREMENTS

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

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Law Enforcement Certification

101.1 PURPOSE AND SCOPE

All Law Enforcement officers employed by the Kirkland Police Department shall receive certification by the Washington State Criminal Justice Training Commission 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)).

All Corrections officers employed by the Kirkland Police Department shall attend basic corrections training within the first six months of employment (RCW 43.101.220(1)).

All fulltime Law Enforcement and/or Corrections supervisors in the police department are required to complete the core training requirements prescribed by rule of the commission for the position within the first six months as a supervisor, or obtain a waiver or extension of the core training requirements from the commission. (RCW 43.101.350).

All fulltime Law Enforcement and/or Corrections supervisors in the police department are required to earn the appropriate career level certification by the Washington State Criminal Justice Training Commission, within their first year as a supervisor (RCW 43.101.350).

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Oath of Office

102.1 PURPOSE AND SCOPE

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

102.2 POLICY

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

102.3 OATH OF OFFICE

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

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

102.4 MAINTENANCE OF RECORDS

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

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Policy Manual

103.1 PURPOSE AND SCOPE

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

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

103.2 POLICY

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

103.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Kirkland 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 Kirkland Police Department reserves the right to revise any policy content, in whole or in part.

103.3 AUTHORITY

The Chief of Police shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws.

103.4 DEFINITIONS

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

Adult - Any person 18 years of age or older.

CFR - Code of Federal Regulations.

City - The City of Kirkland.

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

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Correctional Officer - All persons, regardless of rank, who are employees and who are selected and trained in accordance with state law as a correctional officer of the Kirkland Police Department.

CJTC - The Criminal Justice Training Commission.

Department/KPD - The Kirkland 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 Kirkland Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - Any person employed or appointed by the Kirkland Police Department, including full-time sworn officers, special commissioned officers, civilian employees and volunteers.

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

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

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

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

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

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

Shall or will - Indicates a mandatory action.

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

Supervisor - A person in a position of authority regarding directing the work of other members and who supervises subordinate personnel. Supervisory positions have the responsibility to guide, direct, motivate, and instruct all personnel under their supervision. A supervisor is responsible for completing performance reviews on subordinate positions. Supervisors are also responsible for planning the work of personnel in an orderly manner; delegating authority and responsibility when appropriate, and following the progress of assignments to a satisfactory completion. Supervisors will be held accountable for the performance of the employees under their immediate supervision.

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

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

USC - United States Code.

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

WSP - The Washington State Patrol.

103.5 ISSUING THE POLICY MANUAL

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

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

103.6 PERIODIC REVIEW OF THE POLICY MANUAL

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

103.7 REVISIONS TO POLICIES

All revisions to the Policy Manual will be provided to each member electronically. Each member will be required to acknowledge that he/she has reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

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

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

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

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Chapter 2 - Organization and Administration

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Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

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

200.2 DIVISIONS

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

- Administration Division
- Operations Division
- Professional Standards Division

200.2.1 ADMINISTRATION DIVISION

The Administration Division is commanded by a Civilian Administrative Commander, whose primary responsibility is to provide general management direction and control for the Administration division. The Administration Division consists of a Corrections Section and an Administrative Services Section.The Administrative Section includes the Records Unit.

200.2.2 OPERATIONS DIVISION

The Operations Division is commanded by an assigned Deputy Chief, whose primary responsibility is to provide general management direction and control for the Operations Division. The Operations Division consists of a Patrol Section. The Patrol Section consists of Patrol Units, a K-9 Unit, and a Traffic Unit.

200.2.3 PROFESSIONAL STANDARDS DIVISION

The Professional Standards Division is commanded by an assigned Deputy Chief, whose primary responsibility is to provide general management direction and control for the Professional Standards Division. The Professional Standards Division consists of the Risk Management Section and the Investigations Section. The Risk Management Section includes the Training Unit, the Community Services Unit, various cadres and KPD personnel assigned to North Sound Metro SWAT. The Investigations Section includes the Investigations Unit, the Family Violence Unit, the Pro Act Unit, and the Crime Analysis Unit.

200.2.4 GOALS AND OBJECTIVES

Section Lieutenants are responsible for developing and submitting section goals and objectives to the Chief of Police, via the Chain of Command, on an annual basis.

A written evaluation of the progress made toward the attainment of these goals and objectives will also be prepared and submitted on an annual basis to the Chief of Police, via the Chain of Command.

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Department goals and objectives are established annually by the Chief of Police and/or Command Staff. All department members are encouraged to offer input in formulating department goals and objectives. Once established, annual Goals and Objectives are distributed to all department members.

200.3 COMMAND PROTOCOL

200.3.1 ORDERS

Members of the Police Department shall promptly obey any lawful orders of a superior officer. This will include orders relayed from a superior officer by an officer of the same or lesser rank. Failure to do so could be grounds for insubordination and subject to discipline.

(a) The term lawful is included to acknowledge the uncommon yet potential situation in which an order may be given that is unlawful. An example of an unlawful order is one in which a subordinate is directed to use excessive force. Such unlawful orders shall be brought to the attention of the person issuing the order and reported via the chain of command to the respective Section Lieutenant.

Should any lawful order, given by a supervisor, be inconsistent or conflict with any previous order, the employee will respectfully bring this conflict to the attention of the supervisor. The supervisor who issued the conflicting order will take the necessary steps to correct the conflict and assume responsibility for the subordinate's actions.

In the event that the issuing supervisor cannot be readily advised, the employee will carry out the most recent order and advise a supervisor of the conflict as soon as practical.

200.3.2 SUCCESSION OF COMMAND

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

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

(a) Deputy Chief

(b) Lieutenant

(c) Sergeant

(d) Corporal

200.3.3 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.

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Emergency Management Plan

201.1 PURPOSE AND SCOPE

The City has prepared a Comprehensive Emergency Management Plan (CEMP) 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.

201.1.1 KIRKLAND CODES

An emergency management organization has been established by the City of Kirkland. This ordinance (KMC 3.20) has been approved by the City Council (WAC 118-30-050).

201.2 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.

201.2.1 RECALL OF PERSONNEL

In the event that the CEMP is activated, all employees of the Kirkland 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.

201.3 LOCATION OF EMERGENCY MANAGEMENT PLAN

The manual for the employees is available on-line at the following link:COK CEMP

A hard copy of the manual will be kept in the Field Operations room. The Training Sergeant, or their designee, shall ensure that all copies of the CEMP manual are kept current and available to all personnel.

201.4 BUILDING EVACUATION PLAN

In the event of a disaster or emergency, which requires evacuation of theKirkland Justice Center, all employees shall follow implemented evacuation plans and posted exit strategies. The posted exit strategies shall include any special directions for physically impaired employees (WAC 296.24.567).

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The evacuation plan for the jail is posted on the wall of the correction's office. It is as follows:

The following procedures shall be followed in the event of a confirmed fire or a confirmed reason for an evacuation:

(a) Notify the on-duty Patrol and Correctional Supervisor

(b) Request additional Patrol and Correctional Officers to assist

(c) Back up the inmate transport vehicles to either the south door of the jail or into the sally port depending on the reason for the evacuation.

(d) Secure the inmates in the inmate transport vehicles.

(e) Park the inmate transport vehicles in the parking lot across the street and standby for instructions from the on-duty Correctional Supervisor or Patrol Supervisor to:

1. Return the inmates to the jail after the situation has been secured, or
2. Transport the inmates to another facility

(f) Notify the Correctional Lieutenant when time permits

201.5 TRAINING

All supervisors shall familiarize themselves with the Comprehensive Emergency Management Plan manual and the roles police personnel will play when the plan is implemented.

The Training Sergeant shall ensure that biennial training in the CEMP is conducted for all supervisors and other appropriate personnel. All new supervisors will receive training in the CEMP within their first six months of being promoted.

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Training

202.1 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.

202.2 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).

202.3 OBJECTIVES

The objectives of the Training Program are to:

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

(b) Increase the technical expertise and overall effectiveness of department members.

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

202.4 TRAINING PLAN

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

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

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.

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(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 shall receive training for school resource officers (RCW 28A.400.345).

1. Training shall include the subject requirements of the safety and security staff training program developed by the educational service districts and completed within the required timeframe (RCW 28A.310.515; RCW 28A.400.345).

2. Review of applicable school district policies and procedures of duties and responsibilities of 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).

Supervisors will be responsible for meeting with their employees to discuss and assess their individual career and training goals outside of in-service training. All training requests will be forwarded through that officer's chain of command. All approved training requests will be forwarded to the Risk Management Lieutenant for final approval.

202.5 TRAINING NEEDS ASSESSMENT

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

The Training Sergeant shall 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 Sergeant 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

(d) Any incident forwarded to the Training Unit by a review board for possible training issues.

The Training Sergeant is encouraged to meet with other members of the Training Unit, appropriate Cadre heads and Unit Supervisors in order to determine whether a training need exists. If a need does indeed exist, the Training Sergeant will coordinate how this training should be addressed, taking into consideration the mission of the Department and available resources.

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202.6 TRAINING DOCUMENTATION

Detailed records shall be kept by the Training Officer of all in-service training sponsored by or presented on behalf of the Kirkland Police Department, to include corrections. 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).
- Training Roster.

Records shall be kept by the Training Officer of all outside training that is attended by any member of the Kirkland Police Department. Records should minimally include the following:

- Course Title
- Training Provider/Instructor Name
- Number of hours
- Certificate of Completion (if available)
- Training Return Form

202.6.1 LESSON PLANS

Lesson plans will be developed for all training courses conducted by the Department, and required of all departmental and non-departmental instructors. The Training Officer is responsible for reviewing lesson plans developed by the instructors. Lesson plans will ensure that the subject is covered completely and accurately, and will include the following:

(a) A statement of performance and job-related objectives

(b) Content of training and specification of the appropriate instructional technique, such as lecture, group discussion, panels, or seminar.

Lesson plans will be submitted to the Training Officer for review prior to the training. These lesson plans will also be reviewed by the Training Sergeant. Upon review, the lesson plan will be forwarded to the Professional Standards Deputy Chief, via chain of command, for approval. A copy of all current approved lesson plans shall be maintained by the Training Officer.

Most training will incorporate tests to measure participant knowledge of performance objectives covered during the training. Test development should be a cooperative effort between the instructor and the Training Officer. The test questions and format will be included in the lesson plan, subject to the approval of the Professional Standards Deputy Chief.

202.7 TRAINING PROCEDURES

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

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

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

1. Notify his/her supervisor as soon as possible, but no later than one day prior to the start of training unless it falls under the emergency situation category.
2. Document his/her absence in a memorandum to his/her supervisor.
3. Make arrangements through his/her supervisor and the Training Sergeant to attend an alternate date.

202.8 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) are contained in a web-accessed system that provides training on the Kirkland Police Department policy manual and other important topics. The Training Unit determines the number of DTBs to be issued each month after consultation with the Risk Management Lieutenant.

Personnel assigned to participate in DTBs shall only use login credentials assigned to them by the Training Sergeant. 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 DTB system can be accessed from any internet-active computer or phone, 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.

202.9 RETRAINING AND ORIENTATION

The Police Training Program shall provide for retraining and orientation to sworn personnel returning to patrol operations after an extended absence or non-uniformed assignment(s).

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- Sworn personnel returning to the Patrol Division may be assigned a PTO for this retraining and orientation.

Administrative Planning

- The Chief of Police, or designee, will determine the scope of the retraining required on a case by case basis.
- The PTO Coordinator shall develop a schedule and format for the implementation of any such training.
- The PTO Coordinator will also assign a PTO to complete the plan as designed.
- The plan will be submitted to the officer's assigned Operations Lieutenant for review and approval.

Evaluation

- During this retraining and orientation process, sworn personnel will not be subject to the normal evaluation process required for recruit officers in training.

PTO Duties

- The function of the PTO will be to familiarize the officer with the appropriate updated information to include, but not be limited to the following;
    - Policies;
    - Procedures;
    - Patrol vehicle, computer and radio.
- The Training Officer will also ensure that returning personnel meet all Department qualification in various skill areas, which may include, but not be limited to the following areas;
    - Firearms;
    - Less lethal;
    - Protective measures;
    - Mobile Computer Terminals;
    - BAC.

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Technology Resource Usage

203.1 PURPOSE AND SCOPE

This policy is identical in content to the City of Kirkland's Administrative Policy 7-1 unless otherwise noted by bold font.

The purpose of this policy is to establish acceptable and appropriate use of computer and information systems, networks and other information technology resources at the City of Kirkland. The main points to remember are:

(a) The City provides network, communications systems, software, equipment and devices ("technology resources") to carry out legitimate City business. By using the City's technology resources, an employee or other user granted access via being given a user ID / password to the system consents to disclosing the contents of any data files, information and communications created on, stored on, transmitted, received or exchanged via the City's network, communications systems, equipment or devices.

(b) There is no right to privacy in the use of City technology resources. By using the City's technology resources an employee consents to monitoring, recording, and reviewing the use of that technology resource.

(c) Users are expected to act lawfully, ethically and professionally, and to exercise common sense.

(d) Users granted access to critical data are responsible for its protection.

(e) Incidental use for personal needs is allowed as long as that activity does not interfere with City business or conflict with any City policy or work rule. This does not confer a right to download software for personal use, or to load or use personal entertainment such as music files on City computers. Users are expected to respect the business need for available Internet bandwidth and not to run streaming sites steadily across the City's network for non-business purposes such as music, news, sports, or interactive on-line gaming.

(f) Information Technology (IT) security is serious business: The City experiences many electronic attempts to breach our security every day, originating from all over the world. Protecting employee and citizen data requires, among other things, adherence to the password and other security portions of this policy.

The following policies define appropriate use of the City of Kirkland network, computers, all related peripherals, software, electronic communications, and Internet access, whether accessed directly from the City's network or from another location. They apply to the access of the City's network and use of computing technology resources at any location, from any City-owned device, via

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wired or wireless connection. They apply to all users of City technology resources regardless of employment status.

Access to all networks and related resources requires that each user be familiar with these policies and associated work rules. The City of Kirkland authorizes the use of computing and network resources by City officials, staff, contractors, volunteers and others to carry out legitimate City business. All users of City computing and network resources shall do so in an ethical, legal, and responsible manner. All use of technology resources must be consistent with all City policies and work rules.

203.2 E-MAIL RIGHT OF PRIVACY

Definitions:

- Blog /Web Log- A Blog is a Web page that serves as a publicly accessible personal journal for an individual. Typically updated daily, blogs often reflect the personality of the author. Blogging is when one posts to a Blog.
- Electronic Communications - The transmission of data from one computer to another, or from one device to another. A communications device, therefore, is any machine that assists data transmission. For example, modems, cables, and ports are all communications devices. Communications software refers to programs that make it possible to transmit data.
- Phishing - The act of sending an e-mail to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft. The e-mail directs the user to visit a Web site where they are asked to update personal information, such as passwords and credit card, social security, and bank account numbers, that the legitimate organization already has. The Web site, however, is bogus and set up only to steal the user's information.
- Spyware - Any software that covertly gathers user information through the user's Internet connection without his or her knowledge, usually for advertising purposes. Spyware applications are typically bundled as a hidden component of freeware or shareware programs that can be downloaded from the Internet; however, it should be noted that the majority of shareware and freeware applications do not come with Spyware. Once installed, the Spyware monitors user activity on the Internet and transmits that information in the background to someone else. Spyware can also gather information about e-mail addresses and even passwords and credit card numbers.
    - Spyware is similar to a Trojan horse in that users unwittingly install the product when they install something else. A common way to become a victim of Spyware is to download certain peer-to-peer file swapping products that are available today.

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- Virtual Private Network (VPN). VPN is a network that is constructed by using public wires to connect nodes. For example, there are a number of systems that enable you to create networks using the Internet as the medium for transporting data. These systems use encryption and other security mechanisms to ensure that only authorized users can access the network and that the data cannot be intercepted. VPN is used by outside computers to connect to the City of Kirkland network.

References:

- Administrative Policy 7-4: Internet Security (9/03)
- City Council Resolution 4669: Public Records Act Rules

203.3 PROHIBITED USE OF E-MAIL

Technology resources may be used for incidental personal needs as long as such use does not result in or subject the City to additional cost or liability, interfere with business, productivity or performance, pose additional risk to security, reliability or privacy, cause or tend to cause damage to the City's reputation or credibility, or conflict with the requirements of any City policy or work rule.

Personal usage should generally conform to limits typically associated with personal phone calls. This document does not attempt to address every possible situation that may arise. Professional judgment, etiquette, and common sense shall be exercised while using City technology resources. Technology resources may not be used to facilitate operation of a private business, consulting, etc., to promote religious causes or non-City sanctioned charitable solicitations, or for political activity. City staff may use their own personal computers to access the public side of our wireless network and connect to the Internet for personal use, but should be aware that the City monitors that traffic as well. Examples of reasonable use include accessing your social network sites at lunch or checking your email. Note that the public network is NOT secure and thus there is risk associated with using it for online transactions like banking (similar to the risks associated with using any free public Internet connection for the same thing). The wireless network does not have adequate resources for constant streaming media use like Internet radio.

203.4 MANAGEMENT OF E-MAIL

Internet/Intranet Usage Policy

(a) Internet/Intranet usage should be focused on business-related tasks. Incidental personal use is allowed as discussed under this section, but there is no right to privacy in an employee's use of the Internet/Intranet. Employee Internet usage is tracked and these records can be released under the State open public records laws. Web Usage Reports are provided to Directors to help them monitor their staff's use of the Internet as circumstances warrant.

(b) Use of the Internet, as with use of all technology resources, should conform to all City policies and work rules. Filtering software will be actively used by the City to preclude access to inappropriate web sites unless specific exemptions are granted

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as a requirement of work duties (e.g., police have the ability to access sites on criminal activity, weapons, etc.). Attempts to alter or bypass filtering mechanisms are prohibited.

(c) Downloading and installing software (for City business use) from the Internet requires permission from staff on the Information Technology Help Desk, in the Applications Division, or from an IT Manager. Downloading and installing software for personal use is prohibited.

(d) Except for City business related purposes (such as police investigations), visiting or otherwise accessing the following types of sites is prohibited:

1. "adult" or sexually-oriented web sites.
2. sites associated with hate crimes or violence.
3. sites that would create discomfort to a reasonable person in the workplace.
4. any gaming site including gambling.

(e) The City recognizes that public Internet communications technologies (Web 2.0, social networking) may be effective tools to promote community and government interaction and that employees may want to participate in public communication via blogging, discussion forums, wikis, mashups, social networking, message boards, e-mail groups and other media that are now commonplace tools by which people share ideas and information.

(f) However, since activities on public Internet communication sites are electronically associated with the City network addresses and accounts that can be easily traced back to the City of Kirkland, the following rules apply to these interactive public Internet communication sites:

1. Always protect the confidentiality, integrity, and availability of all critical information. See Section 3.2 for the definition of "critical information".
2. Employees must not post any material that is obscene, defamatory, profane, libelous, threatening, harassing, abusive, hateful or embarrassing.
3. An employee's public Internet communications activity should contribute to his or her body of work as an employee of the City and must not interfere with or diminish productivity.
4. Employees should not use their city email address to state their personal views on public sites.

(g) Employees may not set up or brand any web 2.0 technologies as belonging to, supported by, or approved by the City of Kirkland (for example, a social networking site for a Board or Commission) without express written permission from IT and from their own Department Director.

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203.5 E-MAIL USAGE

E-Mail Usage Policy

(a) E-mail content must be consistent with the same standards as expected in any other form of written or verbal communication occurring in a business setting where documents are subject to public disclosure.

(b) Electronic communication systems are best suited for routine topics, not for high-level policy issues. Avoid use of electronic communication for sensitive personnel-related or legal matters when possible. Members of bargaining units should not use electronic communications for confidential bargaining unit messages or to transact internal bargaining unit business other than for incidental use as approved by the Human Resources Director.

(c) Users must manage their e-mail in accordance with records retention policies and procedures as defined and identified by the City Clerk's Office.

(d) Retention of personal email should be minimized, and no data restores or IT resources will be engaged to recover personal email "lost" in City systems.

(e) It is the obligation of the user to guard against copyright infringement by paying careful attention to what is received and sent by means of file attachments. If materials are received which may constitute copyright infringement, do not distribute the file or execute associated programs. Contact the Information Technology Help Desk immediately and report the possible copyright infringement.

(f) Staff communicating to distribution lists of 50 or more recipients should utilize GovDelivery "E-Mail Alerts," (which allow people to sign up to receive e-mails whenever substantive changes are made to City web pages) or listserv technology. The primary reason for this is that even if the email addresses are posted in the "bcc" section, email with a large number of recipients typically gets caught in spam filters and may not reach its intended audience.

(g) The City provides staff access to and support of the Exchange/Outlook messaging (e-mail) system. Access or usage of any other messaging systems is not allowed unless it is web-based. Subject to the personal use limitations explained above, staff may access web-based personal email but should not download personal documents or attachments from these sites. Staff may not install client based software for Internet service on City equipment. Examples: AOL, Instant Messaging.

(h) Users should be attentive to emails that have unusual or questionable subject lines or an unknown sender to mitigate spam, phishing and script born viruses that come into the network through email attachments or by clicking on links that lead to hostile web sites. If you suspect phishing or script born viruses in email attachments, delete the email. If you do open any email or attachments which raise suspicions, please contact the Help Desk immediately.

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(i) The use of e-mail to send or solicit the receipt of inappropriate content such as sexually oriented materials, hate mail, content that a reasonable person would view as obscene, harassing or threatening and having no legitimate or lawful purpose, or contents falling within the inappropriate categories for Internet usage is prohibited, regardless of whether such email is humorous or attempting to be humorous.

(j) The use of city email for engaging in political campaigns or activity is prohibited.

(k) The City maintains an email group called "ALL" which will send email to all regular users of the City's email system with the exception of City Council. This should be used sparingly, and according to the guidelines below:

1. In general, "ALL" email should not include pictures or graphics. If there is a graphic component to a message, post the actual information on Kirknet in the HUB or in Announcements (whichever is appropriate), and include a link in your "ALL" email.
2. "ALL" emails should generally only be sent twice for each City sponsored events such as diversity and wellness events and transportation programs:
3. Once to announce the event (including a link to more information available on intranet or to where people can subscribe for more information).
4. Once on the day of the event as a reminder.
5. Post-event information such as winners or drawings etc. should be posted on Kirknet. Emails should only be sent to the affected individuals.
6. Directors' or the City Manager's Office may authorize the use of "All" email at any time. "ALL" email thus authorized should contain information that might be of use to the whole city. For example, announcements of all-City meetings from the CMO.
7. IT will use "ALL" emails for systems outages that may require some action by the users in order to save their data, such as an email or file server or major system outage that occurs during normal working hours (other system related information should be posted on the intranet in Announcements).
8. "ALL" emails may be used for emergency management purposes at the direction of any Director, the PIO, or the Incident Commander.
9. "ALL" emails may be sent to announce training that all employees are expected to attend.
10. Inappropriate uses of "ALL" Email include:
    (a) Lost and found, available food, tickets or other items for sale, car lights-on messages, etc. should not use "ALL". Instead, use the appropriate alternative group. For example, the CITY HALL group is appropriate for

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light-on outside the City Hall building. For-sale items can be posted in the Moss Bay section of the intranet, and shouldn't use email at all.

(b) General information or compassionate causes should not be sent using email outside of your own department (employees are encouraged to post this kind of information on the HUB, which is a section of our Intranet).

(c) Jokes and other information not related to City business

(d) Publishing vacation schedules.

(e) Forwarding warnings about computer viruses or attacks that have not been verified by IT.

Please do not use "Reply All" when replying to an "ALL" email.

203.6 SECURITY

For the purposes of this policy, security is defined as the ability to protect the integrity, availability, and confidentiality of information held by the City of Kirkland and to protect IT assets from unauthorized use or modification and from accidental or intentional damage or destruction. It includes the security of IT facilities and off-site data storage; computing, telecommunications, and applications-related services purchased from other government agencies or commercial concerns; and Internet-related applications and connectivity.

(a) The Information Technology Department must authorize all access to central computer systems. Each user is responsible for establishing and maintaining a password that meets City requirements. The use of another user's account (with or without their permission) or attempt to capture other users' passwords is prohibited.

(b) The City of Kirkland will take the necessary steps to protect the confidentiality, integrity, and availability of all of its critical information. Critical information is defined as information which if released could damage the City financially; put employees at risk; put facilities at risk; or could cause legal liability. Examples of critical data include: employee health information, social security numbers, credit card holder information, banking information, police crime investigation information, etc.

(c) Staff with access to critical information is responsible for its protection. Staff must take reasonable steps to ensure the safety of critical information including: avoid putting critical data on laptops; not electronically transporting critical data outside the City network; not storing, saving, or transmitting critical data to a home computer or other external computer; ensuring inadvertent viewing of information does not take place, and destroying or rendering the information unreadable when done with it. If required, access to critical data can often be provided via the City's VPN connection.

(d) The City will restrict access to critical information only to staff who have a legitimate business need-to-know. In certain cases, such as access to police data, background checks may be required by law in order for staff to access particular data.

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(e) Staff will be assigned unique user IDs and passwords for network access. Access to systems and applications containing critical information will only be allowed via unique user IDs. Access will be monitored and actions will be traceable to authorized users.

(f) Staff shall not share their password with any other person.

(g) Staff shall lock or log off of or turn off their computers when leaving their desks for any reason.

(h) If system users suspect infection by a computer virus, they must immediately stop using the involved computer and call the Help Desk.

203.7 NETWORK ACCESS AND USAGE

The Information Technology Department must approve connecting devices to the City's network. This includes, but is not limited to, PCs, network hubs, routers, switches, printers, handhelds, scanners, remote connections, and wireless or wired devices. The use of personal routers and wireless access points on the City network is not allowed.

(a) The installation, removal, or altering of any software on City-owned equipment is prohibited without authorization from the IT Help Desk.

(b) Smart phones (Internet and/or e-mail capable cell phones) must adhere to the current standards for those devices as established by the Information Technology Department. Smart phones not provided by the City must meet city standards.

(c) Exploiting or attempting to exploit any vulnerability in any application or network security is prohibited. Sharing with others of internal information that facilitates their exploitation of a vulnerability in any application or network security is also prohibited. It is also prohibited to knowingly propagate any kind of spyware, and/or denial of service attack or virus or any type of malicious code onto the City network or computers. Staff who encounter or observe a vulnerability in any application or in network security shall immediately report it to the IT Help Desk.

(d) Staff shall follow the privacy and rules governing the use of any information accessible through the network, even if that information is not securely protected.

(e) Computers that are not provided by the City may not be directly connected to the City's secured network without express written (including email) permission from a manager in the Information Technology Department or from the Help Desk. In general, this permission will not be given. A non-secured wireless network exists by which vendors and others can access the Internet when they are at the city.

(f) Staff will not provide vendors access to the network via their own network login accounts.

(g) Disabling, altering, over-riding, or turning off any mechanism put in place for the protection of the network and workstation environments is strictly forbidden.

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(h) Due to band-width limitations inherent in any network system, use of the City's network to download non-business related multimedia information is prohibited. Examples include streaming video of baseball games, streaming audio of radio programs, MP3 files, on-line games, etc. Specific examples include Pandora, hulu.com, and iTunes software, unless approved for use with a city-owned iPhone (and loading of iTunes music libraries on city computers is prohibited for any personal use). These items should also not be saved on city network drives.

(i) Transmission, distribution, or storage of any information or materials in violation of federal, state or municipal law is prohibited. Software that is copyrighted or licensed may not be shared or illegally distributed. Copyright violations are federal offenses that may result in civil and criminal penalties to employees and the City of Kirkland.

(j) Users must manage their electronic documents in accordance with records retention policies and procedures as defined and identified by the City Clerk's Office. Documents past their retention schedules should be deleted from the network to save space and eliminate the need to backup unnecessary files.

(k) Access to the City's network via VPN requires approval from the Information Technology Department and the **Administrative Captain, or their designee**. VPN accounts will be audited periodically, and accounts inactive for 90 days will be deactivated unless an exception is granted by the Information Technology Department.

(l) Periodically, departments will need to review and approve user accounts for their systems. A list will be provided by the Information Technology Department for enterprise systems.

203.8 ADMINISTRATION, REPORTING AND VIOLATIONS/DISCIPLINE

The Information Technology Department, all City Departments, and Human Resources Department share responsibility for enforcing the Technology Resource Usage Policy.

Information Technology Department Responsibilities:

(a) The Information Technology Department is responsible for recommending policy guidelines.

(b) The Information Technology Department is responsible for enterprise monitoring of technology resources using security and monitoring tools. This includes running the software which provides the monitoring and reporting to departments that Director's can access at will. The Information Technology Department is not responsible for actual review of the report data on any regular basis, but may randomly and reasonably review this reporting to assure organizational compliance with these policies.

(c) If, in the normal course of business activities, the Information Technology Department discovers violations of this policy, the Information Technology Department will report

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the activities to the employee's supervisor, Director of HR, and/or to the City Manager depending upon the severity of the infraction.

(d) The Information Technology Department will make training on these policies available periodically and anytime on request

Department Responsibilities

(a) Departments assist in the development, adoption, and update of this policy through the Information Technology Steering Team.

(b) If, in the course of normal business activities, department management suspects an employee has or is violating this policy, such a violation may be the subject of evaluation and progressive discipline up to and including termination.

Human Resources Department Responsibilities

(a) Human Resources is responsible for integrating this policy into new hire orientation and training.

(b) In conjunction with the Department, Human Resources is responsible for the coordination of any progressive disciplinary actions in response to violations.

As with any set of policies or rules, exceptions may be granted and documented on a case-by-case basis. These require authorization from the Department involved as well as from the Information Technology Department. Some exceptions may also require City Manager approval.

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Administrative Communications

204.1 PURPOSE AND SCOPE

Effective communications within the Department are critical to the accomplishment of the mission of the Department and its effective operation. Administrative communications of this department are governed by the following policy.

204.2 POLICY

The Kirkland Police Department will appropriately communicate significant events within the organization to its members. Both electronic and non-electronic administrative communications will be professional in appearance and comply with the established letterhead, signature and disclaimer guidelines, as applicable.

204.3 PERSONNEL ORDERS

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

204.4 CORRESPONDENCE

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

204.5 SURVEYS

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

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Staffing Levels

205.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that proper supervision and personnel are available for all shifts. The Department recognizes the importance of employee leave and desires to balance the employee's use of leave against the need to have flexibility and discretion to assign personnel to meet operational goals, objectives and service delivery expectations. While balance is desirable, the paramount concern is the need to meet operational requirements of the Department.

205.2 MINIMUM STAFFING LEVELS

Minimum staffing levels for patrol are set in order to ensure adequate patrol coverage, service delivery and field supervision. Staffing levels for shifts are determined by operational needs and follow current Collective Bargaining Agreement language.

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Concealed Pistol License

206.1 PURPOSE AND SCOPE

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

206.2 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).

206.3 APPLICATION PROCESS AND RENEWAL

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

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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)).

206.3.1 REQUIRED WARNINGS

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

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

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

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206.3.2 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.

206.4 LICENSE RENEWAL

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

An active-duty member of the armed forces who is unable to renew his/her license within the prescribed time period because of assignment, reassignment, or deployment for out-of-state military service may renew his/her license 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.

206.5 REVOCATION OF LICENSES

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

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

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

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

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

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

(f) Receipt of an order to surrender and prohibit weapons or an extreme risk protection order, other than an ex parte temporary protection order, issued against the licensee.

206.5.1 INELIGIBILITY

Upon discovering a person issued a concealed pistol license was ineligible for the license, the Chief of Police, or their designee, 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, or their designee, shall require the person to present satisfactory evidence of having lawfully transferred ownership of the pistol. The Chief of Police, or their designee, shall require the person to produce the evidence within fifteen days of the revocation of the license (RCW 9.41.075(2)).

206.5.2 FIREARM FORFEITURE

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

(a) On the first forfeiture, revoke the license for one year.

(b) On the second forfeiture, revoke the license for two years.

(c) On the third or subsequent forfeiture, revoke the license for five years.

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

The Chief of Police, or their designee, shall notify the Department of Licensing in writing of the revocation of a license.

206.6 APPEAL PROCESS FOR PISTOL TRANSFERS AND CONCEALED PISTOL LICENSE

If a person is denied the purchase of a firearm or denied the issuance or renewal of a CPL, he or she can appeal the denial through the denying agency and request the reason for denial.

The denied individual may also appeal through the NICS Section. If the denied individual chooses to appeal through the NICS Section, the denying agency may refer the denied individual to www.fbi.gov/nics-appeals.

(See Police Support Associate Workbook for full procedure.)

206.7 SUSPENSION OF LICENSES

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

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

206.8 RECIPROCITY

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

(a) The licensing state does not issue concealed pistol licenses to persons under twenty-one years of age, and

(b) The licensing state requires mandatory fingerprint-based background checks of criminal and mental health history for all persons who apply for a concealed pistol license, and

(c) The Chief of Police will honor such a license only while the license holder is not a resident of this state. A license holder from another state must carry the handgun in compliance with the laws of this state.

206.9 RESIDENCY

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

206.10 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.

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Retiree Concealed Firearms

207.1 PURPOSE AND SCOPE

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

207.2 POLICY

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

207.3 LEOSA

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

(a) Separated from service in good standing from this department as an officer.

(b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this department.

(c) Has not been disqualified for reasons related to mental health.

(d) Has not entered into an agreement with this department where the officer acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.

(e) Is not prohibited by federal law from receiving or possessing a firearm.

207.3.1 LEOSA IDENTIFICATION CARD FORMAT

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

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

207.3.2 AUTHORIZATION

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

(a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:

1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement

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agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.

(b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

(c) Not prohibited by federal law from receiving a firearm.

(d) Not in a location prohibited by Washington law or by a private person or entity on his/her property if such prohibition is permitted by Washington law.

207.4 WASHINGTON IDENTIFICATION CARD

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

(a) Has retired from this department.

(b) Did not retire because of a mental or stress-related disability.

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

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

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

207.5 FORMER OFFICER RESPONSIBILITIES

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

207.5.1 RESPONSIBILITIES UNDER LEOSA

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

(a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.

(b) Remain subject to all applicable department policies and federal, state and local laws.

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(c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.

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

207.6 FIREARM QUALIFICATIONS

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

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

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Internal Inventory

208.1 PURPOSE

To provide guidance on the consistent handling of inventory for agency owned property.

208.2 STANDARD ISSUED ITEMS

Standard Issued items include uniforms and equipment that are maintained on Basic Equipment checklists when issued to personnel. These checklists are maintained in the Personnel files of the Kirkland Police Department.

Administrative Lieutenant

- The Administrative Lieutenant is responsible for the current inventory of all standard issued items, except for keys and key cards.
- The Administrative Lieutenant, or their designee, monitors the inventory of the following items by entering or removing the item from inventory on an electronic spreadsheet:
    1. Portable radios
    2. Body armor
    3. Uniforms

Administrative Captain

- The Administrative Captain is responsible for maintaining a current inventory for the following items:
    1. Keys
    2. Key cards
- The Administrative Captain monitors the inventory of these items by entering or removing the item from inventory on files maintained by the Administrative Captain.

208.3 EQUIPMENT

Firearms Cadre:

- The inventory of Firearms equipment includes the following:
    1. Pistols
    2. Rifles
    3. Ammunition
    4. Simmunition
- The Senior Firearms Instructor maintains responsibility for this inventory and assigns officers to conduct the inventory quarterly.

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- Inventory reports are submitted to the Senior Firearms Instructor for review.
- These inventory reports are then forwarded to the Risk Management Lieutenant.

Less-Lethal Cadre:

- The inventory of Less-Lethal equipment includes the following:
    1. SL-6
    2. Taser
    3. SL-6 projectiles and Taser cartridges
- The Senior Less-Lethal Instructor maintains responsibility for this inventory and assigns officers to conduct the inventory once a year.
- Inventory reports are submitted to the Senior Less-Lethal Instructor for review.
- These inventory reports are forwarded to the Risk Management Lieutenant.

Special Response Team (SRT):

- The inventory of equipment for SRT is maintained electronically on an Excel spreadsheet and the SRT Team Leader maintains responsibility for this inventory.
- An officer is assigned by the SRT Team Leader to the task of maintaining the totals of the inventory in the spreadsheet on a monthly basis.
- The inventory used at training each month is subtracted from the previous total in the spread sheet.
- The spreadsheet is reviewed by the SRT Team Leader on a monthly basis.
- A monthly report is submitted to the Risk Management Lieutenant by the SRT Team Leader.
- The inventory is physically counted at least once a year and compared to the running totals contained in the inventory spreadsheet.

Crisis Negotiations Team (CNT):

- The CNT Team Leader maintains responsibility for the inventory of the CNT equipment and assigns officers to conduct the inventory each month.
    (a) These inventory reports are then forwarded to the Risk Management Lieutenant.

Traffic Unit:

- The Traffic Sergeant is responsible for the inventory of the following specialized equipment:
    1. Radars
    2. Lidars
        (a) Radars and Lidars are inventoried and certified at least once a year.
- Major Crime Response Vehicle

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(a) Major Crime Response Vehicle equipment is inventoried every month, utilizing form KPD-2007-062.

i. These inventories are reviewed by the Traffic Sergeant and forwarded to the assigned Operations Lieutenant.

Administrative Corporal:

- The Administrative Corporal is responsible for the inventory of the Portable Breath Test machines (PBT).

(a) PBT's are inventoried and certified at least twice a year.

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Purchases - Equipment and Supplies

209.1 PURPOSE

To provide guidelines for the consistent handling for purchasing equipment or supplies by department personnel.

209.2 STANDARDIZED PURCHASES

Uniforms, equipment, and supplies

(a) All unbudgeted requisitions for the purchase of agency equipment or supplies over $250 shall be routed through the chain of command to the Chief of Police or his/her designee and coordinated through the Administrative Commander. The Chief of Police, or the Administrative Commander, will approve or deny the request. All unbudgeted requisitions for the purchase of agency equipment or supplies under $250 shall be routed through the chain of command and may be approved by the employee's Section Lieutenant.

(b) Section 3.85.060 of the Kirkland Municipal Code states that city employees who exceed their designated purchasing authority and obligate the city to a financial commitment which results in a financial loss to the city may be held personally responsible. The city shall be entitled to recover the full amount of such a loss from the employee.

(c) Requests for initial purchases of new items should be written on a memo and include:

  (a) Reason for purchase.

  (b) Vendor(s) name, address, and phone number

  (c) Item description, brand name, and stock number.

  (d) Total cost, including tax.

(d) Requests for replacement or repair of existing equipment and supplies should be submitted on form KPD-05-255 and can be approved by that employee's Section Lieutenant. The respective Lieutenant will determine if such replacement or repair is warranted and monitor this process, performing audits as needed.

(e) If approved, a Department credit card may be used to complete the purchase or, upon request, the Administrative Supervisor, or designee, will generate a Purchase Order number for the purchase.

(f) The following is a schedule of purchasing limits as outlined by the City of Kirkland Finance and Administration Department purchasing guidelines:

  1. Purchases between $7,500 and $50,000 – Requires at least 3 written competitive quotes or proposals and assistance from the city's purchasing agent. Original quotes need to be filed in Purchasing.

  2. Purchases up to $50,000 – May be made at the Department level with the assistance of the city's purchasing agent.

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3. Purchases greater than $50,000 – The city's purchasing agent is to be contacted for assistance prior to placing an order in excess of $50,000.

    (a) Requires the use of a formal bid or request for proposals. Contact the city's purchasing agent if you are unfamiliar with the process for either a formal bid or request for proposal.

209.3 BIDDING PROCEDURES

- Governed by ordinance under Kirkland Municipal Code 3.85.090 through 3.85.210
- Non-competitive and special purchase of less than $7,500 - Section 3.85.080 of the Kirkland Municipal Code provides guidelines on how to complete the non-competitive bidding process with the assistance from the city's purchasing agent.
- Competitive bidding required for purchases over $50,000 – Section 3.85.040 of the Kirkland Municipal Code provides guidelines on how to complete the competitive bidding process with the assistance from the city's purchasing agent.
- Purchases from/through the United States government may be purchased without calling for competitive bids with the assistance from the city's purchasing agent – Section 3.85.190 of the Kirkland Municipal Code provides guidelines on how to complete a purchase from/through the United States government.
- Waiver of competitive bidding may be waived by the City Manager if the cost is below $50,000. If the cost exceeds $50,000, the city manager or designee must provide the city council with documentation of the rationale for waiving the competitive bidding requirements – Section 3.85.210 of the Kirkland Municipal Code provides guidelines on how to request a waiver on the competitive bidding process

209.4 EMERGENCY PURCHASING OR RENTAL AGREEMENTS FOR EQUIPMENT

Situations may occur which would require an emergency purchase. For example, at a crime scene or major incident, supplies such as food, materials, fuel, etc., may be required that is otherwise unavailable. When this occurs, officers will notify the on duty supervisor who will arrange contact with the necessary vendor(s).

The supervisor, or designee, will explain to the vendor the situation and request purchase/rental, with payment to be arranged by purchase order. The supervisor, or designee, will obtain the equipment/material, then sign and obtain a copy of the receipt or invoice.

The supervisor will write a memo explaining the circumstances to their Lieutenant via the chain of command, including the receipt or invoice.

The Administrative Supervisor will, on the next appropriate day of work after the incident (and upon receipt of the memo), issue a purchase order to the vendor for processing.

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Bail and Service Fees Collection

210.1 PURPOSE

To provide guidelines for the consistent handling of bail and service fees.

- Bail money and service fees are accepted by Records Unit personnel or Corrections Officers. Upon receipt, the fees should be documented, receipted and placed in a permanently mounted steel lock box in the Records Unit until processed for deposit or transfer to the City Cashier.
- The Records Supervisor, or their appointee, is responsible for processing of all bail money and services fees for deposit or transfer to the City Cashier.

210.2 ACCEPTING BAIL (KIRKLAND CHARGES)

Cash / Money Orders / Cashier's Checks

- Receipt – accept the cash, money order, or cashier's check and complete a receipt.
  - Personal checks are not accepted.
- White copy of receipt – goes to the person submitting the cash, money order, or cashier's check.
- Yellow copy of receipt – is placed in the safe at the Records Unit with the money, money order, or cashier's check.
- Pink copy of receipt – kept in the Records Unit on the pink receipt clipboard.

Bail Bond

- Receipt - review the bond and accept it, if it meets the requirements for bail.
- White copy of receipt – goes to the bail bondsman.
- Yellow copy of receipt – the defendant signs the Bail Bond and that is attached to the yellow receipt and then these items are placed in the safe at the Records Division.
- Pink copy of receipt – marked with the date and initials and kept in the Records Division on the pink receipt board.

210.3 ACCEPTING BAIL (OUTSIDE AGENCY CHARGES)

Warrant Abstract

When someone is here to pay for an outside agency bail, you must get an abstract on the warrant from NORCOM so you know how much and where to send the bail collected.

Cash / Money Orders / Cashier's Check

- Receipt – accept the cash, money order, or cashier's check and complete a receipt.
- White copy of receipt – goes to the person submitting the cash, money order, or cashier's check.

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- Yellow copy of receipt – is attached with the money, money order, or cashier's check and these items are placed in the safe in the Records Division.
- Pink copy of receipt – kept in the Records Unit on the pink receipt clipboard.
- Cash Transmittal form – complete and attach this to the Yellow copy of receipt and the cash, money order, or cashier's check.
- Bail Collection letter - type a bail collection letter (form KPD-2007-151), make a photocopy, and prepare an envelope addressed to the receiving agency.
- City Cashier – submit the following to the City Cashier:
  - Yellow copy of receipt
  - Money, money order, or cashier's check
  - Bail Collection letter and envelope
  - Warrant Abstract
- Teletype – send a teletype to the agency that you have collected the money (ACCESS Bail Collection Form).

Bonds

- Receipt - review the bond and accept it, if it meets the requirements for bail.
- White copy of receipt – goes to the bail bondsman.
- Yellow copy of receipt – attached to bond and mailed directly to the agency listed on the abstract.
- Pink copy of receipt – kept in the Records Unit on the pink receipt clipboard.

210.4 FELONY BAIL

All felony bail money received must be receipted and put in the safe at the Records Unit.

(a) Felony bail money is held at KPD for 72 hours, then:

1. Money is returned to the payee.
2. There is a determination for a new bail amount by the King County Prosecutor's Office.

(b) Returning Cash

1. Yellow copy of receipt – take this upstairs with the cash, money order, cashier's check and a cash transmittal form to the City Cashier at City Hall.
2. Check to Payee – attach a request for refund form and a memo to request refund for a check which will be issued to the Payee. This form is to be submitted with the Yellow receipt, letter to payee and addressed envelope.

(c) City Cashier

1. The City Cashier will log the transfer, recording the date and time.
2. A check is prepared and mailed to the person who had posted the bail money.

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(d) Returning Bond

1. Yellow copy of receipt – is returned with the bond to the Bail Bondsman.

210.5 DEPOSIT OF BAIL

Processing

All cash, money orders, and cashier's checks for Clyde Hill, Kirkland and Medina charges are counted and listed on a bank deposit slip and placed in a bank deposit bag. Bail is checked on Tuesdays and Fridays, while the deposit occurs on Wednesdays

Deposit slip

- Deposit Slip – completed and marked with the bank bag number.
- White copy of deposit slip – submitted with cash, money orders, & cashier's checks and placed in the bank deposit bag.
- Yellow copy of deposit Slip – attached to the Yellow bail receipts and placed in the Kirkland Municipal Court basket.
- Pink copy of deposit slip – kept in the Records Unit on the pink receipt board.

Pink copies of bail receipts

- Write the bank bag number, date of deposit, and initials on each Pink copy of bail receipt that was deposited.

City Cashier

- The sealed bank bag containing the cash, money orders, cashier's checks and deposit slip are taken to the City Cashier upstairs at Kirkland City hall.
- The City Cashier will log the transfer, recording the date, deposit bag number and amount.
- Cashier's checks and money orders must be stamped on the back with the City of Kirkland deposit stamp, prior to being placed in the sealed bank bag.

210.6 SERVICE FEES

Service Fees:

Fees collected by the Kirkland Police Department for such services as processing Concealed Pistol Licenses, applicant fingerprints, pet licenses and other miscellaneous fees are receipted and placed in the permanently mounted steel safe in the Records Unit.

Accepting Service Fees

- Receipt – accept the credit card, cash, money order, personal check or cashier's check and complete a receipt.
- Copies of the receipt should be distributed as follows:
    - One copy to the payee.

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- One copy attached to the payment/funds and placed in the safe.
- One copy attached to the paperwork (Concealed Pistol License application, Pet License Renewal form, etc.)

Deposit of Service Fees

- Service fees are reconciled weekly.
- The deposit is prepared and picked up by an armored security cash handling company (Loomis) weekly.
- Reconciliation documents are submitted to the Finance Department weekly.

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Chapter 3 - General Operations

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Use of Force

300.1 PURPOSE AND SCOPE

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

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

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

This policy follows both State and Federal law, specifically, but not limited to RCW 10.116 and 10.120 and is also consistent with the Washington State Office of the Attorney General Model Use of Force Policy.

300.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

De-escalation - Taking action to stabilize the situation and reduce the immediacy of the threat so that more time, options and resources are available to resolve the situation.The goal of de-escalation is to gain voluntary compliance of subjects, when feasible, and thereby reduce or eliminate the necessity to use physical force.

De-escalation tactics - Actions used by a peace officer that are intended to minimize the likelihood of the need to use force during an incident. (RCW 10.120.010)

De minimis force - A physical interaction meant to separate, guide, and/or control without the use of control techniques that are intended to or are reasonably likely to cause any pain or injury.

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

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

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Imminent threat of bodily injury - Based on the totality of the circumstances, it is objectively reasonable to believe that a person has the present and apparent ability, opportunity, and intent to cause bodily injury to the officer, another person, or the person against whom force is being used.

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

Less lethal alternatives - Include, but are not limited to, verbal warnings, de-escalation tactics, conducted energy weapons, devices that deploy oleoresin capsicum, batons, and beanbag rounds

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

Necessary - No reasonably effective alternative to the use of force appeared to exist and that the amount of force used was reasonable to effect the lawful purpose intended. (RCW 9A.16.010)

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

Physical force - Any act reasonably likely to cause physical pain or injury or any other act exerted upon a person's body to compel, control, constrain, or restrain the person's movement. Physical force does not include pat-downs, incidental touching, verbal commands, or compliant handcuffing where there is no physical pain or injury (HB 2037).

Show of Force - The presentation or demonstration of less lethal or lethal tools by an officer directed at an intended person(s) with an intent to cause a change in a person(s) behavior. This may or may not include a verbal or visual warning depending on the situation. The goal of a show of force is to de-escalate a volatile situation, gain compliance of an unwilling person(s), direct the movements of or otherwise control a person(s).

Use of Force - The application of physical techniques or tactics, chemical agents, or weapons to another person(s) in an attempt to physically control an unwilling person(s), whether the application was effective or not. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Totality of the circumstances - All facts known to the officer leading up to and at the time of the use of force, and includes the actions of the person against whom the officer uses such force, and the actions of the officer ((RCW 10.120.020)

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.

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

It is the fundamental duty of law enforcement to preserve and protect all human life (RCW 10.120.010). Officers shall respect and uphold the dignity of all persons and use their authority in a bias-free manner.

The proper use of force is essential to ensure impartial policing and build trust in the community. While there are circumstances where individuals will not comply with the law unless compelled or controlled by officers through the use of force, officers must remain mindful that they derive their authority from the community and that unreasonable force degrades the legitimacy of that authority (Washington State Office of the Attorney General Model Use of Force Policy).

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

Nothing in this policy limits or restricts an officer's authority or responsibility to perform lifesaving measures or community caretaking functions or prevents an officer from responding to requests for assistance or service (RCW 10.120.020).

An officer may not use any force tactics prohibited by law or Department policy, except to protect the officer's life or the life of another person from an imminent threat.

300.2.1 DUTY TO INTERVENE AND REPORT

Any officer present and observing another law enforcement officer using or attempting to use force that, from the witnessing officer's perspective at the time of the incident, exceeds the force permitted by law or this Department's policy or that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intervene to end or prevent the use of excessive or unreasonable force. (RCW 10.93.190)

Any officer who observes another law enforcement officer use force or attempt to use force that, from the witnessing officer's perspective at the time of the incident, exceeds the force permitted by law or this Department's policy or that is clearly beyond that which is objectively reasonable under the circumstances shall report these observations to a supervisor as soon as feasible. (RCW 10.93.190)

300.2.2 PERSPECTIVE

When observing or reporting force or attempted use of force by a law enforcement officer, each witnessing officer should take into account the totality of the circumstances. If the witnessing officer determines that intervention is necessary, the witnessing officer should, in determining how to intervene, consider the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

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300.2.3 ADDITIONAL STATE REQUIREMENTS ON THE DUTY TO INTERVENE AND REPORT

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

300.2.4 CRITICAL DECISION MAKING

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

(a) Begin assessment and planning with available facts before arriving at the scene.

(b) Request available resources, as needed, such as a crisis intervention team or other appropriate specialty unit or professionals.

(c) Collect information when on scene.

(d) Assess situations, threats, and risks.

(e) Identify options for conflict resolution.

(f) Determine a reasonable course of action.

(g) Review and re-assess the situation as it evolves.

Nothing in this policy precludes officers from taking quick action when faced with a life-threatening situation, such as an active shooter. When safe and feasible, officers should not unnecessarily jeopardize their own safety or the safety of others through tactical decisions that unreasonably place themselves or others at risk including but not limited to (Washington State Office of the Attorney General Model Use of Force Policy):

(a) Immediately approaching a person without proper evaluation of the situation.

(b) Leaving insufficient space between an officer and the person.

(c) Not providing time for a person to comply with commands.

(d) Unnecessarily escalating a situation.

300.3 USE OF FORCE

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

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

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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 this department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

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

300.3.1 ALTERNATIVE TACTICS - DE-ESCALATION

When possible, officers shall use all reasonably available and appropriate de-escalation tactics prior to using force (RCW 10.120.020).

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

(a) Employing tactical positioning and repositioning to maintain the benefit of distance and cover, such as backing away from the person to re-assess and determine which tactics to use.

(b) Placing barriers or using existing structures to provide a shield or other protection between officers and a person.

(c) Attempting to slow down or stabilize the situation to allow for the consideration and arrival of additional resources that may increase the likelihood of a safe resolution.

(d) Requesting and using available support and resources, such as a crisis intervention team, a designated crisis responder, other behavioral health providers, or back-up officers, including more experienced officers or supervisors.

(e) Using clear instructions and verbal persuasion.

(f) Employing verbal and non-verbal communication techniques to calm a person (e.g., speaking slowly, regulating tone and body language, uncrossing one's arms, minimizing hand gestures, reducing bright, flashing lights and sirens).

(g) Attempting to communicate in non-verbal ways when verbal instructions would be inadequate (e.g., when the person and officer speak different languages, the person is unable to hear or understand instructions).

(h) Communicating in a way that demonstrates respect for people's dignity (e.g., clearly explaining the officer's actions and expectations, listening to the person's questions and concerns and responding respectfully, being neutral and fair when making decisions).

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(i) When there are multiple officers, designating one officer to communicate in order to avoid competing or confusing commands.

(j) Exhibiting patience while using all available and appropriate tactics and resources to provide as much time as needed to resolve the incident without using force.

300.3.2 PERMISSIBLE USES OF FORCE

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

(a) Protect against a criminal offense when there is probable cause that the person has committed, is committing, or is about to commit the offense.

(b) Effect an arrest.

(c) Prevent an escape as defined under chapter 9A.76 RCW.

(d) Take a person into custody, transport a person for evaluation or treatment, or provide other assistance under the Involuntary Treatment Act: Criminal Insane Procedures RCW 10.77; Behavioral Health Disorders RCW 71.05; or Behavioral Health Services for Minors RCW 71.34.

(e) Take a minor into protective custody when authorized or directed by statute.

(f) Execute or enforce a court order authorizing or directing an officer to take a person into custody.

(g) Execute a search warrant.

(h) Execute or enforce an oral directive issued by a judicial officer in the courtroom or a written order where the court expressly authorizes an officer to use force to execute or enforce the directive or order.

(i) Prevent a person from fleeing or stop a person who is actively fleeing a lawful temporary investigative detention, provided that the person has been given notice that the person is being detained and is not free to leave.

(j) Take a person into custody when authorized or directed by statute.

(k) Protect against an imminent threat of bodily injury to the officer, another person, or the person against whom force is being used.

Officers shall terminate the use of force as soon as the necessity for such force ends (RCW 10.120.020).

Nothing in this section:

(a) Limits or restricts a peace officer's authority or responsibility to perform lifesaving measures or to perform community caretaking functions to ensure health and safety including, but not limited to, rendering medical assistance, performing welfare checks, or assisting other first responders and medical professionals;

(b) Prevents a peace officer from responding to requests for assistance or service from first responders, medical professionals, behavioral health professionals, social service

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providers, designated crisis responders, shelter or housing providers, or any member of the public;

(c) Permits a peace officer to use physical force or deadly force in a manner or under such circumstance that would violate the United States Constitution or state Constitution.

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

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

(a) Identify themselves as law enforcement officers.

1. Identification is unnecessary when the officer has objectively reasonable grounds to believe the person is aware of this fact.

(b) Attempt to determine whether the person has a special need, mental condition, physical limitation, developmental disability, language barrier, or other factor that may impact the person's ability to understand and comply with officer commands.

(c) Provide clear instructions and warnings.

(d) Warn a person that force will be used unless the person's resistance ceases.

(e) Give the person a reasonable opportunity to comply with the warning that force may be used.

300.3.4 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 (RCW 10.120.020):

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

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

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

(d) The effects of suspected drug or alcohol use.

(e) The individual displays signs of mental, behavioral, or physical impairments or disabilities, including individuals who reasonably appear suicidal.

(f) The individual is experiencing perceptual or cognitive impairments typically related to the use of alcohol, narcotics, hallucinogens, or other drugs

(g) The individual's ability to understand and comply with officer commands.

(h) Proximity of weapons or dangerous improvised devices.

(i) The degree to which the individual has been effectively restrained and the individual's ability to resist despite being restrained.

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(j) The availability of other reasonable and feasible options and their possible effectiveness.

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

(l) Training and experience of the officer.

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

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

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

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

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

(r) Prior contacts with the individual or awareness of any propensity for violence.

(s) The individual is visibly pregnant or claims to be pregnant.

(t) The individual is a minor, appears to be a minor, or claims to be a minor.

(u) The individual is known to be a vulnerable adult or appears to be a vulnerable adult as defined by RCW 74.34.020.

(v) The individual has limited English proficiency.

(w) The individual is in the presence of a child.

(x) Any other exigent circumstances.

300.3.5 PAIN COMPLIANCE TECHNIQUES

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

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

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

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

As with any use of physical force, the application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

300.3.6 USE OF FORCE TO SEIZE EVIDENCE

Officers may use de minimis force to lawfully seize evidence and to prevent the destruction of evidence. Officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence when the officer has probable cause to make an arrest or effect an arrest or to protect against an imminent threat of bodily injury to the officer, another person, or the person

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against whom force is being used. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband.

300.3.7 RESTRICTIONS ON RESPIRATORY RESTRAINTS

Officers of this department are not authorized to use respiratory restraints,also known as chokeholds or neck restraints (RCW 10.116.020).

300.4 DEADLY FORCE APPLICATIONS

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

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

(a) An officer may use deadly force to protect the officer or others from what the officer reasonably believes is an immediate threat of serious physical injury or death.

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

For purposes of deadly force, an "immediate threat of serious physical injury or death" is defined above (RCW 10.120.020).

300.4.1 MOVING VEHICLES

Shots fired at or from a moving vehicle involve additional considerations and risks, and are rarely effective.

An officer may not fire a weapon upon a moving vehicle unless necessary to protect against an imminent threat of serious bodily injury resulting from the operator's or a passenger's use of a deadly weapon. A vehicle is not considered a deadly weapon unless the operator is using the vehicle as a deadly weapon and no other reasonable means to avoid potential serious harm are immediately available to the officer. (RCW 10.116.060).

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

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

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

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300.4.2 DRAWING AND POINTING A FIREARM

(a) An officer should only draw a firearm in the low-ready position (i.e., unholstered but out of the officer's visual field) when the officer makes reasonable observations based on the totality of the circumstances that the situation may evolve to the point where deadly force would be justified.

(b) An officer should only point a firearm at a person when deadly force is justified.

(c) When it is determined that the use of deadly force is not necessary, the officer should, as soon as safe and feasible, lower, holster, or secure the firearm.

(d) Pointing a firearm at a person is a reportable show of force and its justification and circumstances shall be documented in accordance with procedures set by the statewide use of force data collection program (RCW 10.118.030).

300.4.3 RESTRICTED USE

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

(a) As an impact weapon except when deadly force is justified.

(b) When it appears likely that an innocent person may be injured by the officer discharging the firearm in the direction of an innocent person.

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

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

300.4.4 DISCHARGE OF FIREARMS

Officers are only permitted to discharge a firearm at a person in situations where deadly force is justified. Each discharge of the firearm must be justified. When feasible, officers shall give a verbal warning that a firearm will be discharged. Prior to the decision to use a firearm, officers should consider field of fire, backdrop, bystanders, potential for ricochet, and other risks of life (Washington State Office of the Attorney General Model Use of Force Policy).

300.5 REPORTING THE USE OF FORCE

Any use of physical force or show 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, why he/she believed the use of physical force or show of force was reasonable under the circumstances, and what de-escalation techniques were utilized prior to and during the use of force.

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

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policy, procedure, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

300.5.1 NOTIFICATIONS TO SUPERVISORS

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

(a) The application caused a visible injury.

(b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.

(c) The individual subjected to the force complained of injury or continuing pain.

(d) The individual indicates intent to pursue litigation.

(e) Any application of the TASER (TM) or control device.

(f) Any application of a restraint device other than handcuffs, shackles, or belly chains.

(g) Any application of a neck restraint

(h) The individual subjected to the force was rendered unconscious.

(i) An individual was struck or kicked.

(j) An individual alleges unreasonable force was used or that any of the above has occurred.

300.5.2 NOTIFICATION TO INDIAN AFFAIRS

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

300.5.3 NOTIFICATION TO CRIMINAL JUSTICE TRAINING COMMISSION (CJTC)

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

300.5.4 REPORTING TO WASHINGTON STATEWIDE USE OF FORCE DATA PROGRAM

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

300.6 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until the individual can be medically

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assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe (RCW 10.93.190).

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

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

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

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITIES

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

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

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

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

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

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(d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.

1. These photographs should be retained until all potential for civil litigation has expired.

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

(f) Review and approve all related reports.

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

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

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

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

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

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

300.8 TRAINING

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

- Be a combination of classroom and scenario-based learning.
- Include community partners, when relevant and feasible.
- Incorporate cultural competency to understand disproportionately impacted communities, and how racialized experiences of policing and the criminal justice system may impact interactions with police as required by WAC 139-11 once the Criminal Justice Training Commission develops appropriate curriculum.

This policy should be incorporated into defensive tactics curricula.

Officers shall receive training and subsequent periodic training on (RCW 43.101.450; RCW 43.101.495; RCW 10.120.010; RCW 10.120.020):

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(a) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.

(b) De-escalation tactics, including reasonably effective alternatives to force including applicable legal requirements.

(c) Duty to intervene.

(d) Exercising reasonable care in determining when to use force.

(e) Evaluation of whether certain applications of force are reasonable and proportional to the threat or resistance.

300.9 USE OF FORCE ANALYSIS

Annually, the Administrative Lieutenant should prepare an analysis report on use of force incidents. The report should be submitted through the chain of command to the Chief of Police. The report should not contain the names of officers, suspects or case numbers, and should include:

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

(b) Training needs recommendations.

(c) Equipment needs recommendations.

(d) Policy revision recommendations.

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Use of Force Review Boards

301.1 PURPOSE AND SCOPE

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

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

301.2 POLICY

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

301.3 REMOVAL FROM LINE DUTY ASSIGNMENT

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

301.4 REVIEW BOARD

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

The Use of Force Review Board will investigate and review the circumstances surrounding every accidental or intentional discharge of a firearm that results in an injury, 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 Professional Standards Deputy Chief will convene the Use of Force Review Board as necessary. It will be the responsibility of the Division Lieutenant or supervisor of the involved employee to notify the Professional Standards Deputy Chief of any incidents requiring board review. The involved employee's Division Lieutenant will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

301.4.1 COMPOSITION OF THE BOARD

The Use of Force Review Board will be comprised of the following persons:

(a) Risk Management Section Lieutenant

(b) Captain or Lieutenant not in the involved member's chain of command

(c) Department instructor for the type of weapon, device, or technique used

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(d) Non-administrative commissioned supervisor

(e) A peer

The Risk Management Section Lieutenant will serve as chairperson. In the absence of the Risk Management Section Lieutenant, the senior ranking command representative who is not in the same division as the involved employee will serve as chairperson.

301.4.2 RESPONSIBILITIES OF THE BOARD

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

The Risk Management Section Lieutenant will conduct the hearing using the Use of Force Review Board written protocol maintained by the Professional Standards Division Deputy Chief as guidance.

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 Use of Force Review 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, results of any formal inquest, 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 reviews, such as training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Chief of Police.

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

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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.

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Handcuffing and Restraints

302.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests. Compliant handcuffing where there is no physical pain or injury is not a Use of Force (RCW 10.120.010).

302.1.1 DEFINITIONS

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

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

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

302.2 POLICY

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

302.3 USE OF RESTRAINTS

Only members who have successfully completed Kirkland 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.

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

302.3.1 RESTRAINT OF DETAINEES

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

302.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner 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).

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

302.3.3 RESTRAINT OF JUVENILES

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

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

302.3.4 NOTIFICATIONS

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

302.3.5 RESTRAINTS APPLIED TO PREGNANT INMATES

Except in extraordinary circumstances, no restraints of any kind may be used on any pregnant woman during transportation to and from visits to court proceedings or medical providers during the third trimester (month 6-9) of her pregnancy, or during postpartum recovery.

For purposes of this section, "extraordinary circumstances" exist where an officer makes an individualized determination that restraints are necessary to prevent an incarcerated pregnant

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woman or youth from escaping, or from injuring herself, medical or departmental personnel, or others.

In the event the officer determines that extraordinary circumstances exist and restraints are used, the officer must fully document in writing the reasons that he or she determined such extraordinary circumstances existed such that restraints were used. As part of this documentation, the officer must also include the kind of restraints used and the reasons those restraints were considered the least restrictive available and the most reasonable under the circumstances. (RCW 70.48.500)

302.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

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

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

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

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

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

302.5 APPLICATION OF SPIT GUARDS

A spit guard (sometimes referred to as spit hood, spit mask, or spit sock) is a woven mesh device which can be placed over a person's head and face with the intent of preventing or reducing the transmission of infectious disease through saliva, mucous, and blood. Officers shall only use department-issued spit guards (Washington State Office of the Attorney General Model Use of Force Policy).

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

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

Officers utilizing spit guards should ensure that the spit guard is fastened properly according to the manufacturer's instructions to allow for adequate ventilation and that the restrained person

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can breathe normally. After application of a spit guard and when safe to do so, officers shall move the individual into a seated or side recovery position. Officers shall provide assistance during the movement of a restrained person due to the potential for impairing or distorting that person's vision. For individuals in mental health crisis, application of a spit guard may provoke an elevated level of distress. Officers should provide verbal reassurance and dynamically assess the situation to remove the spit guard as soon as appropriate. Officers should avoid commingling those wearing spit guards with others and detainees.

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

Those who have been placed in a spit guard should be continually monitored and should not be left unattended until the spit guard is removed. In the event of a medical emergency, spit guards should be removed immediately. Spit guards shall be discarded after each use.

302.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

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

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

302.6.1 WRAP RESTRAINT

The Wrap, manufactured by Safe Restraints, Inc., was designed as a temporary restraining device. Used properly it can increase officer safety and reduce risk of liability due to injuries and in-custody deaths.

The Wrap immobilizes the body and restricts a subject’s ability to kick or do harm to oneself and others. The Wrap minimizes the time required to secure a person safely, restrains the subject in an upright position, and has the subject prepared for transport or movement. It is not considered a use of force if a subject allows themselves to be placed in the WRAP.

302.6.2 DEPLOYMENT AND USE

The Wrap can be used prior to, or after, a violent or potentially violent/combative subject is controlled using approved departmental methods. The WRAP can also be used to move subjects who have limited mobility and allow themselves to be placed in the WRAP.

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Like any restraint device, do not assume the Wrap is escape-proof. The WRAP should not be applied before the application of handcuffs when the WRAP is used on a person who is in custody. Once applied, the subject should not be left unattended.

The Wrap should be considered for use under the following situations:

(a) Whenever an officer anticipates possible violent/combative behavior

(b) To immobilize a violent/combative subject

(c) To limit violent/combative subjects from causing injury to themselves or others

(d) To prevent violent/combative subjects from causing property damage by kicking

(e) To restrain subjects after a chemical spray, baton, or Taser is used, if necessary

(f) When conventional methods of restraint are not effective

(g) In transportation of violent/combative subjects

(h) To assist with cell extraction of violent/combative subjects

Once the subject is properly restrained in the Wrap, they should be placed on their side or in a sitting position. This will increase the oxygen recovery rate allowing for respiratory recovery.

The Wrap should be applied by at least two officers if the subject is passive, but for violent/ combative subjects, three or more officers should be used. Only qualified personnel who have received training in the use of the Wrap should use this restraining device. Refer to the training manual for application guidelines.

302.6.3 DEPLOYMENT CONSIDERATIONS

Movement of the subject can be accomplished in two ways depending on their cooperation. The subject can either be carried or allowed to stand and shuffle step to the destination.

(a) To carry the subject, it is recommended that between 2 to 4 officers be used depending on the size and weight of the subject. Lift the subject by the arms and the ankles. A “log lift” carrying technique may be used when moving the subject. Proper lifting techniques should be followed to prevent unnecessary injury

(b) As an option to lifting, the subject may be moved by means of a shuffle. If the subject has calmed down and is cooperative, the lower Wrap leg band can be loosened to allow some leg movement below the knees without compromising security or safety concerns. By loosening the tether to the shoulder harness, the subject can be brought to a standing position with the help of officers and then allowed to shuffle to or from a vehicle or holding cell. If this method is used, appropriate support must be given to the subject to prevent possible injury. Two officers must support the subject’s arms if they are allowed to “shuffle”.

Prior to vehicle transportation, re-check all belts to ensure that they are securely fastened. The use of a seat belt is recommended to limit movement and reduce the risk of injury to the subject

(a) Whenever possible, one officer should ride as an observer with the subject to ensure all straps remain tight and the subject has no medical problems. Re-checking the

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security of the Wrap and keeping the subject under constant observation should apply to any movement of the subject

Precautions should be taken when the Wrap is in use.

Such precautions include:

(a) The shoulder harness should never be tightened to the point that it interferes with the subject's ability to breathe

(b) The leg bands and shoulder harness must be checked frequently for tightness and re-tightened or loosened as necessary until the Wrap is removed

(c) If the restrained subject complains of or show signs of breathing distress (shortness of breath, sudden calmness, a change in facial color, etc.), medical attention should be provided immediately

(d) The subject should never be left unattended

(e) Subjects should be placed in an upright sitting position or on their side as soon as possible to allow for respiratory recovery

(f) The Wrap is a temporary restraining device and is not escape-proof

(g) The Wrap is to be used by trained personnel only

302.7 POSITIONAL ASPHYXIATION AND COMPRESSION ASPHYXIATION

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

(a) As soon as safe and feasible after handcuffing or otherwise restraining a person taken to the ground, roll the person to the side and move the person to an upright position that does not impede the mechanism of normal breathing, except if the person is unconscious. This requirement is especially important when the person is handcuffed in the prone position.

1. An exception is if the person is conscious and expresses a desire to be placed in a different position, the officers should place the person in that position unless doing so poses a substantial risk of safety to the individual, officers, or others.

(b) Do not put prolonged pressure on the chest, neck, or back, including by sitting, kneeling, or standing.

(c) Continuously monitor the person's condition while being restrained, as death can occur suddenly and develop beyond the point of viable resuscitation within seconds. Monitoring includes but is not limited to assessing the adequacy of the individual's breathing, color, and any impairment as verbalized by the individual.

(d) Whenever possible during team restraint when manpower limitations allow, the ranking officer should designate a safety officer. The safety officer should monitor the health and welfare of the person until:

1. Responsibility is transferred to a health care professional (e.g., emergency medical technician (EMT), paramedic); or

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2. The person is placed in a seated position in a transport vehicle and verbalizes to the safety officer that the person feels okay, and the person appears to the safety officer to be well and speaking normally.

(e) If the safety officer becomes aware of an issue with the person's breathing, color, or any impairment, the safety officer should inform the ranking officer.

(f) Do not transport a restrained person in the prone position.

302.8 REQUIRED DOCUMENTATION

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

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

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

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

(b) Supervisor notification and approval of restraint use.

(c) The types of restraint used.

(d) The amount of time the person was restrained.

(e) How the person was transported and the position of the person during transport.

(f) Observations of the person's behavior and any signs of physiological problems.

(g) Any known or suspected drug use or other medical problems.

302.8.1 SCHOOL RESOURCE OFFICERS

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

302.9 TRAINING

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

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

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

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

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

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Control Devices and Techniques

303.1 PURPOSE AND SCOPE

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

303.1.1 DEFINITIONS

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

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

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

303.2 DEFINITIONS

Non-Lethal Force Philosophy – A concept of planning and force application which meets operational objectives which are not fundamentally designed to cause serious bodily injury or death and the chances of serious injury are only marginal. The key differences in non-lethal versus less lethal weapons include the likelihood of injury, impact force, liability concerns, and versatility. Pepper projectile launchers are considered a Non-Lethal force option.

Less-Lethal Force Philosophy-A concept of planning and force application which meets operational objectives with less potential for causing death or serious physical injury than conventional police tactics.

Kinetic Energy Weapon-Any weapon-based system (launcher) capable of delivering a Kinetic Energy Projectile(s) at a suspect/subject(s) or an object from a distance.

Kinetic Energy Impact Projectiles-Flexible or non-flexible projectiles which are intended to incapacitate a suspect/subject with a minimal potential for causing death or serious physical injury when compared to conventional projectiles. Kinetic Energy Projectiles will be referred to as "Batons" within this subsection.

303.3 POLICY

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

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303.4 ISSUING, CARRYING, AND USING CONTROL DEVICES

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

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

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

When targeting control devices at a subject, officers should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

303.5 RESPONSIBILITIES

303.5.1 SUPERVISOR RESPONSIBILITIES

Supervisors shall monitor the use of control devices in the same manner as all other use of force incidents.

(a) Supervisors will ensure that those personnel under their control who have had the required training are equipped with the appropriate control devices while performing their job function.

(b) Supervisors shall review each use of control devices by any personnel within his/her command.

(c) Supervisors shall ensure briefing training on the use of control devices is provided as needed.

303.5.2 CADRE HEAD RESPONSIBILITIES

KINETIC ENERGY and Pepper Projectile Systems

- The Senior Less Lethal Instructor, or the designated instructor, shall control the inventory and issuance of all Kinetic Energy and Pepper Projectile Systems and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.
- Every Kinetic Energy and Pepper Projectile System will be periodically inspected by the Senior Less Lethal Instructor or the designated instructor for a particular weapon. The inspection shall be documented

OLEORESIN CAPSICUM (OC)

- The Defensive Tactics Cadre Head shall control the inventory and issuance of OC canisters and shall ensure that all damaged, inoperative, outdated or expended OC canisters are properly disposed of or replaced.

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303.5.3 USER RESPONSIBILITIES

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

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be forwarded to their supervisor and to either the Senior Less Lethal Instructor or the Defensive Tactics Cadre Head for disposition. An Equipment/Supply/Repair request form (KPD form 2005-255), along with a memorandum shall also be forwarded to their supervisor and Senior Less Lethal Instructor/Defensive Tactics Cadre Head and shall explain the reason for the request.

303.6 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury.Officers shall not intentionally strike vital areas, including the head, neck, face, throat, spine, groin, or kidney unless deadly force is justified. Officers should reassess the effectiveness of baton strikes as soon as safe and feasible, and if not effective, move to another appropriate target or to another tactical or physical force option. Officers should not use a baton to intimidate a person when a baton warning is not justified by the threat presented (see the Use of Force Policy) (Washington State Office of the Attorney General Model Use of Force Policy).

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

303.7 KINETIC ENERGY (SAGE LAUNCHER) AND PROJECTILE GUIDELINES

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

Specific targeting of the Kinetic Energy Weapon at an object can serve to defeat barriers between officers and a subject needing to be secured.

Specific targeting of the Kinetic Energy Weapon at an object such as a light or a surveillance camera can mitigate officer safety concerns.

303.7.1 DEPLOYMENT AND USE

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

In addition to controlling subjects who are violent or who demonstrate the intent to be violent, the use of control devices is also authorized when deployed at inanimate objects.

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Targeting an object to aid in allowing officers access to a subject should be done in conjunction with a further plan of action aimed to progress efforts to immediately secure the subject.

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

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

(a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.

(b) The suspect has made credible threats to harm him/herself or others.

(c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people.

(d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

(e) The targeting of an object would aid in allowing officers access to a subject who is violent or who demonstrates the intent to be violent.

(f) The targeting of an object would aid in allowing officers access to a subject who has made credible threats to harm him/herself or others.

(g) The targeting of an object would aid in allowing officers to mitigate officer safety concerns

Objects that may be targeted by the Kinetic Energy Weapon include but are not limited to vehicle windows, building windows, lights, and surveillance cameras.

303.7.2 DEPLOYMENT CONSIDERATIONS

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

(a) Distance and angle to target.

(b) Type of munitions employed.

(c) Type and thickness of subject's clothing.

(d) The subject's proximity to others.

(e) The location of the subject.

(f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

(g) The backdrop of an object being targeted.

(h) The projectile's likely path of travel after passing through, or ricocheting off, a targeted object.

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

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The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

An officer should target the buttocks, thigh, calf, and large muscle groups (Washington State Office of the Attorney General Model Use of Force Policy). Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment. The PR-24 training chart is the recognized department model for determining contact areas for Kinetic Energy Impact Projectiles, based upon potential for injury:

1. Green Areas: These areas will be considered when incapacitation is necessary and minimal potential for injury is the appropriate response. These areas include large muscle mass areas such as the thigh, calf and buttocks.
2. Yellow Areas: These areas will be considered when an escalation of force above the green areas listed above is appropriate, acknowledging an increase in the potential for death or serious injury. Yellow areas include joints, shoulders, upper arms, forearms and the abdomen.
3. Red areas: These areas will be considered when an escalation of force above the yellow areas is necessary and appropriate, acknowledging an increase in the potential for death or serious physical injury. Red areas include the chest (center mass), groin, spine, lower back and head.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death.

Officers should not use kinetic energy projectiles in the following circumstances unless the use of deadly force is justified (see the Use of Force Policy) (Washington State Office of the Attorney General Model Use of Force Policy):

(a) When intentionally aiming kinetic energy projectiles at the head, neck, chest, or groin.

(b) At ranges that are inconsistent with the projectile manufacturer's guidelines.

(c) Directed at a person who is situated on an elevated surface (e.g., a ledge, scaffold, near a precipice) unless reasonable efforts have been made to prevent or minimize a fall-related injury (e.g., deploying a safety net).

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

303.7.3 SAFETY PROCEDURES

Kinetic Energy Weapons, specifically designated for use with Kinetic Energy Projectiles, will be specially marked in a manner that makes them readily identifiable as such.

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

When it is not deployed, the launcher will be properly and securely stored in its case. When deploying the Kinetic Energy Weapon, the officer shall visually inspect the Kinetic Energy Projectiles to ensurethat the correct projectiles are loaded in the launcher.

303.7.4 TREATMENT OF INJURED SUSPECTS/SUBJECTS AND RESPONSE TO DAMAGED PROPERTY

Suspects or subjects who have been struck by Kinetic Energy Impact Projectiles shall be transported to a medical facility for examination.

Photographs of the suspect and the area(s) of application on the suspect/subject's body shall be taken and shall be included in the case report. If an officer is unable to obtain photographs, the circumstances shall be documented in the case report and a supervisor shall be notified.

Officers shall attempt to obtain a signed medical release form. If the suspect/subject refuses, the refusal shall be noted in the case report.

Property damage caused by the use of a control device is to be documented in a case report that includes photographs of the damaged property. The case report will be made available to the city's Risk Manager. Officers will make all reasonable attempts to notify the property owner of the damage.

303.8 TEAR GAS GUIDELINES

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

(a) Riot

(b) Barricaded subject

(c) Hostage situation

Only the Incident Commander, or NorthSoundMetroSWAT Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary, and determining that other available and appropriate alternatives to the use of tear gas have been exhausted ().

If tear gas is to be used for a riot outside of a correctional, jail, or detention facility within the limits of the City of Kirkland, authorization shall also be obtained from the mayor, or in their absence, extended unavailability, or vacancy, the deputy mayor or other Council member authorized by the City Council to serve as the presiding officer. If the tear gas is to be used by members for a riot outside of a correctional, jail, or detention facility within another jurisdiction, then authorization shall be obtained from the highest elected official of the jurisdiction in which the tear gas is to be used (Chapter 320 § 4, 2021 Laws).

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Prior to any use, an announcement shall be made to the subject(s) of the intent to use tear gas. Sufficient time and space shall be allowed for the subject(s) compliance with the announcement (Chapter 320 § 4, 2021 Laws).

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

For the purposes of this section:

- "Barricaded subject" means an individual who is the focus of a law enforcement intervention effort, has taken a position in a physical location that does not allow immediate law enforcement access, and is refusing law enforcement orders to exit.
- "Highest elected official"... In the case of cities and towns, it means the mayor, regardless of whether the mayor is directly elected, selected by the council or legislative body pursuant to RCW 35.18.190 or 35A.13.030, or selected according to a process in an established city charter.
- "Hostage situation" means a scenario in which a person is being held against his or her will by an armed, potentially armed, or otherwise dangerous suspect.
- "Tear gas" means chloroacetophenone (CN), O-chlorobenzylidene malononitrile (CS), and any similar chemical irritant dispersed in the air for the purpose of producing temporary physical discomfort or permanent injury, except "tear gas" does not include oleoresin capsicum (OC).

303.9 OLEORESIN CAPSICUM (OC) AND PEPPER PROJECTILE GUIDELINES

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

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

OC spray is not appropriate in an enclosed, highly populated space where there is a likelihood of impacting uninvolved persons, except where OC spray is the only available and appropriate force option. Officers deploying OC will attempt to avoid or minimize incidental exposure to non-involved persons (Washington State Office of the Attorney General Model Use of Force Policy).

303.9.1 OC SPRAY

Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt or load-bearing vest. 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.

Canisters involved in any type of malfunction, or that are damaged, shall be turned in to the Defensive Tactics Cadre Head for exchange. An Equipment/Supply/Repair request form (KPD

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form 2005-255), along with a memorandum shall also be forwarded to the appropriate supervisor and the Defensive Tactics Cadre Head and shall explain the cause of damage.

303.9.2 PEPPER PROJECTILE SYSTEMS (PEPPERBALL LAUNCHER)

Pepper projectiles are plastic spheres that are filled with either a derivative of capsicum (OC) powder, or an inert powder substance. Because the high-pressure air and CO2 launcher delivers the projectiles with enough force to burst the projectiles on impact and release the powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, or spine. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others. Both capsicum projectiles and inert projectiles are authorized for use. Officers deploying pepper projectiles should take into consideration the totality of the circumstances when determining which type of projectile to use.

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

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

The application of pepper projectile systems include, but are not limited to, the following deployments:

(a) Direct Impact – The deployment of pepper projectiles from a launcher that make contact with a person and/or animal.

(b) Area Saturation – The deployment of pepper projectiles from a launcher in the area of a person or persons with the intent of exposing them to the capsicum without utilizing direct impact deployment.

(c) Show of Force – The deployment of pepper projectiles from a launcher in order to gain compliance without utilizing direct impact or area saturation. Show of force also includes the display of the pepper projectile launcher, without deploying projectiles, in a manner that is intended to gain compliance, including but not limited to pointing the launcher at a person.

303.9.3 TREATMENT FOR OC SPRAY AND PEPPER PROJECTILE EXPOSURE

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

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303.10 POST-APPLICATION NOTICE

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

303.11 TRAINING FOR CONTROL DEVICES

The Training Sergeant shall ensure that all personnel who are authorized to carry a control device have been properly trained, have demonstrated satisfactory skill and proficiency, are certified to carry the specific control device, and are retrained or recertified as necessary. In-service training for non-lethal weapons shall occur at least once every two years.

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

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

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

303.12 REPORTING USE OR DISPLAY OF CONTROL DEVICES AND TECHNIQUES

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

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Conducted Energy Device

304.1 PURPOSE AND SCOPE

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

304.1.1 DEFINITIONS

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

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

304.2 POLICY

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

304.3 ISSUANCE AND CARRYING TASERS

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

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

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

When consistent with training, an officer carrying a TASER shall perform a function check on the weapon and check remaining battery life prior to every shift. An officer should report any malfunction to a supervisor or other appropriate personnel.

An officer shall carry a TASERin a support side draw holster, either on the duty belt or the load bearing vest (LBV), on the side opposite the duty weapon, and in all but extreme circumstances, should draw, exhibit, and use the device with the support (i.e., non-handgun firing) hand (Washington State Office of the Attorney General Model Use of Force Policy).

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

(b)

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

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

304.4 VERBAL AND VISUAL WARNINGS

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

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 or the laser in a further attempt to gain compliance prior to the application of the TASER. 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 in the related report.

304.5 USE OF THE TASER

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

304.5.1 APPLICATION OF THE TASER

The TASER 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, themselves or others.

Absent meeting the conditions set forth in (a) or (b) above, or a reasonable belief that an individual has committed or threatened to commit a serious offense, mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the TASER to apprehend an individual.

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304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the TASER 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 (Washington State Office of the Attorney General Model Use of Force Policy):

(a) Individuals who are known to be pregnant.

(b) Elderly individuals or obvious juveniles.

(c) Individuals with obviously low body mass.

(d) Individuals who are handcuffed or otherwise restrained.

(e) In any environment where an officer knows or has reason to believe that a potentially flammable, volatile, or explosive material is present that might be ignited by an open spark, including but not limited to OC spray with a volatile propellant, gasoline, natural gas, or propane.

(f) Individuals who are situated on an elevated surface (e.g., a ledge, scaffold, near a precipice) unless reasonable efforts have been made to prevent or minimize a fall-related injury (e.g., deploying a safety net).

(g) Operators in physical control of vehicles in motion, including automobiles, trucks, motorcycles, all-terrain vehicles, bicycles, and scooters unless deadly force is justified.

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

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

Officers should attempt to handcuff individuals while the Taser is cycling in an effort to control the individual as quickly as possible.

304.5.3 TARGETING CONSIDERATIONS

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

304.5.4 MULTIPLE APPLICATIONS OF THE TASER

Officers shall apply the TASER for only one standard cycle of five seconds or less and then evaluate the situation before applying any subsequent cycles (Washington State Office of the Attorney General Model Use of Force Policy). Multiple applications of the TASER against a single

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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 appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the TASER, 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.

Multiple applications of the TASER increase the risk of serious bodily injury or death. Officers should not intentionally deploy multiple TASERs at the same person, unless the first deployed TASER clearly fails. An officer shall consider other options if the officer has used a TASER three times against a person and the person continues to be a threat, as the TASER may not be effective against that person (Washington State Office of the Attorney General Model Use of Force Policy).

304.5.5 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 EMDT. As soon as practicable, officers shall notify a supervisor of all TASER discharges. Photographs should be taken of the probe contact sites 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.

304.5.6 DANGEROUS ANIMALS

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

304.5.7 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department TASERs while off-duty. This does not apply to authorized police related outside employment assignments.

Commissioned Officers shall ensure that TASERs 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.

Upon finishing their shift, Correctional Officers shall secure their TASER in their locked locker.

304.6 DOCUMENTATION

Officers shall document all TASER discharges in the related arrest/crime report and the appropriate use of force form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. The display of a Taser (armed or not), pointing a Taser at a person, laser

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activation/aiming, or arcing the Taser in order to gain compliance is a show of force and shall be documented in accordance with the Use of Force Policy.

Unintentional discharges of a TASER cartridge will also be documented on a memorandum to their supervisor. Any report documenting the discharge of a TASER cartridge will include the cartridge serial number and an explanation of the circumstances surrounding the discharge. This memorandum will be forwarded to the Less Lethal Training Unit Cadre Head or his designee for review.

304.6.1 TASER DEVICE FORM

The Less Lethal Training Unit Cadre Head, or their designee should periodically analyze the use of force report forms to identify trends, including deterrence and effectiveness. The Less Lethal Training Unit Cadre Head,, or their designee, should also conduct audits of data downloads and reconcile TASER use of force report forms with recorded activations on a bi-annual basis. A written report compiling this information shall be submitted to the Risk Management Lieutenant once a year.

304.6.2 REPORTS

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

(a) Identification of all personnel firing TASERs

(b) Identification of all witnesses

(c) Medical care provided to the subject

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

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

304.7 MEDICAL TREATMENT

At the earliest safe opportunity at a scene controlled by law enforcement, officers shall remove TASER probes, unless probes are in a sensitive area, such as the head, breast, or groin. Probes in sensitive areas shall be removed by an emergency medical technician (EMT), paramedic, or other health care professional (Washington State Office of the Attorney General Model Use of Force Policy). Used TASER 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 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:

(a) The person is suspected of being under the influence of controlled substances and/or alcohol.

(b) The person may be pregnant.

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(c) The person reasonably appears to be in need of medical attention.

(d) The TASER probes are lodged in a sensitive area (e.g., groin, female breast, 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 (see the Medical Aid and Response Policy).

304.8 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the TASER may be used. A supervisor should respond to all incidents where the TASER was activated. A supervisor should take any deployed TASER off-line and place it in the safe in the Field Office. The deployed TASER should be replaced with a spare yellow TASER from the safe until such time as the original TASER is returned to the officer. The supervisor should send a notification email to the Less Lethal Training Unit Cadre head. A member of the Less Lethal Unit will retrieve the deployed TASER and download the device's onboard memory through the data port as soon as possible following the incident and save it with the related arrest/crime report.

A supervisor should review each incident where a person or animal has been exposed to an activation of the TASER and ensure a Blue Team entry is completed and cc'd to the Less Lethal Unit head.

Photographs of probe sites should be taken and witnesses interviewed.

- If probe sites are located in a sensitive area, such as breasts, buttocks or outer genitalia, a supervisor shall be called to the scene prior to photographs being taken.
- All efforts shall be made for the photographs to be taken with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those in custody.
- Whenever practicable, photographs should be taken by an officer of the same sex as the person being photographed.
    - If an officer of the same sex is not reasonably available, the supervisor will ensure that all reasonable steps are taken to minimize the exposure of sensitive areas.

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304.9 TRAINING

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

Proficiency training for personnel who have been issued TASERs 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 Sergeant or the Less Lethal Training Unit Cadre head. All training and proficiency for TASERs will be documented in the officer's training file.

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

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

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

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

The Training Sergeant should ensure that all training includes:

(a) A review of this policy.

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

(c) Performing support-hand draws of the Tasers 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 and transitioning to other force options.

(f) De-escalation techniques.

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

304.9.1 VOLUNTARY EXPOSURE

All voluntary exposures shall be documented according to the Less Lethal Unit's Voluntary Exposure Procedure.

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Officer-Involved Critical Incidents, Shootings and Deaths

305.1 PURPOSE AND SCOPE

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

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

305.2 POLICY

The policy of the Kirkland Police Department is to ensure that officer-involved critical incidents are investigated in a thorough, fair, impartial and transparent manner.

305.3 DEFINITIONS

Officer-Involved Critical Incident - Any incident that involves the use of force or other action by an employee resulting in the death or serious physical injury to another person, the intentional discharge of a firearm by an employee in the performance of his/her lawful duties (Officer-involved shooting), the death of a prisoner or inmate, by any means, while in the custody of the Kirkland Police Department, or any incident the Chief of Police believes to be of enough significance so as to trigger the provisions of this policy. This policy does not apply to the following:

(a) Training or practicing at an approved range.

(b) Destroying an animal after supervisory authorization.

(c) The use of a specialized firearm by SWAT in order to enhance officer safety, dispense chemical agents, or as an entry device, when no serious physical injury or death to any person occurs.

Involved Officer – Any commissioned or specially commissioned officer who was involved in a critical incident as an active participant.

Witness Officer – Any commissioned or specially commissioned officer who witnesses any part of an officer involved critical incident.

Uninvolved Officer – An officer who was not involved in, was not present during, and did not witness the officer involved critical incident

Public Safety Information – Questions (as covered by CBA 7.7.8) asked of an “Involved Officer” by a supervisor for the purposes of:

(a) determining the scene boundaries and securing the scene

(b) identifying and locating outstanding suspect(s)

(c) determining the number and direction of shots fired if applicable

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(d) identifying witnesses

(e) securing evidence

(f) determining the extent of any injuries and treating the injured.

Supervisors will make note of the questions they ask and the answers given by an “involved officer”. Supervisors will act on the Public Safety Information as necessary. All Supervisors will carry and follow the guidelines on the Supervisors Checklist for Critical Incident Management.

305.4 TYPES OF INVESTIGATIONS

Officer-involved critical incidents can involve several separate investigations. The investigations may include:

- A criminal investigation of the suspect's actions by the agency having jurisdiction where the incident occurred. This department may relinquish its criminal investigation to an outside agency with the approval of the Chief of Police or Division Deputy Chief.
- A criminal investigation of the involved officer's action(s) shall be conducted by an outside agency.
- An applicable policy review board to determine policy compliance by involved officers. Use of Force Review Board, Collision Review Board, Pursuit Review Board).
- An internal administrative investigation may be authorized by the Chief if there are indications that the actions of the involved officer(s) were outside policy
- A civil investigation to determine potential liability.

305.5 CONTROL OF INVESTIGATIONS

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

Jurisdiction is determined by the location of the critical incident and the agency employing the involved officer. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved critical incidents.

305.5.1 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 Kirkland Police Department would control the investigation if the suspect’s crime occurred in Kirkland.

If multiple crimes have been committed in multiple jurisdictions, the agency in whose jurisdiction the critical incident occurred will control the investigation. The investigation of the suspect(s)' actions may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Chief of Police and with concurrence from the other agency.

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305.5.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

For critical incidents occurring in the City of Kirkland involving Kirkland officers, the criminal investigation of the officer'(s) actions will be conducted by an outside agency designated by the Chief of Police or a Division Captain in the Chief's absence.

For critical incidents occurring in the City of Kirkland involving outside agency officers, the criminal investigation of the officer'(s) actions will be conducted by the Kirkland Police Department or by an outside agency designated by the Chief of Police or a Division Captain in the Chief's absence.

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

305.5.3 ADMINISTRATIVE, CIVIL AND INTERNAL INVESTIGATION

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

305.5.4 OFFICER-INVOLVED USE OF FORCE INVESTIGATIONS

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

305.6 INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of officer-involved critical incidents.

305.6.1 UNINVOLVED OFFICERS' RESPONSIBILITIES

Upon arrival at the scene of an officer-involved critical incident, shooting or death, the first uninvolved KPD officer will be the officer-in-charge and will assume responsibility for the scene until properly relieved. This officer should, as appropriate:

(a) Secure the scene and identify and eliminate hazards for all those involved.

(b) Take reasonable steps to obtain emergency medical attention for injured individuals.

(c) Request additional resources from the Department or other agencies.

(d) Coordinate a perimeter or pursuit of suspects.

(e) Check for injured persons and evacuate as needed.

(f) Brief the supervisor upon arrival.

305.6.2 SUPERVISOR RESPONSIBILITIES

Upon learning of an officer-involved critical incident, shooting or death, the supervisor shall be responsible for coordinating all aspects of the incident until he/she is relieved by a Command Officer.

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Upon arrival at the scene of an officer-involved critical incident, the first arriving supervisor should (See KPD Supervisors' Checklist for Critical Incident Management APPENDIX B.pdf)

(a) Immediately assume command of the scene and render it safe.

(b) Ensure medical attention for all injured individuals.

1. *** If an involved officer is injured and requires immediate medical attention ***

(a) Have another officer accompany the injured officer to the hospital.

(b) Have the accompanying officer secure the injured officer’s personal effects, uniform, and equipment.

(c) Identify and secure inner and outer perimeters.

(d) Make command notifications.

(e) Appoint an officer to start a crime scene log and record all crime scene activity.

(f) Establish a Command Post.

(g) Assign an officer to roughly diagram the scene, identify possible evidence and take photos if practical.

(h) Ensure all personnel are accounted for, and all personnel on-scene (police, fire, EMS, etc.) are identified and logged.

(i) Establish a media area.

(a) Do not make any statements to the media or issue any press releases. Refer all media inquiries to the Command Officer or PIO.

(j) As soon as practical, remove the involved officer from the immediate area of the incident and assign an uninvolved officer to stay with the involved officer until a Command Officer (or their designee) arrives to accompany the involved officer back to the station.

(k) Attempt to obtain a brief overview of the situation from any witnessing officer(s).

(l) In the event that there are no witnessing officers who can supply an adequate public safety overview, the supervisor should attempt to obtain a brief voluntary public safety overview from one involved officer. (See the KPD Supervisors’ checklist for Critical Incident Management under Appendix B)

(m) Supervisors will make note of the questions they ask and the answers provided by the officer.

(n) Supervisors will act on the public safety information as needed.

(o) If an involved officer refuses to voluntarily provide public safety information, the supervisor will administratively order (per CBA 7.7.8) the officer to immediately provide public safety information necessary to treat the injured, secure the scene, secure evidence, identify witnesses, or apprehend suspects.

1. Public safety information shall be limited to such things as:

(a) determining the scene boundaries and securing the scene

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(b) identifying and locating outstanding suspect(s)

(c) determining the number and direction of shots fired (if applicable)

(d) identifying and locating witnesses

(e) securing evidence

(f) determining extent of injuries and treating the injured

1. * The initial on-scene supervisor should not attempt to order any officer to provide any information other than public safety information*

2. ** Refusing to answer public safety questions after being administratively ordered to do so by a supervisor may result in discipline up to, and including, termination. **

(p) Provide all relevant information to responding officers, the on-scene Command Officer and NORCOM if applicable. If feasible, sensitive information should be communicated over secure networks.

(q) Remain on-scene and in command of the incident until relieved by a Command Officer.

305.6.3 COMMAND OFFICER RESPONSIBILITES

Upon the first Command Officer's arrival at the scene of an officer-involved critical incident, shooting or death, he/she should ensure that the following has been completed (See KPD Command Officers' Checklist for Critical Incident Management under APPENDIX C.pdf)

(a) Obtain a brief from the on-scene supervisor and ensure that their responsibilities have been fulfilled.

(b) As soon as practical take command of incident and ensure adequate resources are present or responding.

(c) If an involved officer has been injured and transported to a medical facility, coordinate notification of the injured officer’s emergency contact.

(d) Contact the Peer Support Team Commander or, if unavailable, the Peer Support Team Leader.

(e) Remove, if practical, the involved officer(s) from the immediate area of the scene, preferably to the police station, accompanied by an uninvolved supervisor or officer. Involved officers should be transported separately.

(f) Prior to transporting, each involved officer should be given an administrative order not to discuss the incident with other involved or witnessing officers pending further direction by a supervisor or Command Officer.

(g) For incidents involving the discharge of a firearm by an officer:

1. When an officer's weapon is taken or left at the scene (e.g., evidence), the officer(s) will be transported to the station by another officer or supervisor and will be provided with a comparable replacement weapon.

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2. When an officer’s weapon is secured at the station the officer(s) will be provided with a comparable replacement weapon.

(h) Make additional Command notifications as needed, ensure PIO is enroute.

305.6.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Chief of Police via the involved officer'(s) chain of command.
- Professional Standards Deputy Chief
- Investigations and Risk Management Lieutenants
- Outside agency investigators (if appropriate)
- Peer Support personnel
- Chaplain
- Involved officer’s agency representative (if requested)
- Public Information Officer

305.6.5 ADDITIONAL NOTIFICATIONS

- Medical Examiner (if necessary and when ready)
- City Prosecutor should be considered.

305.6.6 INVOLVED OFFICERS

The following shall be considered for the involved officer:

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

1. Involved KPD 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-KPD 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 KPD officer. A licensed psychotherapist may also be provided to any other affected KPD 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

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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 KPD officer should be given reasonable paid administrative leave following an officer-involved critical incident, shooting or death. Until the Officer-Involved Critical Incident Investigation is complete, the Division Deputy Chief of the involved officer, with the concurrence of the Chief of Police, shall determine whether the involved officer returns to duty, is reassigned to administrative duties, or continues on administrative leave.

305.7 CRIMINAL INVESTIGATION

It shall be the policy of this department to utilize an outside agency designated by the Chief of Police to conduct an independent criminal investigation into the circumstances of any officer-involved critical incident, use of force, or shooting involving serious injury or death.

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) KPD supervisors and the Investigations Lieutenant should not participate directly in any voluntary interview of KPD 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 guild representative of his/her choosing and/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 talk to any other involved officer or witness about the critical incident 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 compelled statement will be provided to any criminal investigators unless the officer consents.

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305.7.1 REPORTS BY INVOLVED KPD OFFICERS

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

While the involved KPD 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 KPD 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 critical incident, shooting or death.

305.7.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved critical incident, 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.

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305.7.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved critical incident, shooting or death, it shall be the responsibility of the designated Investigation Unit supervisor to assign appropriate investigative personnel to handle the investigation of related crimes.

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

305.8 REVIEW BOARDS

Where appropriate, review boards may be convened at the direction of the Chief of Police to determine compliance with department policies. The review boards include:

USE OF FORCE REVIEW BOARD (See Use of Force Review Board Policy):

The Use of Force Review Board is empowered to conduct an administrative review and investigation into the circumstances of any use of force incident resulting in death or very serious injury to another, to determine conformance with department policy.

COLLISION REVIEW BOARD (See Traffic Collision Reporting Policy):

The Administrative Review Board will review all police vehicle collisions/incidents. The Board is to determine the primary cause of the collisions/incidents, whether department policies were followed, if there were any mitigating or extenuating circumstances, and to check that all reports are thorough and complete.

PURSUIT REVIEW BOARD (See Vehicle Pursuit Policy):

All pursuits will be examined by a Pursuit Review Board whose purpose is to ensure compliance with this policy and to identify any possible training needs.

305.9 INTERNAL ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved critical incident, shooting or death, this department may conduct an internal administrative investigation of involved KPD officers to determine conformance with department policy. An internal administrative investigation must be be authorized by the Chief of Police. This investigation will be conducted by an assigned Lieutenant, designated by the Chief of Police, and will be considered confidential. Internal administrative investigations will be in compliance with the current Collective Bargaining Agreements and the Personnel Complaints Policy.

Interviews of members shall be subject to the current Collective Bargaining Agreement (CBA), department policies and applicable laws.

(a) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned Lieutenant may review that statement before proceeding with any further interview of that involved officer.

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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.

(b) In the event that an involved officer has elected to not provide criminal investigators with a voluntary statement, the assigned Lieutenant will 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 assigned Lieutenant shall ensure all internal administrative investigation reports are submitted to the Chief of Police via the chain of command for determination of compliance with applicable policies, review and findings.
6. Regardless of whether use of force is an issue in the case, the completed internal administrative investigation shall be submitted to a Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

305.10 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.

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305.11 AUDIO AND VIDEO RECORDINGS

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

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

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

305.12 DEBRIEFING

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

305.12.1 CRITICAL INCIDENT/STRESS DEBRIEFING

A critical incident/stress debriefing should occur as soon as practicable. The Risk Management Lieutenant, in coordination with the Peer Support Team Leader, 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 or 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.

305.12.2 TACTICAL DEBRIEFING

A tactical debriefing should take place to come up with recommendations on any training or areas of policy that the review boards identified as needing improvement. The Chief of Police should identify the appropriate participants, utilizing the appropriate cadre heads where possible.

This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal, administrative and/or internal investigators.

305.13 MEDIA RELATIONS

Any media release shall be prepared by the Public Information Officer (PIO) with input and concurrence from supervisory representatives responsible for each phase of the investigation.

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Releases, once approved by the Professional Standards Deputy Chief, will be available to all personnel. Inquiries from the media will be directed to the PIO.

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

Department members receiving inquiries regarding officer-involved critical incidents, 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.

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Firearms

306.1 PURPOSE AND SCOPE

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

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

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

306.2 POLICY

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

306.3 AUTHORIZED FIREARMS, AMMUNITION, AND OTHER WEAPONS

A firearm is a weapon with lethal ammunition carried by an officer that meets the firearm specifications of the Department or that has been authorized as a specialty firearm by the Chief of Police or the authorized designee (Washington State Office of the Attorney General Model Use of Force Policy). Members shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Senior Firearms Instructor. No firearm shall be carried by a member who has not qualified with that firearm at an authorized department range.

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

(a) Edged weapons.

(b) Chemical or electronic weapons.

(c) Impact weapons.

(d) Any weapon prohibited, or restricted by law, or that is not covered elsewhere by department policy.

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

306.3.1 HANDGUNS

The authorized department-issued handgun is the Sig Sauer 9mm, .40, or .45 semi-automatic handgun, depending on preference and fit.

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A second department issued firearm may be issued at the direction of the Chief of Police. This firearm may be carried in lieu of the authorized departmental issued handgun. When carried, the second department issued firearm will be carried in a holster and in a concealed manner.

306.3.2 PATROL RIFLES

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

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

(a) Situations where the member reasonably anticipates an armed encounter.

(b) When a member is faced with a situation that may require accurate and effective fire at long range.

(c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.

(d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.

(e) When a member reasonably believes that a suspect may be wearing body armor.

(f) When authorized or requested by a supervisor.

(g) When needed to euthanize an animal.

When not deployed, the patrol rifle shall be properly secured in a locking weapons rack in the patrol vehicle in a patrol ready condition. A patrol rifle is considered in a patrol ready condition when it has been inspected by the assigned officer, the bolt is closed on an empty chamber, a fully loaded magazine has been inserted into the magazine well, and the selector lever is in the safe position.

306.3.3 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 approved by the Senior Firearms Instructor.

(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 Senior 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.

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(g) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.

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

306.3.4 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by commissioned officers while off-duty is permitted by the Chief of Police but may be rescinded should circumstances dictate (e.g., administrative leave). Commissioned officers 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) 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.

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

Carrying of off-duty firearms by officers with special commissions (Corrections Officers) is not authorized by the department. Special commissioned officers shall conform to all laws required of any citizen for the carrying of firearms. Concealed Pistol Licenses are required in order to carry personally owned concealed firearms while off-duty for special commissioned officers. The carrying of department issued firearms while off-duty is prohibited for special commissioned officers.

306.3.5 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. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Senior Firearms Instructor when needed, in accordance with established policy.

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

306.4 EQUIPMENT

Firearms carried on-duty shall be maintained in a clean, serviceable condition.

Officers shall clean their firearms within 12 hours of firing. Since the use of personally owned weapons as a secondary weapon is at the option of the individual officer, that officer will be responsible for the furnishing, maintenance and repair of such weapon.

Rifle Maintenance

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(a) Primary responsibility for maintenance of patrol rifles shall fall on the Senior Firearms Instructor or armorer.

(b) On the first Sunday of each month, the day shift supervisor will ensure that the rifles are removed from the patrol vehicles, cleaned and returned to the patrol vehicles.

(c) Officers will ensure that the rifles are kept as clean as possible.

(d) Each patrol officer carrying a patrol rifle will be required to field strip and clean an assigned patrol rifle as needed.

(e) Each patrol officer shall be responsible for promptly reporting any damage or malfunction of an assigned patrol rifle.

(f) Any patrol rifle found to be unserviceable shall be removed from service. The rifle shall be clearly labeled as "out of service," placed in the armory and details regarding the weapon's condition shall be included on the label.

(g) Each patrol rifle shall be subject to inspection by a supervisor, the Senior Firearms Instructor or Armorer at any time.

(h) No modification shall be made to any patrol rifle expect by the Senior Firearms Instructor or armorer.

306.4.1 REPAIRS OR MODIFICATIONS

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

Firearms that are the property of the Department 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 Senior Firearms Instructor.

Any repairs or modifications to the member’s personally owned firearm being used as an authorized secondary firearm shall be done at his/her expense and must be approved by the Senior Firearms Instructor.

306.4.2 PREGNANCY / NURSING CONSIDERATIONS

The Department will accommodate Department officers who are pregnant or nursing as follows:

When an officer notifies her immediate supervisor of a request for a temporary exemption of firearm qualification testing requirements, the officer will be provided with a physician's estimate of physical capacities form. Officers may receive a temporary exemption of the firearm qualification testing requirement during twelve months of the pregnancy/delivery term upon submission of a physician's estimate of physical capacities form to her immediate supervisor.

If an officer receives a temporary exemption of firearm qualification testing due to pregnancy or nursing, that officer shall be temporarily ineligible to perform patrol functions, and will work with her immediate supervisor regarding a modified duty position following Department and City policy. A temporary firearm qualification exemption due to nursing will be granted for up to three (3) months from the date of being released to full time regular duty.

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Alternatively, Officers who are pregnant or nursing may wear protective masks during the qualification process (with a HEPA filter rated for lead); and/or Officers who are pregnant or nursing may use lead-free ammunition; and/or Officers who are pregnant or nursing have the option of not picking up spent brass; and/or Officers who are pregnant or nursing may receive assignment of another officer to clean a pregnant officer's service weapon; and/or Officers who are pregnant or nursing may coordinate with their immediate supervisor to time the qualification testing for a period during the pregnancy and/or after delivery that would be consistent with the officer's doctor's written recommendation.

In every case, Officers who were pregnant or nursing and are out of compliance with firearm qualification testing must re-qualify upon receipt of a physician's estimate of physical capacities form that provides clearance for firearm qualification before returning to full time regular duty.

306.4.3 HOLSTERS

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

306.4.4 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 Senior 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.

306.4.5 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 Senior 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.

306.5 SAFE HANDLING, INSPECTION AND STORAGE

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

(a) Members shall not unnecessarily display or handle any firearm.

(b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Senior Firearms Instructor. Members shall follow all proper dry fire protocols as instructed by the firearms cadre.

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

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(d) Rifles removed from vehicles or the equipment storage room shall be loaded and unloaded while pointed into a clearing barrel unless the need arises in the field, at which point the rifle should be loaded and unloaded while pointing towards the ground.

(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. Any department issued weapon that is determined to be malfunctioning or in need of service shall be promptly presented to the Department or a Senior Firearms Instructor approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Senior 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.

306.5.1 INSPECTION AND STORAGE

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

Department issued handguns and personally owned handguns may be safely stored in lockers at the end of the shift. Handguns may remain loaded if they are secured in an appropriate holster.

306.5.2 STORAGE AT HOME

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

The department shall provide trigger locks for all issued weapons to any department personnel that requests them.

306.5.3 ALCOHOL AND DRUGS

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

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306.6 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to qualify once annually with their duty firearms on an approved course of fire. Members will qualify with secondary firearms at least annually.

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

The Senior Firearms Instructor shall be responsible for keeping accurate records of all qualifications, repairs, maintenance and training. In addition to regular qualification schedules, the Senior Firearms Instructor shall be responsible for providing to all personnel carrying a firearm, annual training on the department use of force policy which demonstrates their knowledge and understanding. These records shall be forwarded to the Training Officer for entry into the training database.

306.6.1 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 and the Senior Firearms Instructor prior to the end of the required training or qualification period.

(a) A Command Officer may grant temporary exemptions for medical reasons upon submission of a recommendation signed by a physician or in case of an administrative necessity upon written request of the officer's supervisor.

Failure to qualify with a department issued firearm (handgun and rifle) directly impacts an officer's ability to fulfill their duties as an officer with the Kirkland Police Department.

Initial Firearm Qualification Day

The officer will be given two attempts to qualify on this day. If the officer fails to qualify on their first attempt, then they will immediately be given a second opportunity to qualify on this date. If the officer does not qualify on this second attempt then the Firearms Instructor will provide the officer with a Firearms Qualification Improvement Plan. The Firearms Qualification Improvement Plan will outline the bulleted items (a, b, & c) listed below. However, if the failure to qualify raises serious performance related issues where the Firearms Instructor believes the officer should not be allowed to immediately return to duty with their weapon, then the Firearms Instructor may advise an on-duty supervisor of their recommendation to relieve the officer from duty. The on-duty supervisor would then determine whether or not to relieve the officer from duty. Upon determination, the on-duty supervisor will notify their Lieutenant via the chain-of-command.

(a) Failed attempts to qualify.

(b) Plans for two remedial training sessions with a KPD Firearms Instructor which will occur prior to re-qualification.

(c) Firearm re-qualification date will be set for a period of at least fourteen (14) days from the date of the Qualification Improvement Plan.

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Second Firearm Qualification Day

The officer will report for the second firearm qualification day as outlined in the previous Qualification Improvement Plan. The officer will be given two attempts to qualify on this day. These qualification attempts will be on the same qualification course that the officer had previously failed. If an officer fails both attempts to qualify on this day, the firearms instructor shall immediately contact that officer's immediate supervisor and the Senior Firearms Instructor. The officer will immediately be removed from their normal duty assignment and will be assigned to a modified duty assignment that does not require the use of a firearm, as determined by the Chief of Police or their designee. A Performance Improvement Plan (PIP) will be created by the Senior Firearms Instructor and will outline:

(a) Failed attempts to qualify.

(b) Remedial training completed.

(c) Plans for additional remedial training, to include but not limited to, a basic 40 hour Firearms training course.

(d) Firearm re-qualification date will be set for no later than thirty (30) days from the date of the PIP notice created by the Senior Firearms Instructor.

Third Firearm Qualification Day

The officer will report for the third firearm qualification day as outlined in the PIP written by the Senior Firearms Instructor. The officer will be given two attempts to qualify on this day. These qualification attempts will be on the same qualification course that the officer had previously failed. If an officer fails to qualify on this day, then the officer will remain on their modified duty assignment and a memo will be sent to the Chief, by the Senior Firearms Instructor, for final review and determination on the officer's status.

306.7 FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a written report to his/her supervisor and complete an appropriate Blue Team entry 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 Critical Incidents, 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 supervisor and complete a firearms discharge entry in Blue Team prior to the end of shift unless otherwise directed.

(b) If off-duty at the time of the incident, a written report and a firearms discharge entry in Blue Team shall be submitted no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

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The receiving supervisor shall make a Command Staff notification of the incident and ensure that the firearms discharge entry in Blue Team is routed to their Division Lieutenant and to the Senior Firearms Instructor.

306.7.1 DESTRUCTION OF ANIMALS

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

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

306.7.2 INJURED ANIMALS

With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical. Members and supervisors are to follow reporting requirements as laid out in 306.7 above.

Injured dogs and cats found without their owners should be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed.

306.7.3 WARNING SHOTS

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

306.7.4 FIREARM DISPLAY

The display of a firearm in order to gain compliance is a show of force and shall be documented in accordance with the Use of Force policy.

306.8 SENIOR FIREARMS INSTRUCTOR DUTIES

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

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

The Senior Firearms Instructor, or their designee, has the responsibility of making periodic inspections, at least once a year, of all duty weapons carried by officers of this department to verify proper operation. The Senior 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

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to his/her personally owned firearm; it will not be returned to service until inspected and approved by the Senior Firearms Instructor.

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

306.9 FLYING WHILE ARMED

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

(a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.

(b) Officers must carry their Kirkland 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 Kirkland Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Kirkland 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.

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(g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.

(h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.

(i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.

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

306.10 CARRYING FIREARMS OUT OF STATE

Qualified, active, full-time commissioned 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 Kirkland 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.

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Vehicle Pursuits

307.1 PURPOSE AND SCOPE

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

307.1.1 DEFINITIONS

Definitions related to this policy include:

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

Dangerous Felony - For the purpose of this policy, a dangerous felony shall be when a suspect has committed or is committing one of the following crimes:

- Murder
- Manslaughter
- First or second degree assault
- Armed robbery
- Robbery that results in substantial or great bodily harm
- Forcible Rape
- Arson to a structure reasonably believed to be occupied
- Use of an explosive device to a structure reasonably believed to be occupied
- Use of a weapon of mass destruction
- First or second degree Kidnapping
- Burglary 1st Degree
- Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner
- Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

Pursuit Intervention Technique (PIT) - A low-speed maneuver designed to cause the suspect vehicle to spin out, stall, and come to a stop. PIT manuevers over 40 mph require supervisor approval and may be considered deadly force (see Use of Force Policy).

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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. Ramming may be considered deadly force (see Use of Force Policy).

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. Supervisor approval is required prior to deployment.

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

Vehicle pursuit - An attempt by a uniformed peace officer in a vehicle equipped with emergency lights and a siren to stop a moving vehicle where the operator of the moving vehicle appears to be aware that the officer is signaling the operator to stop the vehicle and the operator of the moving vehicle appears to be willfully resisting or ignoring the officer's attempt to stop the vehicle by increasing vehicle speed, making evasive maneuvers, or operating the vehicle in a reckless manner that endangers the safety of the community or the officer. (RCW 10.116.060).

307.2 POLICY

It is the policy of this department to weigh the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits. In recognizing the potential risk to public safety created by vehicular pursuits, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a vehicular pursuit because of the risk involved. This includes circumstances where department policy would permit the initiation or continuation of the pursuit.

307.3 OFFICER RESPONSIBILITIES

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

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

(a) Proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation.

(b) Exceed the speed limit.

(c) Disregard regulations governing parking, direction of movement or turning in specified directions.

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307.3.1 WHEN TO INITIATE A PURSUIT

Officers are authorized to initiate a pursuit only after receiving authorization by a supervisor and (RCW 10.116.060):

(a) There is probable cause to believe that a person in the vehicle has committed, or is committing,one of the dangerous felonies as defined in this policy, and

(b) The pursuit is necessary for the purpose of identifying or apprehending the person, and

(c) The person poses an imminent threat to the safety of others and the safety risks of failing to apprehend or identify the person is considered to be greater than the safety risks of the vehicle pursuit under the circumstances, and

(d) The officer has received authorization to engage in the pursuit from a supervisor and there is supervisory control of the pursuit.

The officer requesting authorization and the supervisor shall consider alternatives to initiating a vehicle pursuit as well as safety considerations (RCW 10.116.060).

307.3.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be terminated whenever the totality of objective circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect's escape. An officer does not absolve themselves of responsibility because a supervisor is monitoring the pursuit.

When a supervisor directs the pursuit to be terminated, officers will immediately terminate the pursuit. In the context of this policy, terminate shall mean complete cessation of all efforts to follow or maintain surveillance by the involved officers.

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.

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(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.

307.3.3 VEHICLE PURSUIT FACTORS

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

(a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.

(b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists, and others.

(c) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones), and the speed of the pursuit relative to these factors.

(d) The pursuing officers' familiarity with the area of the pursuit, the quality of radio communications between the pursuing vehicles, dispatch and the 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.

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

(k) The availability of other resources, such as air support assistance.

(l) Whether the pursuing vehicle is carrying passengers other than on-duty police officers.

307.3.4 SPEED LIMITS

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

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

(a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.

(b) Pursuit speeds have exceeded the driving ability of the officer.

(c) Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation unsafe.

The speed of involved vehicles is not the only consideration when evaluating the danger of the pursuit. Driving on the wrong side of the road, failing to stop at intersections, and dangerous passing should also be considered when evaluating the danger of the pursuit to the public and officer.

307.3.5 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing unit will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect(s) without unreasonable danger to themselves or other persons.The pursuing unit provides the only "window"into the pursuit and the danger it presents to the public.Therefore, it is vital that the officer continually provide accurate and timely information as to the suspects driving and to the conditions of the pursuit.

Obtain supervisor approval for a pursuit, notify NORCOM that a vehicle pursuit has been initiated and as soon as practical provide information including, but not limited to:

(a) Justification for the pursuit to include crime committed.

(b) Location and direction of travel.

(c) Accurate and timely information as to the suspect's driving and the conditions of the pursuit to include speed, running stop signs/lights, driving on the wrong side of the roadway, unsafe passing, collisions, etc.

(d) Description of the fleeing vehicle and license number, if known.

(e) Number of known occupants.

(f) The identity or description of the known occupants.

(g) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.

Whenever possible, the primary unit should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or aircraft in order to concentrate on pursuit driving.

307.3.6 SECONDARY UNIT(S) RESPONSIBILITIES

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

(a) The officer in the secondary unit should immediately notify the dispatcher of entry into the pursuit.

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(b) Remain behind the primary unit unless directed to assume the role of primary officer, or if the primary unit is unable to continue the pursuit.

(c) The secondary officer should be responsible for broadcasting the progress of the pursuit unless the situation indicates otherwise. Whenever the secondary unit is no longer in a position to call the pursuit they will notify the primary unit and ask them to reassume that responsibility.

307.3.7 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

Officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Officers should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.

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

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

307.3.8 PURSUIT TRAILING

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

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

307.3.9 AIRCRAFT ASSISTANCE

When available, aircraft assistance may be requested by the supervisor when it is believed it is necessary and may aid in the successful outcome of the pursuit. The air unit should provide officers and supervisors with details of upcoming traffic congestion, road hazards, or other pertinent information. The primary and secondary ground units should consider the participation of aircraft assistance when determining whether to continue the pursuit.

307.4 PURSUIT VEHICLES

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

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

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

307.4.1 MOTORCYCLES

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

307.5 PURSUIT DRIVING

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

(a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to unusual maneuvers by the fleeing vehicle.

(b) Because intersections can present increased risks, the following tactics should be considered:

1. Available officers not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
2. Pursuing officers should exercise due caution and slow down as may be necessary when proceeding through controlled intersections.

(c) As a general rule, officers should not pursue a vehicle driving the wrong direction on a roadway, highway or freeway. In the event the pursued vehicle does so, the following tactics should be considered:

1. Request assistance from available air support.
2. Maintain visual contact with the pursued vehicle by paralleling the vehicle while driving on the correct side of the roadway.
3. Request other officers to observe exits available to the suspect.

(d) Notify the Washington State Patrol or other law enforcement agency if it appears that the pursuit may enter its jurisdiction.

(e) Officers involved in a pursuit should not attempt to pass other pursuing vehicles unless the situation indicates otherwise or they are requested to do so by the pursuing officer and with a clear understanding of the maneuver process between the involved officers.

307.5.1 LOSS OF PURSUED VEHICLE

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

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307.5.2 USE OF FIREARMS

An officer may not fire a weapon upon a moving vehicle unless necessary to protect against an imminent threat of serious physical harm resulting from the operator's or a passenger's use of a deadly weapon.

For the purposes of this subsection, a vehicle is not considered a deadly weapon unless the operator is using the vehicle as a deadly weapon and no other reasonable means to avoid potential serious harm are immediately available to the officer.

307.6 SUPERVISORY CONTROL AND RESPONSIBILITIES

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

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

(a) Providing authorization for the initiation of a pursuit.

(b) Immediately notifying involved officers and NORCOM 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.

(c) Engaging in the pursuit, when appropriate, to provide on-scene supervision.

(d) Exercising management and control of the pursuit even if not engaged in it.

(e) Ensuring that no more than the required law enforcement vehicles are involved in the pursuit under the guidelines set forth in this policy.

(f) 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.

(g) Ensuring that assistance from air support, canines, or additional resources is requested, if available and appropriate.

(h) Ensuring that the proper radio channel is being used.

(i) Ensuring that the Shift Sergeant is notified of the pursuit, as soon as practicable.

(j) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this department.

(k) Controlling and managing Kirkland Police Department officers when a pursuit enters another jurisdiction.

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

307.6.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

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

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

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local agencies and WSP units, a request for WSP assistance will mean that they will assume responsibilities for the pursuit. For the same reasons, when a pursuit leaves the freeway and a request for assistance is made to this department, the WSP should relinquish control.

307.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this department should not join a pursuit unless specifically requested to do so by the agency whose officers are in pursuit and only after supervisor approval. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a unit from this department may request permission from a supervisor to trail the pursuit as outlined in this policy until sufficient units from the initiating agency join the pursuit. In this instance, the unit will immediately terminate trailing if so directed.

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

(a) Determine if the pursuit in accordance with this policy. Outside agency pursuits that are not justified under this policy should not be accepted.

(b) Circumstances serious enough to continue the pursuit.

(c) Adequate staffing to continue the pursuit.

(d) The public's safety within this jurisdiction.

(e) Safety of the pursuing officers.

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

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

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

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307.7 NORCOM

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

307.7.1 RESPONSIBILITIES

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

(a) Clearing the radio channel of nonemergency traffic.

(b) Coordinating pursuit communications of the involved officers.

(c) Broadcasting pursuit updates as well as other pertinent information as necessary.

(d) Ensuring that a field supervisor is notified of the pursuit.

(e) Notifying and coordinating with other involved or affected agencies as practicable.

(f) Notifying the Shift Sergeant as soon as practicable.

(g) Assigning an incident number and logging all pursuit activities.

307.7.2 INTERVENTION STANDARDS

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

(a) Only those officers trained in the use of the Pursuit Intervention Technique (PIT) will be authorized to use this procedure upon consideration of the circumstances and conditions presented at the time, including the potential for risk of injury to officers, the public and occupants of the pursued vehicle. PIT maneuvers over 40 mph require supervisor approval and may be considered deadly force (see Use of Force Policy).

(b) The decision to Ram another vehicle by an officer may be considered deadly force as defined in the Use of Force Policy. While the use of a firearm is expressly considered deadly force, other force might also be considered deadly force if the officer reasonably anticipates and intends that the force applied will create a substantial likelihood of causing death or serious bodily injury. Use of deadly force is justified in the following circumstances:

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

2. An officer may use deadly force to stop a fleeing suspect when the officer has probable cause to believe that the suspect has committed, or intends to commit,

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a felony involving the infliction or threatened infliction of serious bodily injury or death and the officer reasonably believes that there is an imminent or future potential risk of serious bodily injury or death to others if the suspect is not immediately apprehended.

(c) Supervisor approval is required prior to the deployment of Spikes or Tack Strips. Officers and supervisors should carefully consider the limitations of such devices as well as the potential risks to officers, the public and occupants of the pursued vehicle. Hollow spike strips will not be used on motorcycles, or other two-wheeled vehicles, unless deadly force is authorized.

307.7.3 CAPTURE OF SUSPECTS

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

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

All pursuit arrests should be conducted as a high-risk vehicle stop.

307.8 REPORTING REQUIREMENTS

The following reports shall be completed:

(a) The primary officer shall complete the appropriate case/arrest reports. All other involved officers shall complete supplemental reports.

(b) The supervisor shall complete a Vehicle Pursuit entry in the appropriate computer system. This entry is to be forwarded to the Operations Lieutenant, cc'ing the EVOC cadre head, who will set up a Pursuit Review Board. The Vehicle Pursuit entry shall be completed before the end of the supervisor's shift.

(c) After first obtaining available information, a field supervisor shall promptly complete a memorandum, briefly summarizing the pursuit to his/her immediate supervisor. This memorandum should be sent to their immediate supervisor and attached to an e-mail to command staff.

307.8.1 REGULAR AND PERIODIC PURSUIT TRAINING

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

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

307.9 PURSUIT REVIEW BOARD

An Administrative Review Board will review all pursuits. The Operations Lieutenant will task the EVOC Cadre Head with setting up the Review Board. The Board's purpose is to ensure compliance with this policy and to identify any possible training needs.

Responsibilities, Membership, and Authority of the Board:

(a) The Administrative Review Board investigates and reviews the circumstances pertaining to police department vehicle pursuits.

(b) The Board shall consist of the following members:

1. The EVOC Cadre Head who will be designated as chairperson.
2. An EVOC cadre member to be appointed by the EVOC Cadre Head.
3. One other member of a rank equal to the employee involved, appointed by the EVOC Cadre Head.

(c) In the event any of the above personnel are unavailable due to illness, vacation, or other reasons, the Chief of Police, or their designee, will appoint an alternate to fill the vacancy for the duration of the investigation.

Authority and Duties of the Board:

(a) The Board convenes, upon order of the Chief of Police or their designee, to review all police department vehicle pursuits.

(b) The Board is authorized to review all reports concerning the pursuit and call before it any witnesses necessary to obtain all the facts. This review is separate from and shall not interfere with any investigation of a criminal nature. Officers and employees will be afforded all rights as provided by the Kirkland Police Guild Collective Bargaining Agreement.

(c) At the conclusion of the Review Board, the Board will make a finding that the the pursuit was either within or outside of policy.

(d) When the review process is complete, the findings are presented in writing to the Operations Lieutenant. The Operations Lieutenant will present the board's findings and a recommendation to the Chief of Police or their designee, who will make the determination if any corrective action is warranted.

EVOC Cadre Head

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(a) In the event the EVOC Cadre Head is unavailable for the review board, a copy of the findings will be forwarded to the EVOC Cadre Head for training purposes.

307.9.1 ANNUAL MANAGEMENT REVIEW AND ANALYSIS OF PURSUITS

The Operations Lieutenant will compile an annual yearend report, based upon electronic tracking system records, of all pursuits involving Kirkland Police Department employees. This report shall be forwarded to the Chief of Police at the end of every calendar year.

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Officer Response to Calls

308.1 PURPOSE AND SCOPE

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

308.2 POLICY

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

308.3 RESPONSE TO CALLS

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

308.3.1 EMERGENCY CALLS

Officers responding to an emergency call shall proceed immediately as appropriate and shall continuously operate the emergency vehicle lighting and siren as required by law (RCW 46.61.035).

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

(a) When in pursuit or apprehending a violator or suspected violator.

(b) When responding to a reported emergency involving possible personal injury, death or significant property damage.

(c) When immediate assistance is requested by an officer or other law enforcement agency.

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

308.4 REQUESTING EMERGENCY ASSISTANCE

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

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

- Identifying call sign
- Location of the emergency situation
- Suspect information, including weapons

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- Reason for the request and type of emergency
- The number of officers or resources required
- Hazards and any known or potential dangers for responding officers

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

308.5 SAFETY CONSIDERATIONS

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

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

308.5.1 NUMBER OF OFFICERS ASSIGNED

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

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

308.5.2 MOTORCYCLES

An officer operating a police motorcycle should not be assigned to an emergency response. However, an officer operating a police motorcycle in an emergency response should be replaced by an authorized emergency vehicle equipped with emergency lights and siren as soon as practicable.

308.6 EMERGENCY EQUIPMENT

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

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the emergency response and continue accordingly. The officer shall notify the Shift Supervisor or

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NORCOM of the equipment failure so that another officer may be assigned to the emergency response.

308.7 OFFICER RESPONSIBILITIES

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

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

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

308.8 NORCOM

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

308.8.1 RESPONSIBILITIES

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

(a) Confirming the location from which the officer is responding or requesting assistance.

(b) Attempting to assign the closest available assisting officers to the location of the emergency call.

(c) Continuing to obtain and broadcast information as necessary concerning the response and monitoring the situation until it is stabilized or terminated.

(d) Notifying and coordinating allied emergency services (e.g., fire, emergency medical services).

(e) Notifying the Shift Supervisor as soon as practicable.

(f) Controlling all radio communications during the emergency and coordinating assistance under the direction of the Shift Supervisor.

308.9 SUPERVISOR RESPONSIBILITIES

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

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(a) The proper response has been initiated.

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

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

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

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

When making the decision to authorize an emergency response, the Shift Supervisor should consider:

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

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Canines

309.1 PURPOSE AND SCOPE

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

309.2 POLICY

It is the policy of the Kirkland Police Department that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

309.3 ASSIGNMENT

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

Canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time.If such assignment is necessary, it should only be made with the approval of the supervisor.

309.4 CANINE SUPERVISOR

The canine supervisor shall be appointed by and directly responsible to the Operations division or the authorized designee.

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

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

(b) Maintaining a liaison with the vendor kennel.

(c) Maintaining a liaison with command staff and functional supervisors.

(d) Maintaining a liaison with other agency canine coordinators.

(e) Maintaining accurate records to document canine activities.

(f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.

(g) Scheduling all canine-related activities.

(h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

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309.5 REQUESTS FOR CANINE TEAMS

Operations Division members are encouraged to request the use of a canine. Requests for a canine team from department units outside of the Operations Division shall be reviewed by the canine coordinator or a member of Command Staff if time allows, or the on-duty supervisor if emergent.

309.5.1 OUTSIDE AGENCY REQUEST

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

(a) Canine teams shall not be used for any assignment that is not consistent with this policy.

(b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.

(c) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.

(d) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

309.5.2 PUBLIC DEMONSTRATIONS

All public requests for a canine team shall be reviewed and, if appropriate, approved by the canine supervisor prior to making any resource commitment. The canine supervisor is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handlers shall not demonstrate any apprehension work unless authorized to do so by the canine coordinator.

309.6 APPREHENSION GUIDELINES

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

(a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any officers, or the handler.

(b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.

(c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.

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

Absent a reasonable belief that a suspect has committed, is committing, or is threatening to commit a serious offense, mere flight from a pursuing officer without any of the above conditions shallnot serve as the basis for the use of a canine to apprehend a suspect.

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

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonably practicable. If the canine has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect.

309.6.1 PREPARATION FOR DEPLOYMENT

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

(a) The nature and seriousness of the suspected offense.

(b) Whether violence or weapons were used or are anticipated.

(c) The degree of resistance or threatened resistance, if any, the suspect has shown.

(d) The suspect's known or perceived age.

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

(f) Any potential danger to the public and/or other officers at the scene if the canine is released.

(g) The potential for the suspect to escape or flee if the canine is not utilized.

(h) Any traffic and/or environmental conditions.

(i) Contamination of the scene and/or track.

(j) Any terrain hazards.

(k) Each individual dog's ability and temperament.

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

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

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

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

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309.6.2 WARNINGS AND ANNOUNCEMENTS

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

If a warning is not to be given, and in the event of an apprehension, the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

309.6.3 REPORTING DEPLOYMENTS, BITES AND INJURIES

Whenever the canine locates a suspect(s), victims, evidence or fruits of any crime, a report shall be completed by the handler and submitted before going off-duty.

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

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the on-duty supervisor and the canine supervisor. Unintended bites or injuries caused by a canine should be documented in a case report, a Use of Force Blue Team entry and a memorandum that shall be routed through the appropriate chain of command to the Operation Division Captain.

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

309.7 NON-APPREHENSION GUIDELINES

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

(a) Absent a change in circumstances that presents an imminent threat to officers, the canine or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.

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

(c) Throughout the deployment the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.

(d) Once the individual has been located, the handler should gain positive control of the canine or otherwise secure it as soon as reasonably practicable.

309.7.1 ARTICLE DETECTION

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

309.8 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

(a) An officer with a minimum of two years law enforcement experience and who is currently off probation.

(b) Residing in an adequately fenced, single-family residence (minimum 5-foot high fence with locking gates).

(c) Living within 30 minutes travel time from the Kirkland City limits.

(d) Agreeing to be assigned to the position for a minimum of five years.

309.9 HANDLER RESPONSIBILITIES

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

The canine handler will be responsible for the following:

(a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.

(b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.

(c) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the Kirkland Police Department facility.

(d) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.

(e) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.

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(f) When off-duty, the canine shall be in a kennel provided by the City at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.

(g) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.

(h) Under no circumstances will the canine be lodged at another location unless approved by the canine supervisor or a member of command staff.

(i) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or the on-duty supervisor.

(j) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine coordinator so that appropriate arrangements can be made.

309.9.1 CANINE IN PUBLIC AREAS

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

(a) A canine shall not be left unattended in any area to which the public may have access.

(b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

309.10 CANINE INJURY AND MEDICAL CARE

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

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained in the handler's personnel file.

309.11 TRAINING AND CERTIFICATION

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

The canine supervisor shall be responsible for scheduling periodic training for all Operations personnel in order to familiarize them with how to conduct themselves in the presence of department canines.

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

309.11.1 CONTINUED TRAINING

Each canine team shall be recertified to current CJTC standards and should thereafter maintain accreditation through the Washington State Police Canine Association. A canine team's certification will automatically expire if the handler and canine originally paired at the time of certification are no longer working together, or if the function for which the team was certified changes (WAC 139-05-915). Additional training considerations are as follows:

(a) Canine handlers are responsible for scheduling and conducting daily training with their assigned dog. All training will be documented by the handler in the dog's training and performance records and will be reviewed monthly by the canine coordinator.

(b) Canine handlers are encouraged to engage in regional training with approval of the canine coordinator.

309.11.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

309.11.3 TRAINING RECORDS

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

309.11.4 TRAINING AIDS

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

309.11.5 CONTROLLED SUBSTANCE TRAINING AIDS

Officers acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with state and federal laws (21 USC § 823(f); RCW 69.50.302; RCW 69.50.508; WAC 246-945-060).

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

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

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

309.11.6 CONTROLLED SUBSTANCE PROCEDURES

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

(a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.

(b) The weight and test results shall be recorded and maintained by this department.

(c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.

(d) All controlled substance training samples will be inspected, weighed and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency and the Operations Lieutenant.

(e) All controlled substance training samples will be stored in locked, airtight and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.

(f) The canine coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.

(g) Any unusable controlled substance training samples shall be returned to the Evidence Unit or to the dispensing agency.

(h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

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Domestic Violence

310.1 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.

310.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

310.2 POLICY

The Kirkland 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.

310.3 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.

310.3.1 OFFICER PROTECTION FROM LIABILITY

No officer may be held criminally or civilly liable for making a domestic violence arrest if the officer acts in good faith and without malice (RCW 26.50.140, 10.31.100 (12), and 10.99.070). Officers who willfully fail to enforce the law are not immune from liability, the above statutes notwithstanding. Victims of domestic violence must receive equal protection under the law and it is the policy of the Kirkland Police Department that all officers will be held accountable for any willful failure to enforce domestic violence laws

310.4 INVESTIGATIONS

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

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(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) Whenever possible, on all criminal domestic violence cases (in-custody arrests or where charges are filed through investigation), officers should attempt to preserve the 911 recording of the call for assistance, particularly when the victim is the calling party.

(c) 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.

(d) 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.

(e) When practicable and legally permitted, video or audio record all significant statements and observations.

(f) 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 Investigation Unit in the event that the injuries later become visible. All injuries, whether observable or not, should be documented in the incident report.

(g) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.

(h) 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.

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

(j) 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).

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(k) 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.

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

1. Marital status of suspect and victim.
2. Whether the suspect lives on the premises with the victim.
3. Claims by the suspect that the victim provoked or perpetuated the violence.
4. The potential financial or child custody consequences of arrest.
5. The physical or emotional state of either party.
6. Use of drugs or alcohol by either party.
7. Denial that the abuse occurred where evidence indicates otherwise.
8. A request by the victim not to arrest the suspect.
9. Location of the incident (public/private).
10. Speculation that the complainant may not follow through with the prosecution.
11. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of hte victim or suspect.
12. The social status, community status, or professional position of the victim or suspect.

(m) 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.

(n) Reporting officers should provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence resource pamphlet provided to the victim as required pursuant to RCW 10.99.030(7)(a).

310.4.1 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.

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310.4.2 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

(a) Advise the victim that there is no guarantee the suspect will remain in custody.

(b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.

(c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

310.4.3 TEMPORARY NO CONTACT ORDERS

For all DV arrests, a Temporary No Contact Order (TNCO) will be served to defendants at the time of their arrest. The TNCOs are valid only until the defendant's first appearance in court.

Officers making a DV arrest shall complete a TNCO for the defendant's signature which shall prevent the defendant from having any and all contact with the victim. The officer will complete the TNCO and a PC Affidavit.

Procedures to obtain a valid and signed TNCO:

(a) The arresting officer will scan both of these signed documents in order to create a PDF file.

(b) The arresting officer will then e-mail the judge with both documents attached as a PDF for his signature.

(c) The Judge will review and sign the TNCO. The Judge will then return this document via e-mail to the arresting officer and to the "PD-Corrections" group.

(d) If the arresting officer is still on duty, they shall serve the order on the defendant and obtain their signature.

(e) If the arresting officer has gone home, an on-duty corrections officer shall serve the order on the defendant and obtain their signature.

(f) If the defendant refuses to sign the TNCO, document the refusal in the space allotted for the defendant's signature.

(g) Provide the defendant with a copy of the order.

(h) Whomever serves the order on the defendant shall be responsible for scanning the signed TNCO and attaching this document to the case report via the records management system.

310.4.4 IF NO ARREST IS MADE

If no arrest is made, the officer should:

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

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

(b) Document the resolution in a report.

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310.5 VICTIM ASSISTANCE

Victims may be traumatized or confused. Officers should:

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

(b) Provide the victim with the department's domestic violence information handout, even if the incident may not rise to the level of a crime.

(c) Alert the victim to any available victim advocates, shelters and community resources.

(d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.

(e) Seek medical assistance as soon as practicable for the victim if 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.

310.5.1 DV VICTIM'S ASSISTANCE FUND

The Family Violence Unit maintains a fund for the assistance of DV victims and their families. This fund is to be used in emergent circumstances when all other resources have been exhausted. It will be up to the judgment of the Shift Supervisor or the Family Violence Unit to make the best use of the funds when the need arises.

Cash Cards

These will be kept in the Family Violence Unit and will be made available 24 hours a day to the Shift Supervisor. A log will be kept with the cards to record the date, time, case number and name of the recipient for auditing purposes. This will the responsibility of the DV Advocate. When distributing cash cards, the Shift Supervisor must fill out the provided log form documenting the transaction. This form will be left for the advocate, who will ensure the transaction is recorded in the log and will forward a copy to the Investigations Lieutenant.

Available Shelter

A room in a hotel and/or motel should be offered when there are no other shelter options available. If a shelter is needed for longer than one or two days, the need shall be reviewed by the DV Advocate and the Investigations Lieutenant. If it is determined that the need exists and there is space available, the room will be authorized and billed to the PD's account.

A list of approved hotel and motel accounts can be found in the DV victim's assistance fund binder. All approved hotels and/or motels have assured confidentiality of the person(s) staying at the facility. The officer shall advise the clerk that this is a DV situation and will need to provide the name, DOB and number of guests. No phone or address information should be given out.

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310.5.2 DOMESTIC ABUSE RESPONSE TEAM (DART)

An officer will have NORCOM notify DART in all cases where criminal investigations involving acts of DV have been made and the victim is available for contact. Supervisors may decide a DART callout is inappropriate in certain criminal cases.

DART notifications are discretionary on all non-criminal incidents including verbal arguments, juvenile runaways, and chronic problem juvenile calls.

NORCOM will utilize the on-call list if there are no DART members available at the station.

DART Procedures:

(a) DART member(s) will respond to the location of the victim and will give NORCOM an estimated time of arrival.

(b) One officer will remain with the victim until the DART member(s) arrive.

(c) Officers may leave the scene prior to DART arrival if there are exigent circumstances but must notify the responding DART member(s) of their absence.

(d) DART members may continue to the location, if it is determined that the scene is safe.

(e) The DART Member will announce by radio (10K62/10K63) their arrival and stage in the area until the officer determines the scene to be safe and notifies the DART member(s) they are clear to enter the scene.

(f) If the scene is secure, the officer should remain on scene for the initial contact between the victim and the DART member(s) and then may leave.

1. Communications will verify DART's status every 30 minutes while they are at the scene.

(g) If there are any concerns for safety, then the officer at the scene and the responding DART member(s) may arrange for alternate measures to make contact with the victim.

(h) If the officer is unable to remain at the scene, then the officer should stay at the scene long enough to allow the DART member to briefly explain their role to the victim, then offer to transport the victim to a safe location for the intervention or to speak by phone.

(i) DART team member(s) will attempt to assess the victim's immediate and short term needs.

(j) DART team member(s) will provide support services, community resources, DV and CJS education, etc.

(k) A DART Member can also be used to respond to meet with the victim at the hospital.

310.6 DISPATCH ASSISTANCE

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

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

310.7 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.

310.7.1 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.

310.8 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.

(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.

310.9 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).

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

310.9.1 DUAL ARRESTS

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

(a) The intent of the law, which is to protect victims of domestic violence from continuing abuse.

(b) The comparative extent of injuries inflicted or serious threats creating fear of physical injury.

(c) The history of domestic violence of each person involved, including whether the conduct was part of an ongoing pattern of abuse.

310.10 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 Investigation Supervisor shall ensure that all domestic violence crime reports are forwarded to the appropriate Prosecutor’s Office within 10 days of the date the incident was reported (RCW 10.99.035).

(d) The Records Supervisor 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 Supervisor 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).

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310.11 COURT ORDERS

The Records Supervisor shall ensure 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 (RCW 10.99.040; RCW 10.99.050).

310.12 SERVICE OF COURT ORDERS

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

(a) Advise the subject that the order is effective upon service.

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

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 Supervisor 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.

310.13 ORDERS TO SHOW CAUSE

When the Department receives notice from the court of an order to show cause regarding the surrender of weapons, the Investigation Unit 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.

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Search and Seizure

311.1 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 Kirkland Police Department personnel to consider when dealing with search and seizure issues.

311.2 POLICY

It is the policy of the Kirkland 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.

311.3 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.

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311.3.1 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 simulator device when an emergency situation exists (RCW 9.73.260).

311.4 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.

1. If a forcible entry becomes necessary, officers shall seek supervisor approval prior to taking action.
2. If the details of the incident do not allow time to seek supervisor approval, officer shall notify their supervisor as soon as possible following their action.
3. Only trained personnel shall use department provided breaching equipment.

(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.

311.5 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

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

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

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Temporary Custody of Juveniles

312.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act and state law for juveniles taken into temporary custody by members of the Kirkland Police Department (34 USC § 11133, RCW 13.04.116).

312.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

Examples of secure custody include:

(a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.

(b) A juvenile handcuffed to a rail.

(c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.

(d) A juvenile being processed in a secure booking area when an unsecure booking area is available.

(e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.

(f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.

(g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

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

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

312.2 POLICY

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

312.3 JUVENILES WHO SHOULD NOT BE HELD

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

312.4 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).

312.5 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.

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(b) Date and time of arrival and release from the Kirkland Police Department.

(c) Supervisor notification and approval of intent 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 supervisor shall initial the log to approve the custody, including any secure custody, and shall also initial the log when the juvenile is released.

312.6 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 Kirkland 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.

312.7 TEMPORARY CUSTODY REQUIREMENTS

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

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

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(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.

312.8 RELIGIOUS ACCOMMODATION

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

312.9 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 Kirkland Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

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.

312.9.1 PREGNANT JUVENILES

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

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312.10 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)

312.11 SECURE CUSTODY

Only juvenile offenders 14 years and older may be placed in secure custody. Approval from the on-duty supervisor 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.

312.11.1 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.

(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.

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(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.

312.12 CUSTODY OF JUVENILE STATUS OFFENDERS

Juvenile 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 parent/guardian). Juvenile status offenders may not be held in secure custody (34 USC § 11133, RCW 43.185C.260).

312.13 CUSTODY OF JUVENILE NON-OFFENDERS

Juvenile non-offenders taken into protective custody in compliance with the Child Abuse Policy, or under other circumstances, should generally not be held at the Kirkland Police Department. Custodial arrangements should be made as soon as reasonably possible. Juvenile non-offenders may not be held in secure custody (34 USC § 11133, RCW 43.185C.260).

312.14 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY OF A JUVENILE

The Correctional Lieutenant will ensure procedures are in place to address the suicide attempt, death or serious injury of any juvenile held at the Kirkland Police Department. The procedures will address:

(a) Immediate request for emergency medical assistance if appropriate.

(b) Immediate notification of command staff as outlined in the Major Incident Notification policy.

(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.

312.15 JUVENILE ACCESS TO AN ATTORNEY

312.15.1 DEFINITIONS

Definitions related to this section include:

Custodial interrogation - Express questioning or other actions or words by a law enforcement officer which are reasonably likely to elicit an incriminating response from an individual and occurs when reasonable individuals in the same circumstances would consider themselves in custody.

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Electronic recording - Audio recording or audio and video recording that accurately records a custodial interrogation.

Juvenile - Any individual who is under the chronological age of 18 year.

Place of detention - A fixed location under the control of a law enforcement agency where individuals are questioned about alleged crimes or status offenses. The term includes a jail, police or sheriff's station, holding cell, correctional or detention facility, police vehicle, and, in the case of juveniles, schools.

312.15.2 INTERROGATING JUVENILE SUSPECTS

No interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent, to an interrogation.

An Officer shall provide a juvenile with access to an attorney for consultation, which may be provided in person, by telephone, or by video conference, before the juvenile waives any constitutional rights, including the wavier of Miranda rights, if a law enforcement officer:

(a) Questions a juvenile during a custodial interrogation;

(b) Detains a juvenile based on probable cause of involvement in criminal activity; or

(c) Requests that the juvenile provide consent to an evidentiary search of the juvenile or the juvenile's property, dwellings, or vehicles under the juvenile's control.

The consultation required of this section **may not be waived.**

Statements made by a juvenile after the juvenile is contacted by a law enforcement officer in a manner described under this section are not admissible in a juvenile offender or adult criminal court proceeding, unless:

(a) The juvenile has been provided with access to an attorney for consultation; and the juvenile provides an express waiver knowingly, intelligently, and voluntarily made by the juvenile after the juvenile has been fully informed of the rights being waived as required under RCW 13.40.140;

(b) The statement is for impeachment purposes; or

(c) The statement was made spontaneously.

The requirement to consult with legal counsel does not apply when (RCW 13.40.740):

(a) There is a belief that the juvenile is a victim of trafficking as defined by RCW 9A.40.100.

(b) Information is necessary to protect an individual’s life from an imminent threat.

(c) A delay to allow legal consultation would impede the protection of an individual’s life from imminent threat.

(d) The questions are limited to what is reasonably expected to obtain the information necessary to protect an individual’s life from an imminent threat.

After the juvenile has consulted with legal counsel, the juvenile may advise, direct a parent or guardian to advise, or direct legal counsel to advise the law enforcement officer that the juvenile

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chooses to assert a constitutional right. Any assertion of constitutional rights by the juvenile through legal counsel must be treated by a law enforcement officer as though it came from the juvenile.

312.15.3 RECORDING OF INTERROGATIONS

Any custodial interrogation of a juvenile conducted at a place of detention (as defined by RCW 10.122.020) shall be electronically recorded (audio and video). This includes any required warnings, advice of the rights of the individual being questioned, and waiver of rights. Consent to the electronic recording is not required, but the officer shall inform the suspect that they are being recorded (RCW 10.122.030).

A custodial interrogation at any place other than a place of detention shall be recorded by audio means at a minimum (RCW 10.122.030).

In both cases, officers should record their attempts to contact an attorney but must cease recording once attorney contact is made. Recordings must resume after the attorney conversation is over.

See the Investigation and Prosecution Policy for specific recording requirements.

312.15.4 YOUTH ACCESS TO COUNSEL LINE (YAC)

The Washington State Office of Public Defense (OPD) is responsible for providing attorneys for such juveniles to consult with pursuant to the Act.The Youth Access to Counsel (YAC) number is 1-877-J-PUB-DEF (1-877-578-2333). The YAC line is staffed 24/7 by several attorneys who will be available to answer calls and provide advice to juveniles.

When you call the YAC line:

(a) Multiple attorneys will always staff the line, so if more than one youth needs attorney assistance, inform the YAC Attorney that you have multiple people involved. You will be prompted to enter your badge number and then will be connected directly to a YAC Attorney

(b) Speak to the YAC Attorney, who will ask you some basic questions about the situation

(c) If the youth requires an interpreter, alert the YAC Attorney

(d) When the YAC Attorney is ready, place the youth on the line

(e) The conversation between attorney and youth must be private and cannot be recorded

(f) You must remain out of range sufficiently to ensure that you do not hear the conversation

(g) When the youth is finished, you must speak to the YAC Attorney again

(h) The attorney will advise you as to how the youth will proceed

(i) If you are advised by the attorney that the youth is asserting their constitutional rights, that is the end of the inquiry

(j) Never ask the youth what was discussed with the attorney

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312.16 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

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

312.17 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.

312.17.1 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 Supervisor and the appropriate Investigation Unit supervisors to ensure that personnel of those bureaus act within legal guidelines.

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Adult Abuse

313.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Kirkland Police Department members as required by law.

313.1.1 DEFINITIONS

Definitions related to this policy include:

Adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement.

313.2 POLICY

The Kirkland Police Department will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

313.3 MANDATORY NOTIFICATION

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

For purposes of notification, the following definitions apply (RCW 74.34.020):

- Abandonment is action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the person without the means or ability to obtain necessary food, clothing, shelter, or health care.
- Abuse is intentional, willful, or reckless action or inaction that inflicts injury, unreasonable confinement or restraint, sexual abuse, physical abuse, financial exploitation, mental abuse, intimidation, or punishment.
- A vulnerable adult is a person who meets any of the following criteria:
    (a) Is 60 years or older and who has the functional, mental, or physical inability to care for oneself.
    (b) Is found by the superior court to be incapacitated under RCW 11.130.005 et seq.
    (c) Has a developmental disability as defined under RCW 71A.10.020.
    (d) Is admitted to any facility as defined in RCW 74.34.020 (e.g., assisted living facility, nursing home, other facility licensed by DSHS).

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

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

313.3.1 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.

313.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

(a) Conduct interviews in appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to adult abuse investigations.

(c) Present all cases of alleged adult abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

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313.5 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated. If the investigation reveals that a crime may have been committed, the prosecutor shall be provided a written report of the incident (RCW 74.34.063(3)).

Investigations and reports related to suspected cases of adult abuse should address, as applicable:

(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected adult abuse victim is contacted.

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

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

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

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

(f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.

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

(h) Previous addresses of the victim and suspect.

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

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

313.6 PROTECTIVE CUSTODY

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for oneself, the officer should make reasonable attempts to contact DSHS. Generally, removal of an adult abuse victim from the abuse victim's family, guardian, or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove an adult abuse victim from the abuse victim's family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the officer should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the

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release would endanger the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the adult is delivered to DSHS.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking the adult into protective custody.

When adult abuse victims are under state control, have a state-appointed guardian, or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

313.7 INTERVIEWS

313.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should audio record the preliminary interview with a suspected adult abuse victim. Officers should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available.

313.7.2 DETAINING VICTIMS FOR INTERVIEWS

An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the adult need to be addressed immediately.
2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.

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

313.8 MEDICAL EXAMINATIONS

When an adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency, or entity having legal custody of the adult. The officer should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency, or entity having legal custody and is refusing to give consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist, the supervisor should

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consider other government agencies or services that may obtain a court order for such an examination.

313.9 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

313.9.1 SUPERVISOR RESPONSIBILITIES

The Investigation Unit supervisor should:

(a) Work with professionals from the appropriate agencies, including DSHS, other law enforcement agencies, medical service providers and local prosecutors, to develop community-specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Investigation Unit supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives.

(c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the adult.

313.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives should:

(a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Investigation Unit supervisor so an interagency response can begin.

313.10 STATE MANDATES AND OTHER RELEVANT LAWS

Washington requires or permits the following:

313.10.1 ARREST WITHOUT WARRANT

When an officer has confirmed that a valid court order for protection, including a temporary order, exists and has probable cause to believe that a person has violated that order, the officer has the authority to arrest the person without a warrant (RCW 10.31.100).

313.10.2 RECORDS SECTION RESPONSIBILITIES

The Records Section is responsible for:

(a) Providing a copy of the adult abuse report to DSHS as required by law.

(b) Retaining the original adult abuse report with the initial case file.

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313.10.3 RELEASE OF REPORTS

Information related to incidents of adult abuse or suspected adult abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (RCW 74.34.035(9); RCW 74.34.095).

313.10.4 PROTECTIVE ORDERS

In any situation which an officer reasonably believes that a vulnerable adult has been abused, abandoned, or subjected to financial exploitation or neglect, or threatened with such actions, the officer should obtain a protective order against the person alleged to have committed or threatened such abuse pursuant to RCW 74.34.110 or RCW 7.105.100.

313.11 TRAINING

The Department should provide training on best practices in adult abuse investigations to members tasked with investigating these cases. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting interviews.

(c) Availability of therapy services for adults and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to adult abuse investigations.

(f) Availability of victim advocates or other support.

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Discriminatory Harassment

314.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent department members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

314.2 POLICY

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

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

314.3 DEFINITIONS

Definitions related to this policy include:

314.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

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

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

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314.3.2 RETALIATION

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

314.3.3 SEXUAL HARASSMENT

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

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

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

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

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

314.3.4 ADDITIONAL CONSIDERATIONS

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

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

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

314.4 RESPONSIBILITIES

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

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Chief of Police, the Director of Human Services, or the City Manager.

Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment or discrimination, is

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encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

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

314.4.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

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

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

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

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

(e) Making a timely determination regarding the substance of any allegation based upon all available facts.

(f) Notifying the Chief of Police or the Director of Human Services in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

314.4.2 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

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

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

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

314.4.3 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Chief of Police, the Director of Human Services, or the City Manager for further information, direction, or clarification.

314.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all

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complaints of discrimination, retaliation, or harassment shall be fully documented, and promptly and thoroughly investigated.

314.5.1 SUPERVISOR RESOLUTION

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

314.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the process described above, a formal investigation will be conducted, which will include a consultation with Human Resources. Depending on various circumstances, Human Resources may facilitate such an investigation.

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

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

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

314.5.3 ALTERNATIVE COMPLAINT PROCESS

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

314.6 DOCUMENTATION OF COMPLAINTS

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

(a) Approved by the Chief of Police, the City Manager, or the Director of Human Services, depending on the ranks of the involved parties.

(b) Maintained in accordance with the established records retention schedule.

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314.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the action taken to remedy or address the circumstances giving rise to the complaint.

314.7 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall acknowledge that they have been advised of this policy, are aware of and understands its contents, and agrees to abide by its provisions during the member's term with the Department.

All members shall receive annual training on the requirements of this policy and shall acknowledge that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

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Child Abuse

315.1 PURPOSE AND SCOPE

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

315.1.1 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency.

315.2 POLICY

The Kirkland Police Department will investigate all reported incidents of alleged criminal child abuse and ensure CPS is notified as required by law.

315.3 MANDATORY NOTIFICATION

Members of the Kirkland 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).

315.3.1 NOTIFICATION PROCEDURE

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

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

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

(c) Notification, when possible, should include (RCW 26.44.040):

1. The name, address and age of the child.
2. The name and address of the child's parents, stepparents, guardians or other persons having custody of the child.
3. The nature and extent of the alleged injury or injuries.
4. The nature and extent of the alleged neglect.
5. The nature and extent of the alleged sexual abuse.
6. Any evidence of previous injuries, including the nature and extent of the injury.
7. Any other information that may be helpful in establishing the cause of the child's death, injury or injuries, and the identity of the alleged perpetrator or perpetrators.

(d) The Department shall forward all case dispositions to CPS.

315.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

(a) Conduct interviews in child appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to child abuse investigations.

(c) Present all cases of alleged child abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (RCW 26.44.180 et seq.).

315.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.

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(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).

315.6 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 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.

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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).

315.6.1 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.

315.7 INTERVIEWS

315.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

315.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the child need to be addressed immediately.
2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.

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

315.7.3 TRAINING REQUIREMENT

Only those members who have successfully completed Washington State Criminal Justice Training Commission (WSCJTC) sponsored training on interviewing child victims of sexual abuse shall participate in or conduct such interviews. Interviews of children who are suspected victims

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of sexual abuse will be conducted in compliance with the training standards set forth in RCW 43.101.224.

315.8 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.

315.9 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.

315.9.1 SUPERVISOR RESPONSIBILITIES

The Investigation Unit 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 Investigation Unit 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.

315.9.2 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 Investigation Unit Supervisor so an interagency response can begin.

315.10 STATE MANDATES AND OTHER RELEVANT LAWS

Washington requires or permits the following:

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315.10.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (RCW 42.56.240).

Records and information may be made available to multidisciplinary investigative team members as necessary for the performance of the member's duties as a member of the team. Records and information are subject to the same privacy and confidentiality restrictions as the person providing the information or records (RCW 26.44.175).

315.10.2 ARREST WITHOUT WARRANT

When an officer responds to a call alleging that a child has been subjected to sexual or physical abuse or criminal mistreatment and has probable cause that a crime has been committed, or the officer responds to a call alleging that a temporary restraining order or preliminary injunction has been violated, he/she has the authority to arrest the person without a warrant (RCW 10.31.100; RCW 26.44.130).

315.10.3 CASE SUBMISSION TO PROSECUTOR

The Kirkland Police Department shall forward all cases of child abuse to the appropriate prosecutor when a crime may have been committed and (RCW 26.44.030):

(a) A child has died or has had a physical injury.

(b) Injuries were inflicted upon a child other than by accidental means.

(c) A child has been subjected to alleged sexual abuse.

315.10.4 AGENCY COORDINATION

If this department responds to a complaint of alleged child abuse and discovers that another agency has also responded to the complaint, this department shall notify the other agency of its presence. The agencies shall coordinate the investigation and keep each other apprised of progress (RCW 26.44.035).

315.10.5 LOCAL CHILD ABUSE PROTOCOLS

The Investigation Unit Supervisor should ensure that local child abuse protocols for the investigation of child abuse are available to those department members who have a role in child abuse investigations (RCW 26.44.180 et seq.).

315.10.6 CONFLICT OF INTEREST IN INVESTIGATIONS

An officer shall not participate as an investigator in a child abuse case concerning a child for whom he/she is, or has been, a parent, guardian or foster parent (RCW 26.44.190).

315.10.7 POSTING OF MANDATED REPORTER REQUIREMENTS

The Risk Management Lieutenant shall ensure that the Department of Children, Youth, and Families poster regarding mandated reporting requirements for child abuse and neglect is posted in a member common area (RCW 26.44.030).

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315.11 TRAINING

The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting forensic interviews.

(c) Availability of therapy services for children and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to child abuse investigations.

(f) Availability of victim advocate or guardian ad litem support.

(g) Recognizing abuse that requires mandatory notification to another agency.

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Missing Persons

316.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

316.1.1 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).

316.2 POLICY

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

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

316.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Investigation Unit 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

316.4 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.

316.5 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.

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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).

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).

316.6 REPORT PROCEDURES AND ROUTING

Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

316.6.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include, but are not be limited to:

(a) Reviewing and approving missing person reports upon receipt.

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1. The reports should be promptly sent to the Records Section.

(b) Ensuring resources are deployed as appropriate.

(c) Initiating a command post as needed.

(d) Ensuring applicable notifications and public alerts are made and documented.

(e) Ensuring that records have been entered into the appropriate missing persons networks.

(f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

316.6.2 RECORDS UNIT RESPONSIBILITIES

The responsibilities of the Records Unit receiving member shall include but are not limited to:

(a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.

(b) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen.

(c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.

(d) Forwarding a copy of the report to the Investigation Unit.

(e) Coordinating with the NCIC Terminal Contractor for Washington to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

316.7 INVESTIGATION UNIT FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

(a) Should ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.

1. The notice shall be in writing and should also include a photograph.

2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information, if the school receives a call requesting the transfer of the missing child's files to another school.

(b) Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to keep them informed, as appropriate, and to determine if any additional information has become available.

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(c) Should consider contacting other agencies involved in the case to determine if any additional information is available.

(d) Shall verify and update WACIC, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).

(e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.

(f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).

(g) Should make appropriate inquiry with the [Medical Examiner].

(h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples, as applicable.

(i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to the WSP Missing and Unidentified Persons Unit (MUPU) and enter the photograph into applicable missing person networks (34 USC § 41308).

(j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

(k) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

316.7.1 MISSING OVER 30 DAYS OR WHEN CRIMINAL ACTIVITY SUSPECTED

When a person reported missing has not been found within 30 days of the report or at any time when criminal activity is suspected, the handling detective shall contact the county coroner or medical examiner to determine if that office has any information concerning the missing person. If, after conferring with the coroner or medical examiner, the person is still determined to be missing, the handling officers shall:

(a) File a missing person's report with MUPU.

(b) Initiate the collection of biological samples from the known missing person and his/her family members for nuclear and mitochondrial DNA testing along with the necessary consent forms, if not previously obtained during the investigation.

(c) Ask the missing person's family or next of kin to give written consent to request the person's dental records.

1. Whenever possible, obtain diagnostic quality copies or original records of the missing person’s dental records. As soon as possible, biological samples shall be submitted to the appropriate lab; dental records shall be submitted to MUPU (RCW 43.43.751; RCW 68.50.320).

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In all missing person cases, the assigned detective should attempt contact with the reporting party no less than every 30 days in order to verify the status of the reported missing person. After 12 months, contact with the reporting party should be attempted yearly. All verifications should be reported to WSP via A Central Computerized Enforcement Service System (ACCESS).

316.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies, and refer the case for additional investigation if warranted.

The Investigation's supervisor should ensure that, upon receipt of information that a missing person has been located, the following occurs:

(a) Notification is made to MUPU.

(b) A missing child’s school is notified.

(c) Entries are made in the applicable missing person networks.

(d) When a person is at risk, the fact that the person has been found should be reported within 24 hours to MUPU.

(e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

316.8.1 UNIDENTIFIED PERSONS

Department members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

(a) Obtain a complete description of the person.

(b) Enter the unidentified person’s description into the NCIC Unidentified Person File.

(c) Use available resources, such as those related to missing persons, to identify the person.

316.9 CASE CLOSURE

The Investigation Unit Supervisor may authorize the closure of a missing person case after considering the following:

(a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.

(b) If the missing person is a resident of Kirkland or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.

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(c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.

(d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

316.10 TRAINING

Subject to available resources, the Investigations Sergeant should ensure that members of this department whose duties include missing person investigations and reports receive training that includes:

(a) The initial investigation:

1. Assessments and interviews
2. Use of current resources, such as Mobile Audio Video (MAV)
3. Confirming missing status and custody status of minors
4. Evaluating the need for a heightened response
5. Identifying the zone of safety based on chronological age and developmental stage

(b) Briefing of department members at the scene.

(c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).

(d) Verifying the accuracy of all descriptive information.

(e) Initiating a neighborhood canvass.

(f) Investigating any relevant recent family dynamics.

(g) Addressing conflicting information.

(h) Key investigative and coordination steps.

(i) Managing a missing person case.

(j) Additional resources and specialized services.

(k) Update procedures for case information and descriptions.

(l) Preserving scenes.

(m) Internet and technology issues (e.g., Internet use, cell phone use).

(n) Media relations.

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Public Alerts

317.1 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.

317.2 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.

317.3 RESPONSIBILITIES

317.3.1 MEMBER RESPONSIBILITIES

Members of the Kirkland Police Department should notify their supervisor or Investigation Unit Supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

317.3.2 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 Deputy Chief 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 Deputy Chief

317.3.3 PUBLIC ALERT REPORTING OFFICER RESPONSIBILITIES

The Chief of Police should designate a public alert reporting officer, who is responsible for:

(a) Remaining familiar with the protocols for activating, maintaining and cancelling all applicable public alerts.

(b) Being the point of contact with the Washington AMBER Alert Advisory Committee.

(c) Ensuring the Department has members who have completed the appropriate training.

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317.4 WASHINGTON STATEWIDE AMBER ALERT™ PLAN

The AMBER Alert™ Plan is a voluntary partnership between law enforcement, state government agencies, broadcasters and other participants to rapidly disseminate information to enhance the public's ability to assist in recovering abducted children (RCW 13.60.010).

The Kirkland Police Department participates in this partnership and may initiate an AMBER Alert to disseminate information to the public when the criteria for an AMBER Alert are met.

317.4.1 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.

317.4.2 PROCEDURE

(a) After the Supervisor verifies the possible abduction details with the assigned Officer/ Investigator, they must notify an Operations Lieutenant or if unavailable, another Command Staff officer and obtain approval for the issuance of a statewide Amber Alert.

(b) The Officer/Investigator must complete the AMBER Alert Data Entry Form, in addition to the required department reports(s).

(c) The Officer/Investigator should include the following information on the form, if available:

1. Victim name (include any nicknames)

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2. Victim age
3. Victim physical description (recent photo if possible)
4. Victim clothing description
5. Victim illnesses and/or medical concerns
6. Last location seen (including date and time)
7. Any suspect information (name, description, clothing, vehicle, direction of travel, etc.)

(d) Upon receiving approval, the Officer/Investigator will fax, email or deliver the AMBER Alert form to NORCOM. NORCOM will become the primary 911 Center for receiving information regarding the AMBER incident. Phone contact will also be made with NORCOM to confirm receipt of the information and request for the Amber Alert. The supervisor will designate or assume the role of point of contact for the Amber Alert until relieved by the Investigations Sergeant or a member of the Command Staff.

(e) NORCOM will broadcast the AMBER Alert information over the Public Safety Answering Point (PSAP) talk-group.

(f) Norcom will notify the Washington State Patrol Communications Center for the activating agency area of jurisdiction and will provide them with the Amber Alert Data Entry Form received from the Kirkland Police Department.The Washington State Patrol will make the entry, updates and cancellations into the Law Enforcement Alerting Portal (L.E.A.P.).

(g) Following the initial EAS Alert, broadcasters are asked to immediately interrupt normal programming with the details contained in the AMBER Alert. For additional information and updates, the media and the public will be directed to the (L.E.A.P).

(h) Citizens with information about the case provided in the AMBER Alert will be instructed to contact 911. The local 911 centers will document calls and information on the standardized AMBER Alert Tip Sheet, and forward it to NORCOM.NORCOM will handle incoming information/tips as follows:

1. For a possible sighting or report within the law enforcement jurisdiction initiating the Alert, a supplement will be added to the incident and officers notified immediately.
2. For a possible sighting or report within a NORCOM law enforcement jurisdiction, which is not the initiating agency of the Alert, an incident will be entered and officers dispatched to investigate. The original incident for the affected department will be supplemented, cross-referencing the incident numbers.
3. For a possible sighting or report outside of a NORCOM law enforcement jurisdiction, the original incident for the affected City will be supplemented, and the caller will be transferred to the appropriate agency. The call receiver must announce the transfer and identify the call as a possible EMPA Alert lead.

(i) Updates may be phoned, emailed and/or faxed by our agency to NORCOM as the information changes or becomes available since all updates will be entered into the

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L.E.A.P. by the WSP communications center. It is important that our designated agency employee coordinate with our PIO, Investigating Officer, and Detectives assigned to the incident.

(j) Our Agency will notify NORCOM, as soon as possible, if recovery is made or the alert is canceled. NORCOM will provide this information to the WSP Communications Center who will enter this information into the (L.E.A.P.) to ensure the media and KC Regional Law Enforcement receive notification expeditiously. In turn, WSP will issue a cancel via EAS, initiate a Statewide ACCESS message and notify DOT

(k) The Media may cover any news of the abduction within its normal news guidelines, but will not compromise the alert plan with updates or information other than what they receive from our agency, via the official alert protocols.

317.4.3 INITIAL NOTIFICATIONS

Upon initiation of an AMBER Alert, the supervisor shall:

(a) Ensure prompt entry of information into the Washington Crime Information Center (WACIC) and National Crime Information Center (NCIC) databases.

(b) Promptly notify the Chief of Police and the appropriate Deputy Chief 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) If a supervisor believes that the abducted child may be traveling out of WA State, a request can be made to NORCOM, to request through WSP, that the Alert be extended into the applicable states.

317.4.4 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.

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317.5 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 Kirkland Police Department participates in this partnership and may initiate the required notifications whenever a person is reported missing from this jurisdiction and meets the criteria of an Endangered Missing Person.

An endangered missing person advisory may be termed a (RCW 13.60.010):

(a) "Silver alert" when initiated to assist in the recovery of a missing endangered person age 60 or older.

(b) "Missing indigenous person alert" to assist in the recovery of a missing indigenous person.

317.5.1 ADVISORY CRITERIA

All of the following criteria must exist prior to initiating an Endangered Missing Person Advisory:

(a) The person is missing under unexplained, involuntary or suspicious circumstances.

(b) The person has a developmental disability, is a vulnerable adult or is believed to be in danger because of age, health, mental or physical disability, in combination with environmental or weather conditions, or is believed to be unable to return to safety without assistance. This also includes a person diagnosed as having Alzheimer's disease or other age-related dementia (RCW 13.60.010).

(c) There is enough information that could assist the public in the safe recovery of the missing person (e.g., photo or description, clothing worn when last seen, vehicle, location last seen).

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

317.5.2 PROCEDURE

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

(a) After the Supervisor verifies the details with the assigned Officer/Investigator, they must notify an Operations Lieutenant or if unavailable, another Command Staff officer and obtain approval for the issuance of an (EMPA) Endangered Missing Persons Alert.

(b) Ensure the Officer/Investigator completes the Endangered/Missing Person Alert (EMPA) Data Entry Form, in addition to the required department reports.

(c) Upon receiving approval, the Officer/Investigator will fax, email or deliver the EMPA Data Entry Form to NORCOM.

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(d) NORCOM will become the primary 911 Center for receiving information regarding the EMPA incident. Phone contact will also be made with NORCOM to confirm receipt of the information and request for the Endangered Missing Persons Advisory.

(e) The supervisor will designate or assume the role of point of contact for the EMPA.

(f) Updates may be phoned, emailed and/or faxed by our agency to NORCOM as the information changes or becomes available since all updates will be entered into the L.E.A.P. by the WSP communications center.

(g) It is important that our designated agency employee coordinate with our PIO, Investigating Officer, and Detectives assigned to the incident.

(h) Direct Records Section personnel, during normal Records Section business hours, to enter the information into the WACIC and NCIC databases using the proper message key: Missing (MNP), Endangered (EME), or Involuntary (EMI). After hours, NORCOM will be directed to enter the missing person in WACIC/NCIC.

(i) Confirm with NORCOM the activation of the advisory and ensure that it is prepared to handle a high volume of telephone calls.

(j) Ensure that the handling officer attempts to obtain a photograph of the missing person and/or suspect as soon as possible.

(k) Direct the Records Section to enter the photograph into WACIC and NCIC, then send an email to the WSP Missing Persons Unit (MPU) during normal Records Section business hours. After hours, NORCOM will be directed to complete this task.

(l) 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, the National Center for Missing/Exploited Children (NCMEC) should be notified as soon as practicable.

(m) The Records Section personnel, or NORCOM, should promptly cancel the advisory after an Endangered Missing Person is located by sending an administrative message through A Central Computerized Enforcement Service System (ACCESS), noting that the person has been found.

317.6 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).

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The Kirkland 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.

317.6.1 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.

317.6.2 PROCEDURE

Should the supervisor determine that the incident meets the criteria of a Blue Alert, the supervisor should:

(a) After the Supervisor verifies the details with the assigned Officer/Investigator, they must notify an Operations Lieutenant or if unavailable, another Command Staff officer and obtain approval for the issuance of a Blue Alert.

(b) Direct Records Section personnel to prepare a Blue Alert administrative message through ACCESS. The words, "Blue Alert Advisory" should be included in the title of the message.

(c) 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.

(d) Ensure that descriptive information about the suspect, the suspect's whereabouts and the suspect's method of escape is disseminated.

(e) Appoint a Public Information Officer to issue press releases and handle media inquiries.

1. The Public Information Officer should be updated continually and be in constant contact with all media outlets to obtain maximum media exposure, provide updates and cancel the Blue Alert when appropriate.

(f) Advise NORCOM of the Blue Alert and ensure that it is prepared to handle a high volume of telephone calls.

(g) Ensure that a press release is issued cancelling the Blue Alert.

317.7 OTHER RESOURCE CONSIDERATIONS

The supervisor should consider the following resources, as appropriate:

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(a) Local allied law enforcement agency resources

(b) FBI local office

(c) The National Center for Missing and Exploited Children (NCMEC)

1. Monitor the Cyber Tipline® link and post missing children alerts

(d) The National Oceanic Atmospheric Administration (NOAA)

1. Will relay AMBER Alerts over Weather Radio

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Victim Witness Assistance

318.1 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.

318.2 POLICY

The Kirkland Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Kirkland 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.

318.3 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.

318.3.1 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).

318.4 VICTIM INFORMATION

The Investigations Lieutenant, or their designee, 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.

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(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).

318.5 VICTIM ASSISTANCE FUNDS

Victim assistance funds are intended for use by employees assigned to their respective units to aid in the timely assistance of victims.

Proper use and accountability of these funds is of the utmost importance. Misuse of funds will not be tolerated, and may be the cause for discipline and/or termination.

The Victim Assistance Fund will be funded only from eligible funds in the Police Donation Account.

318.5.1 GUIDELINES

The following sub-sections provide general guidelines for the authorized use of the Victim Assistance Fund. These guidelines are not meant to be inclusive, as situations may arise that will require a Supervisor to make a determination as to the reasonableness of expenditures.

318.5.2 ACCOUNTABILITY OF FUNDS

The Detective Sergeant will maintain revolving victim assistance funds in their respective unit safe, separate from their Investigative Funds.

A separate ledger will be maintained by the Detective Sergeant to account for the use and reimbursement of the victim assistance funds.

The Investigations Lieutenant, or other Command Officer, will conduct a quarterly audit of the Victim Assistance Fund. This audit shall be at the discretion and convenience of the

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administration. The Lieutenant, or other Command Officer, conducting the audit shall report his/her findings in writing to the Chief of Police. The Victim Assistance Fund will also be audited annually by a representative of the City of Kirkland Department of Finance and Administration.

318.5.3 ISSUANCE AND REIMBURSEMENT OF FUNDS
The Detective Sergeant will request $500 from the Administrative Supervisor, or their authorized back-up, to establish the Victim Assistance Fund. This will be comprised of $100 in cash and $400 in gift cards purchased with the Administrative Supervisor's, or their authorized back-up, P-card.

The Detective Sergeant will issue $200 worth of $20 cash cards and/or cash depending on usage to the safe located in the Field Office as a cash card/cash voucher. This safe is only accessible by supervisors within this department.

The rest of the Victim Assistance Funds will be kept by the Detective Sergeant in their safe for replenishment.

The cash card/ cash distribution will be issued a consecutive number as reflected in the Victim Assistance Funds ledger.

A detailed log sheet will be kept in the Field Office safe, requiring the date, case number, employee requesting, supervisor approving, and the amount used.

The Detective Sergeant will examine this log and remaining victim assistance funds at the beginning of each month to ensure proper use of these funds.

318.5.4 REIMBURSEMENT OF VICTIM ASSISTANCE FUNDS
The cash cards / cash in the Field Office safe will be replenished as needed by the Detective Sergeant.

The Detective Sergeant will request reimbursement from the Administrative Supervisor, or their authorized back-up, of the $500 as needed to keep the funds accessible.

The Detective Sergeant will retain the logs used in the Field Office safe for audit purposes according to state retention laws..

318.5.5 AUTHORIZED USE OF FUNDS
Authorized Use of Victim Assistance Funds

Employees may use the Victim Assistance Fund to assist victims they encounter during their shift that need assistance with emergency food supplies, a meal, clothing, cab-fare, or other like needs. Any lodging needs should follow the protocols outlined in the Domestic Violence Policy.

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If a receipt is possible, the employee should obtain this and include it with the log sheet. In all cases, the log sheet will be completed for each use of the funds, to include the date, case number, employee requesting, supervisor approving, and the amount used.

A supervisor must approve any use of the Victim Assistance Fund and sign the log sheet.

Expended funds shall be documented to the penny, without rounding off.

Non-Authorized Use of Victim Assistance Funds

Non-authorized use of the Victim Assistance Fund by employees is specifically prohibited and may result in disciplinary action. Under no circumstances are victim assistance funds to be used by employees for any personal expenses.

Victim assistance funds will not be used to purchase items that could be purchased through the normal City purchasing process or department petty cash.

Exigent circumstances may arise during the course of an investigation requiring purchases of such items, but supervisory approval is required.

318.6 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.

318.7 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 Investigations Lieutenant, or their designee, shall ensure that witness information handouts are available and current. These should include information regarding witness rights (RCW 7.69.030).

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Hate Crimes

319.1 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.

319.2 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 disability 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.

319.3 CRIMINAL STATUTES

319.3.1 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, ethnicity, gender, sexual orientation, gender expression or identity, or mental, physical, or sensory disability (RCW 9A.36.080):

(a) Causes physical injury to the victim or another person.

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(b) Causes physical damage to or destruction of the property of the victim or another person.

(c) Threatens a specific person or group of persons and places that person, or members of the specific group of persons, in reasonable fear of harm to person or property. The fear must be a fear that a reasonable person would have under the circumstances.

Prima facie acts of hate are described in RCW 9A.36.080(2).

319.3.2 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).

319.3.3 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).

319.4 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).

319.5 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 effort to establish contact with persons and groups within the community who are likely targets of hate crimes. The Neighborhood Resource Officer is encouraged to cooperate with prevention and response networks that exist within the community.

(b) Providing victim assistance and follow-up as outlined below, including community follow-up.

(c) Educating community and civic groups about hate crime laws.

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319.6 PROCEDURE FOR INVESTIGATING HATE CRIMES

Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

(a) Officer(s) will be promptly assigned to contact the victim, witness, or reporting party to investigate the matter further as circumstances may dictate.

(b) A supervisor should be notified of the circumstances as soon as practical.

(c) Once “in progress” aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of present suspects, etc.), the assigned officer(s) will take all reasonable steps to preserve available evidence that may tend to establish that a hate crime was involved.

(d) The assigned officer(s) will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.

(e) Depending on the situation, the assigned officer(s) or supervisor may request additional assistance from detectives or other resources to further the investigation.

(f) The assigned officer(s) will include all available evidence indicating the likelihood of a hate crime in the relevant report(s). All related reports will be clearly marked as “Hate Crimes” and, absent prior approval of a supervisor, will be completed and submitted by the assigned officer(s) before the end of the shift.

(g) The assigned officer(s) will provide the victim(s) of any suspected hate crime with a brochure on hate crimes. Such brochures will also be available to members of the general public upon request. The assigned officer(s) should also make reasonable efforts to assist the victim(s) by providing available information on local assistance programs and organizations.

(h) The assigned officer(s) and supervisor should take reasonable steps to ensure that any such situation does not escalate further.

319.6.1 INVESTIGATION UNIT RESPONSIBILITY

If a case is assigned to the Investigation Unit, the assigned detective will be responsible for following up on the reported hate crime as follows:

(a) 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 Sheriffs and Police Chiefs (WASPC) (RCW 36.28A.030).

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319.6.2 RECORDS UNIT RESPONSIBILITY

The Records Unit shall 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).

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Standards of Conduct

320.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Kirkland Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

320.2 POLICY

The continued employment or appointment of every member of the Kirkland Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

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.

320.2.1 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.

320.3 FORMS OF DISCIPLINE

According to the collective bargaining agreement, progressive discipline may include:

(a) oral reprimands, which will be documented;

(b) written reprimands;

(c) disciplinary transfer;

(d) suspension with or without pay;

(e) demotion;

(f) discharge.

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320.3.1 ORAL REPRIMANDS

If the employee misconduct is minor, consisting of only a minor procedural mistake or inappropriate judgment, employees, as a general rule, will be issued an oral reprimand which will become part of the employee's personnel file. This is not to exceed three repetitions within a one year period for the same violation.

320.3.2 WRITTEN REPRIMANDS

If the employee misconduct is serious, part of a continuing pattern of behavior involving repeated minor misconduct / mistakes, or there are more than three repetitions within a one year period for the same violation, employees as a general rule will be issued a written reprimand. Written reprimands will contain charges (what rules have been violated) and specifications (description of the conduct that constituted the rule violation). Reprimands will be part of an employee's personnel file.

320.3.3 DISCIPLINARY TRANSFER, SUSPENSION WITH OR WITHOUT PAY, DEMOTIONS, DISCHARGE

Recommendations for Disciplinary Transfer:

If the employee misconduct is serious, or is part of a continuing pattern of behavior involving repeated serious misconduct, the employee may be recommended for a disciplinary transfer.

Recommendations for a disciplinary transfer will be implemented according to current Civil Service Rules and Regulations, Kirkland Municipal Code Chapter 3.54, and/or the collective bargaining agreements. Recommendations for disciplinary transfer will be part of an employee's personnel file.

Recommendations for Suspension with or without pay:

If the employee misconduct is very serious, or is part of a continuing pattern of behavior involving repeated serious misconduct, employees may be recommended for suspension with or without pay. Recommendations for suspension with or without pay will be implemented according to current Civil Service Rules and Regulations, Kirkland Municipal Code Chapter 3.54, and/or the collective bargaining agreements. Recommendations for suspension with or without pay will include charges and specifications for the particular offense. Suspensions with or without pay will become a part of an employee's personnel file.

Recommendations for Demotion:

If the employee misconduct is very serious, or is part of a continuing pattern of behavior involving repeated serious misconduct, employees may be recommended for demotion. Recommendations for demotion will be implemented according to current Civil Service Rules and Regulations, Kirkland Municipal Code Chapter 3.54, and/or the collective bargaining agreements. Recommendations for demotion will include charges and specifications for the particular offense. Demotions will become a part of an employee's personnel file.

Recommendation for Discharge:

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If the employee misconduct is so serious that continued employment is no longer appropriate or is part of a continuing pattern of behavior involving repeated serious or very serious misconduct, employees as a general rule will be recommended for dismissal. Recommendations for dismissal will contain charges and specifications for the particular offense. Dismissals will be implemented according to current Civil Service Rules and Regulations, Kirkland Municipal Code Chapter 3.54, and/or the collective bargaining agreements. Dismissals will be part of an employee's personnel file.

320.4 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

320.4.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

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

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

320.4.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

(a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.

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(b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.

(c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.

(d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

320.5 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Washington constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

320.6 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service.

320.6.1 LAWS, RULES AND ORDERS

(a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or City manuals.

(b) Disobedience of any legal directive or order issued by any department member of a higher rank.

(c) Violation of federal, state, local or administrative laws, rules or regulations.

320.6.2 ETHICS

(a) Using or disclosing one’s status as a member of the Kirkland Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.

(b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.

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(c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).

(d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.

(e) Offer or acceptance of a bribe or gratuity.

(f) Misappropriation or misuse of public funds, property, personnel or services.

(g) 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.

(h) Any other failure to abide by the standards of ethical conduct.

320.6.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

320.6.4 RELATIONSHIPS

(a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one’s official capacity.

(b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

(c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.

(d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.

(e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except where such person is a member of an employee's immediate family (as defined by the collective bargaining agreement), or as specifically directed and authorized by this department.

320.6.5 ATTENDANCE

(a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.

(b) Unexcused or unauthorized absence or tardiness.

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(c) Excessive absenteeism or abuse of leave privileges.

(d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

320.6.6 UNAUTHORIZED ACCESS, DISCLOSURE OR USE

(a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms or reports obtained as a result of the member's position with this department.

(b) Disclosing to any unauthorized person any active investigation information.

(c) The use of any information, photograph, video or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.

(d) Loaning, selling, allowing unauthorized use, giving away or appropriating any Kirkland Police Department badge, uniform, identification card or department property for personal use, personal gain or any other improper or unauthorized use or purpose.

(e) Using department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.

320.6.7 EFFICIENCY

(a) Neglect of duty.

(b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.

(c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.

(d) Unauthorized sleeping during on-duty time or assignments.

(e) Failure to notify the Department within 24 hours of any change in residence address or contact numbers.

(f) Failure to notify the Department of Human Resources of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

320.6.8 PERFORMANCE

(a) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.

(b) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.

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(c) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.

(d) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

(e) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.

(f) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.

(g) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:

  (a) While on department premises.

  (b) At any work site, while on-duty or while in uniform, or while using any department equipment or system.

  (c) 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.

(h) Improper political activity including:

  (a) Unauthorized attendance while on-duty at official legislative or political sessions.

  (b) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or on department property except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police. This clause does not pertain to official Guild meetings.

(i) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police.

(j) Any act on-- or off--duty that brings discredit to this department.

320.6.9 CONDUCT

(a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.

  (a) This includes any violations of departmental policies, neglect of duty and/or illegal conduct by any member of this department.

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(b) Failure to report to a supervisor either witnessing, or having a good faith reasonable belief, that another officer committed wrongdoing.

(a) "Wrongdoing" means conduct that is contrary to law or contrary to the Department's policies, provided that the conduct is not de minimis or technical in nature. (RCW 10.93.190s)

(c) Unreasonable or unwarranted force to a person encountered or a person under arrest.

(d) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(e) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.

(f) Engaging in horseplay that reasonably could result in injury or property damage.

(g) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.

(h) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.

(i) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member’s relationship with this department.

(j) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.

(k) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.

(l) Activity that is incompatible with a member’s conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement to include fraud in securing the appointment or hire.

(m) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action in a timely manner.

(n) Seeking restraining orders against individuals encountered in the line of duty without notifying the Chief of Police of such action in a timely manner.

(o) Any other on- or off-duty conduct that any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

320.6.10 SAFETY

(a) Failure to observe or violating department safety standards or safe working practices.

(b) Failure to observe rules, signs, and written or oral safety instructions while on-duty and/or within department facilities or to use required protective clothing or equipment.

(c) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).

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(d) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

(e) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.

(f) Carrying, while on-duty, any firearm or other lethal weapon that is not authorized by the member's appointing authority.

(g) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

320.6.11 INTOXICANTS

(a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.

(b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.

(c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

320.6.12 VEHICLE OPERATION

(a) Members shall operate official vehicles in a careful and prudent manner and shall obey all laws and departmental policies pertaining to such operation.

(b) Members will report loss, suspension or revocation of any driving privileges to their supervisor immediately upon notification of such.

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Information Technology Use

321.1 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.

321.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Kirkland Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

Software - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

Temporary file, permanent file or file - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

321.2 POLICY

It is the policy of the Kirkland Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

321.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any department computer system.

The Department reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network and/or any information placed into storage on any department system or device. This includes records of all Web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices or networks.

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Employees may not be asked or required to disclose logon information for their personal social networking accounts or to provide access to their personal social networking accounts unless otherwise allowed under RCW 49.44.200 (RCW 49.44.200).

321.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

321.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer. The City of Kirkland Information Systems (IT) Technology Department will ensure that each fixed or mobile workstation has an up-to-date copy of agency-approved security software installed while the equipment is in use.

When related to criminal investigations, software program files may be downloaded only with the approval of IT staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

321.4.2 HARDWARE

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

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321.4.3 INTERNET USE

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms and similar or related Internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information shall be limited to messages, mail and data files.

321.4.4 OFF-DUTY USE

Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

321.5 PROTECTION OF AGENCY SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information and other individual security data, protocols and procedures are confidential information and are not to be shared. Password length, format, structure and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

321.6 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

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The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

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Report Preparation

322.1 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.

322.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

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.

322.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

322.2.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution.

Activity to be documented in a written report includes:

(a) All arrests

(b) All felony crimes

(c) Non-felony incidents involving threats or stalking behavior

(d) Situations covered by separate policy. These include:

1. Use of Force Policy

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2. Domestic Violence Policy
3. Child Abuse Policy
4. Adult Abuse Policy
5. Hate Crimes Policy
6. Suspicious Activity Reports Policy

(e) All misdemeanor crimes where the victim desires a report

322.2.2 NON-CRIMINAL ACTIVITY

Incidents that require documentation on the appropriate approved report include:

(a) Any use of force or show of force against any person by a member of this department (see the Use of Force Policy).

(b) Any firearm discharge (see the Firearms and Qualification Policy).

(c) Any time a person is reported missing, regardless of jurisdiction (see the Missing Persons Reporting Policy).

(d) Any found property or found evidence.

(e) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy).

(f) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy.

(g) All protective custody detentions.

(h) Suspicious incidents that may place the public or others at risk.

(i) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor.

322.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigation Policy. An officer handling a death investigation should notify and apprise a supervisor of the circumstances surrounding the incident and a determination will be made on how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

(a) Sudden or accidental deaths.

(b) Suicides

(c) Homicide or suspected homicide.

(d) Unattended deaths (No physician in attendance within 36 hours preceding death).

(e) Found dead bodies or body parts.

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322.2.4 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.

322.2.5 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.

(e) The injury occurred on City owned property.

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.

322.3 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.

Case Reports

All case reports shall be completed and submitted before the end of the officer's shift. These reports will be submitted for supervisory review to their immediate supervisor. The officer shall not be relieved of duty until the supervisor has completed their review of the officer's report and approved it.

Exceptions can be made by the officer's supervisor, however, all reports must be completed before the end of the officer's work week. If an exception is made, then it is the supervisor's responsibility to look at the circumstances of the case and direct the officer to:

(a) Submit the minimum necessary paperwork.

(b) Submit any evidence needed for the case.

(c) Submit any other immediately necessary items involved with the case.

(d) Complete the case report at the very next work shift.

In all cases that involve an arrest, the case report will be completed prior to the officer being relieved of duty.

Traffic Reports

The expectations for case reports shall apply to Traffic Collision Reports, citations, and infractions.

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Further Investigation

Incomplete reports or reports needing further investigation will be submitted with the notation that follow up investigation is needed.

322.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS
Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for departmental consistency.

322.3.2 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.

322.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor will kick the report back to the officer stating the reason for the kick back. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

322.5 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.

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Media Relations

323.1 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.

323.1.1 FUNCTION

The media can have a major impact on the public image of the department. Additionally, the media can be a valuable resource in alerting citizens to crime problems and suspect identification and/or apprehension. For these reasons, positive media relations are important to the department.

The public information function of the department is shared between the Public Information Cadre (PIC) and the supervisory and management staff. It will be the responsibility of the Cadre to prepare press releases on the occurrence of incidents outlined in this policy, monitor and post to social media websites, distribute information to internal and external groups and respond to media inquiries on a daily basis. The Kirkland Police Department will strive to maintain a good working relationship with members of the media within the guidelines set forth in this policy.

323.2 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, Deputy Chiefs, Lieutenants, and designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

323.2.1 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.

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323.3 MEDIA ACCESS

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions:

(a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.

(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the department Public Information Officer or other designated spokesperson.

2. Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the supervisor. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137).

(c) No member of this Department who is under investigation shall be subjected to media visits or interviews without the consent of the involved employee.

(d) Media interviews with individuals who are in custody shall not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media should not be permitted within the outer perimeter of the scene, and is subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Public Information Officer.

323.3.1 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

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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.

323.4 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 Records Unit. When requested, additional information may be made available (RCW 42.56.070(1)). This log will generally contain the following information:

(a) The date, time, location, case number, type of crime, extent of injury or loss and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

(b) The date, time, location, case number, name, birth date and charges for each person arrested by this department unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

(c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law.

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner's Office.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the Public Records Officer, or if unavailable, to the appropriate unit supervisor. Such requests will generally be processed in accordance with the provisions of the Public Records Act (RCW Chapter 42.56.001 et seq.).

323.4.1 RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department (see the Records Maintenance and Release and Personnel Files policies). When in doubt, authorized and available legal counsel should be obtained.

323.5 PUBLIC INFORMATION OFFICER

The lead Public Information Officer (PIO) for the Kirkland Police Department will be designated by the Chief of Police. This PIO will also serve as the Public Information Cadre head. Under the direction of the PIO, this Cadre will further the goals of this policy and the Chief of Police. In the event that a Cadre member is not available or otherwise viable, these duties will be the responsibility of the assigned Division Lieutenant.

The PIO will be responsible for of the following:

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(a) General Media Inquiries

(b) Press Releases to the Media

(c) Media Relations

(d) Social media releases and monitoring

(e) Community Relations

The on-duty supervisor will notify the lead Public Information Officer for situations which may require a media release or be of possible interest to the media. This includes situations which occur after hours.

The Public Information Officer Cadre Head will then make a determination as to the proper course of action for dealing with any media inquires.

323.6 PRESS RELEASES

Press Releases will be the responsibility of the Public Information Officer.

The department maintains a board that contains press releases, records, and case reports. The Public Information Officer should be notified by the supervisor and the PIO should provide press releases in any of the following cases:

(a) Police officer involved in a shooting.

(b) Suspected homicides.

(c) Drownings.

(d) Fatal industrial accidents.

(e) Traffic accidents involving a fatality, serious injury, or where there are a large number of vehicles involved.

(f) Search or rescue missions.

(g) Arson fires or explosions with extensive or unusual damage.

(h) Large scale natural disasters.

(i) Riots.

(j) Kidnapping and extortion cases if reports would not hinder the investigation.

(k) Any incident involving the evacuation of large numbers of people.

(l) Hostage taking or barricaded gunman incidents.

(m) Any major felony crime that is newsworthy.

Written press releases shall be written utilizing the Department News Release Format (form KPD-2008-206). A press release shall include the time, date, location, type of incident, case

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number, along with the name of the Public Information Officer making the press release, and a description of the occurrence. Copies of the press release shall be made and distributed to the following:

(a) NORCOM

(b) Chief of Police

(c) Captains

(d) Lieutenants

(e) Detective Sergeant

(f) Patrol Briefing Board

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Subpoenas and Court Appearances

324.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Kirkland Police Department to cover any related work absences and keep the department informed about relevant legal matters.

324.1.1 DEFINITIONS

These definitions are unique to this policy as it relates to subpoenas, court appearances, testifying and other court related issues.

On-Call - When an employee has appeared in court, or is at the time on-duty, and has been told by the Prosecutor that he/she is free to leave the court or return to duty, subject to being available by phone and/or radio if called back.

Court-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 so that he or she may be directed to appear in court within a reasonable amount of time.

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.

324.2 POLICY

Kirkland Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

324.2.1 ACCEPTANCE OF SUBPOENA

(a) All subpoenas that arrive at the Police Department shall be promptly given to the designated Administrative Support Associate (ASA), or in their absence, their designee.

(b) The ASA shall document the receipt of the subpoena electronically with the name of the employee named, the court of record and the cause number.

(c) The ASA shall promptly forward the subpoena, via e-mail and hard copy, to the named employee. The named employee's supervisor will be cc'd on all e-mails.

(d) If the employee's immediate supervisor knows that the employee will be unable to receive a copy of the subpoena within sufficient time for the named employee to comply with the subpoena, the supervisor shall notify the ASA and the Prosecutor in writing in order to inform them of this fact.

324.2.2 REFUSAL OF SUBPOENA

Valid reasons for an individually named employee not accepting subpoenas include illness, previously approved training, and vacations, which are scheduled and approved, before receipt

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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 and there is a valid scheduling conflict, the employee is responsible for notifying the Prosecutor with the specified scheduling conflict, as well as the dates when the officer will become available.

If the employee's immediate supervisor knows that the employee will be unable to receive a copy of the subpoena within sufficient time for the named employee to comply with the subpoena, the supervisor shall notify the ASA and the Prosecutor in writing in order to inform them of this fact.

Kirkland Municipal Court protocol:

Kirkland Municipal Court recognizes that there may be scheduling conflicts upon receipt of a subpoena. The court will recognize previously scheduled commitments which include previously scheduled leave and previously scheduled training. However, notification must be provided to the Kirkland Prosecuting Attorney's Office upon receipt of such a subpoena.

Therefore, the following will be done by the receiving officer:

(a) Immediately send an e-mail to the Kirkland Prosecuting Attorney's office with the following message: "I am unavailable (dates) due to (reason) that was previously scheduled and approved when I received by subpoena on (date the subpoena was received)."

    1. It is imperative that the language "previously scheduled and approved" is included in the message because that is what the court will accept.

(b) Supervisors are to ensure that officers adhere to notifying the Kirkland Prosecuting Attorney's Office about such scheduling conflicts. In the event that the officer is not available to notify the prosecutor and will not be back prior to the date on the subpoena, then the supervisor will forward a message to the prosecutor about the previously scheduled conflict.

324.2.3 SUBPOENA LINE

(a) Employees receiving subpoenas to Kirkland Municipal Court shall call the Subpena Line prior to 0700 hours on the day of court and wait for the recording. The recording will indicate which employees are needed for court that day.

(b) Employees named on the recording are required to be in court that day at the time specified on their subpoena.

(c) Employees not named on the recording are released from their subpoena and are not required in court.

324.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this or any of its department members may do so.

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A subpoena may be served upon a member by personal service or by leaving such copy at the place of his/her residence (Civil Rules, CR 45; Civil Rules, CRLJ 45; Criminal Rules, CrRLJ 4.8; Criminal Rules, CrR 4.8).

Criminal subpoenas may also be served upon a member by first-class mail in a limited criminal matter. A criminal subpoena in Superior Court may be served by first-class mail together with a waiver of personal service and instructions for returning such waiver to complete service (Criminal Rules, CrRLJ 4.8; Criminal Rules, CrR 4.8).

324.3.1 CIVIL SUBPOENA

The department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding or collective bargaining agreement.

The department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

324.3.2 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

324.3.3 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the City Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

(a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.

(b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.

(c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.

(d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Kirkland Police Department.

(e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Kirkland Police Department.

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

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324.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

324.5 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the department .

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

324.6 COURTROOM PROTOCOL

When appearing in court, members shall:

(a) Be punctual when appearing in court and prepared to proceed immediately with the case for which they are scheduled to appear.

(b) Dress in the department uniform or business attire.

(c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

324.6.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

324.7 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.

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Outside Agency Assistance

325.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

325.2 POLICY

It is the policy of the Kirkland 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.

325.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the on-duty supervisor 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 on-duty supervisor may authorize, if available, an appropriate number of personnel to assist. It will be the responsibility of the supervisor to ensure that an appropriate number of personnel and resources stay in the City to provide emergency services to the citizens of the City of Kirkland.

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.

In the event that an outside agency requests Mutual Aid of the Kirkland Police Department for an emergency situation, the supervisor shall notify command staff as soon as reasonably possible after the request is made.The order of this notification shall be as follows:

- Lieutenant
- Deputy Chief
- Chief of Police

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325.3.1 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 Kirkland Police Department shall notify his/her supervisor and NORCOM as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

325.4 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.

The supervisor shall notify command staff as soon as reasonably possible of any incident in which mutual aid has been requested.The order of this notification shall be as follows:

- Lieutenant
- Deputy Chief
- Chief of Police

325.5 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 supervisor.

325.6 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 Deputy Chief 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.

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Registered Offender Information

326.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Kirkland 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.

326.2 POLICY

It is the policy of the Kirkland 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.

This Kirkland Police Department policy follows the recommendations contained within the Washington Association of Sheriffs and Police Chiefs (WASPC) Model Policy on Adult and Juvenile Sex Offender Registration and Community Notification Link:

http://www.waspc.org/assets/ProfessionalServices/modelpolicies/so%20community%20notification%20model%20policy202017%20final.pdf

326.3 REGISTRATION

The King County Sheriff's Office is responsible for the registration of offenders residing in the City of Kirkland.

A criminal investigation for failure to register will be initiated if a registrant refuses to provide any of the required information or complete the process.

326.3.1 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)

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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.

326.3.2 CONTENTS OF REGISTRATION FOR FELONY FIREARM OFFENDERS
Felony firearm offenders who are required to register must appear in person and provide the following (RCW 9.41.330; RCW 9.41.333):

- Name and any aliases
- Complete residential address or where he/she plans to stay
- Identifying information, including a physical description
- Crime for which the person has been convicted
- Date and place of conviction
- Names of any other county where the firearm offender may have registered

The registering member may take photographs and fingerprints of the felony firearm offender.

326.4 MONITORING OF REGISTERED OFFENDERS

The Investigation Unit supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include, as applicable:

(a) Efforts to confirm residence using an unobtrusive method, such as an Internet search, drive-by of the declared residence or address verification under RCW 9A.44.135.

1. When notice is received that a sex offender is moving outside the jurisdiction of the Kirkland Police Department, the Investigation Unit supervisor is responsible for address verification until the registrant completes registration with a new residential address (RCW 9A.44.130(5)).

(b) Review of information on the WASPC Sex Offender Information website.

(c) Contact with a registrant’s community correction officer.

(d) Review any available Washington State database of felony firearm offenders.

Any discrepancies with sex/kidnapping offenders should be reported to ACCESS (A Central Computerized Enforcement Service System), which is administered by WSP, and, in the case of sex offenders only, to WASPC.

The Investigation Unit supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Kirkland Police Department personnel, including timely updates regarding new or relocated registrants.

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326.4.1 OFFENDERS TRAVELING OUT OF THE COUNTRY

When written notice is received from a registrant who intends to travel outside of the United States, the Sheriff shall notify the United States Marshals Service as soon as practicable after receipt of notification and also of any further notice of changes or cancellation of travel plans (RCW 9A.44.130(3)).

326.5 DISSEMINATION OF PUBLIC INFORMATION

Members will not unilaterally make a public notification advising the community of a particular sex/kidnapping registrant's presence in the community. Members who identify a significant risk or other public safety issue associated with a sex/kidnapping registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on sex/kidnapping registrants should be provided the WASPC Sex Offender Information website or the Kirkland Police Department's website.

The Records Supervisor shall release local sex/kidnapping registered offender information to residents in accordance with RCW 4.24.550 and in compliance with a request under the Public Records Act (RCW 42.56.001 et seq.).

Information pertaining to felony firearm offenders should not be disseminated to the public. All inquiries should be referred to WSP.

326.5.1 RELEASE NOTIFICATIONS FOR SEX OR KIDNAPPING OFFENDERS

Registrant information that is released should include notification that:

(a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.

(b) The information is provided as a public service and may not be current or accurate.

(c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.

(d) The crime for which a person is convicted may not accurately reflect the level of risk.

(e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.

(f) The Kirkland Police Department has no authority to direct where an offender may live.

326.5.2 MANDATORY NOTIFICATION

The Investigation Section Lieutenant shall ensure that:

(a) A public notification is made for sex offenders who are classified as Risk Level III and who register in the City of Kirkland. The notice shall conform to the guidelines established in RCW 4.24.5501.

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(b) All information on sex/kidnapping offenders registered in the City of Kirkland is regularly checked for accuracy and if needed, will inform the King County Sheriff's Office to update and post on the WASPC Sex Offender Information website (RCW 4.24.550(5)).

326.5.3 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.

326.5.4 SCHOOL NOTIFICATIONS

The Sheriff has the responsibility of notifying the appropriate person at a school or other educational institution as set forth in RCW 9A.44.138 of any sex/kidnapping offender who attends or is employed there, and for providing the following information about the offender:

- Name
- Complete residential address
- Date and place of birth
- Place of employment
- Crime for which the person has been convicted
- Date and place of conviction
- Aliases
- Photograph

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- Risk level classification

326.6 SEX OFFENDER RISK ASSESSMENT

The Investigation Section Lieutenant 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 Kirkland Police Department is authorized to assign its own risk level.
- Risk level classification criteria.
- What risk assessment tools may be used and how such tools are scored.
- Assessment of known aggravating or mitigating factors related to the risk posed by the offender to the community.
- Notification process following a change in the risk level classification.
- The process for an offender to petition for review of the risk level classification.

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Major Incident Notification

327.1 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.

327.2 POLICY

The Kirkland 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.

327.3 MINIMUM CRITERIA FOR NOTIFICATION

The Supervisor shall notify command staff whenever any of the following occur. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- Homicide/Suspicious Death Investigations.
- Traffic accidents with fatalities.
- Officer-involved critical incidents on- or off-duty (See the Officer-Involved Critical Incident Policy for special notifications).
- Anytime a police department employee is injured to the extent that medical treatment is necessary.
- Aircraft crash.
- In-custody deaths. (If the in-custody death occurs inside of the Kirkland Police Department's correctional facility and no Corrections Supervisor is on-duty, the Corrections Officer shall immediately notify the Patrol Supervisor, who shall follow the normal Command Staff notification protocol as described in this policy. The Corrections Officer shall also immediately notify the Corrections Sergeant. If they are unavailable, the Corrections officer shall attempt to contact the Corrections Lieutenant and Administrative Deputy Chief in that order.)
- A spouse and/or child of an officer or other police employee is killed or seriously injured.
- Patrol vehicle collisions involving serious injuries or fatalities.
- Armed robberies with injuries and/or shots fired.
- Regional disasters outside of Kirkland where assistance may be requested in a mutual aid capacity.
- A Kirkland City official is killed or seriously injured, either her or elsewhere, or any other public official is killed or seriously injured in our jurisdiction.

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- The filing of a complaint of serious misconduct by an officer or other police employee of the department.
- The arrest of an officer or other police employee of the department, either here or elsewhere, or the arrest of any other police officer in our jurisdiction.
- Criminal accusation against a Kirkland City official.
- The arrest of a Kirkland City official or a member of their immediate family.
- Anytime the Special Operations Unit is activated.
- Whenever the supervisor has a question, needs direction or feels an incident needs to be brought to the attention of command.
- Death of Washington State Police Officer in the line of duty.
- Any other circumstances wherein a duty supervisor deems it advisable to notify the Chief of Police.

327.4 SUPERVISOR RESPONSIBILITY

The on-duty supervisor is responsible for making the appropriate notifications. The Supervisor shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Supervisor shall attempt to make the notifications as soon as practical. Command Staff Notifications shall be made in the order listed below. If the Supervisor cannot reach their respective Section Lieutenant, they shall proceed down the list until they are able to successfully notify one of the department's Command Staff personnel.

- Section Lieutenants
- Division Deputy Chief
- Other Command Staff Lieutenants and Deputy Chiefs
- Chief of Police

327.4.1 CHIEF OF POLICE NOTIFICATION

In the event an incident occurs that the Chief of Police should be notified of, Command Staff personnel will be responsible for this notification.

327.4.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the Investigations Sergeant, or their designee, shall be contacted who will then contact the appropriate detective.

327.4.3 TRAFFIC UNIT NOTIFICATION

In the event of a traffic fatality or major injury, the Traffic Sergeant, or their designee, shall be notified who will then contact the appropriate accident investigator. The Traffic Sergeant will notify the Operations Lieutenant who is in charge of the Traffic Unit.

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327.4.4 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.

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Death Investigation

328.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers initially respond to and investigate the circumstances of a deceased person.

The investigations of cases involving death include those ranging from natural causes to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appear to be initially. The thoroughness of death investigations and use of appropriate resources and evidence gathering techniques is critical

Responding officers and investigators should be sensitive to any cultural and/or religious needs of the deceased and their family. When feasible, efforts should be made to accommodate these needs where it can be accomplished without compromising the integrity of the investigation.

328.2 POLICY

It is the policy of the Kirkland Police Department to respond, document, and investigate incidents where a person is deceased. Investigations involving the death of a person, including those from natural causes, accidents, workplace incidents, suicide, and homicide, shall be initiated, conducted, and properly documented.

328.3 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Emergency medical services 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 as soon as possible. The supervisorshould respond to the scene in order to provide investigative oversight and support for responding officers. Supervisors shall respond to all unattended death investigations.

The supervisor should determine whether follow-up investigation is required and notify the Investigation Division Supervisor as necessary. The supervisor will make notification to command staff in accordance with the Major Incident Notification Policy.

328.3.1 MEDICAL EXAMINER JURISDICTION OVER REMAINS

The Medical Examiner has jurisdiction of bodies of all deceased persons who come to their death suddenly in any of the following cases (RCW 68.50.010):

(a) When in apparent good health without medical attendance within the thirty-six hours preceding death.

(b) Where the circumstances of death indicate death was caused by unnatural or unlawful means.

(c) Where death occurs under suspicious circumstances.

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(d) Where a Medical Examiner's autopsy or postmortem or Medical Examiner's inquest is to be held.

(e) Where death results from unknown or obscure causes.

(f) Where death occurs within one year following an accident.

(g) Where the death is caused by any violence whatsoever.

(h) Where death results from a known or suspected abortion; whether self-induced or otherwise.

(i) Where death apparently results from drowning, hanging, burns, electrocution, gunshot wounds, stabs or cuts, lightning, starvation, radiation, exposure, alcoholism, narcotics or other addictions, tetanus, strangulations, suffocation, or smothering.

(j) Where death is due to premature birth or still birth.

(k) Where death is due to a violent contagious disease or suspected contagious disease which may be a public health hazard.

(l) Where death results from alleged rape, carnal knowledge, or sodomy.

(m) Where death occurs in a jail or prison.

(n) Where a body is found dead or is not claimed by relatives or friends.

The body or human remains shall not be disturbed or moved from the position or place of death without permission of the Medical Examiner (RCW 68.50.050).

328.3.2 INDIGENOUS PERSONS

Upon knowledge that the remains are of an indigenous person, officers shall attempt to identify and contact, as soon as practicable, family members and any affected tribes, tribal organizations, and communities prior to removal or disturbance of the remains, except where deemed necessary by the Medical Examiner and officers in the interest of safety or to preserve evidence for any ongoing criminal investigation. Efforts shall include attempts to facilitate contact through the regional liaison for missing and murdered indigenous persons pursuant to RCW 43.43.874 within 10 days of the Medical Examiner having jurisdiction over the remains (RCW 68.50.325).

The lead investigator in cooperation with the Medical Examiner shall provide the family member or representative of a list that contains any prohibited conduct when interacting with the remains including an explanation of why the conduct is prohibited. Additionally, any practices or ceremonies related to the remains by the family or representative require proper authorization by the Medical Examiner and the lead investigator while the remains are under the jurisdiction of the Medical Examiner (RCW 68.50.325).

328.3.3 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

Department personnel are reminded of the Employee Speech, Expression and Social Networking Policy, which bars the use or disclosure, through whatever means, of any information, photographs, video or other recording obtained or accessible as a result of employment with the

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Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or their authorized designee (RCW 9A.68.020).

328.3.4 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the officer shall take steps to protect the scene. The Investigation Unit shall be notified to determine the possible need for an investigator to respond to the scene.

If the on-scene supervisor, through consultation with the Investigation Unit supervisor, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

The investigator assigned to investigate a homicide or death that occurred under suspicious circumstances may, with the approval of the investigator's supervisor, request the Medical Examiner to conduct physical examinations and tests, and to provide a report.

328.3.5 EMPLOYMENT-RELATED DEATHS OR INJURIES

Any member of this department who responds to and determines that a death, serious illness, or serious injury has occurred as a result of an accident at or in connection with the victim's employment should ensure that the regional Washington Division of Occupational Safety and Health (DOSH) office is notified of all pertinent information.

328.4 UNIDENTIFIED DEAD BODY

If the identity of a dead body cannot be established, the handling officer will request from the Medical Examiner a unique identifying number for the body. The number shall be included in any report.

328.5 DEATH NOTIFICATION

When reasonably practicable, and if not handled by the Medical Examiner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification.

If a deceased person has been identified as a missing person, this department shall attempt to locate family members and inform them of the death and location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports.

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Identity Theft

329.1 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.

329.2 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 Investigations Unit for possible follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

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Limited English Proficiency Services

330.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

330.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

330.2 POLICY

It is the policy of the Kirkland Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

330.3 LEP COORDINATOR

The Chief of Police shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be the Training Unit Sergeant. The responsibilities of the LEP Coordinator include, but are not limited to:

(a) Coordinating and implementing all aspects of the Kirkland Police Department's LEP services to LEP individuals.

(b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.

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(c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each member of the department. The list should include information regarding the following:

1. Languages spoken
2. Contact information
3. Availability

(d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.

(e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.

(f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.

(g) Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures, or recommending modifications to this policy.

(h) Receiving and responding to complaints regarding department LEP services.

(i) 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.

330.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

(a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.

(b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.

(c) The nature and importance of the contact, program, information or service provided.

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(d) The cost of providing LEP assistance and the resources available.

330.5 TYPES OF LEP ASSISTANCE AVAILABLE

Kirkland Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

330.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

330.7 AUDIO RECORDINGS

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

330.8 QUALIFIED BILINGUAL MEMBERS

Personnel utilized for LEP field enforcement need not be certified as interpreters. All personnel used for communication with LEP individuals must have a knowledge of the functions of an interpreter and the ethical issues involved when functioning as a language conduit. The Interpreter Code of Ethics can be found at the following website:

.https://www.dshs.wa.gov/sites/default/files/FSA/ltc/documents/DSHSInterpreterAndTranslatorCodeOfConduct%20042015.pdf

When bilingual personnel from this department are not available, personnel from other departments may be requested.

330.9 AUTHORIZED INTERPRETERS

A certified/authorized interpreter is a person who has passed the required DSHS interpreter examination, or has passed the interpreter examination offered by the Washington State Office of the Administrator for the Courts or the Federal Courts.

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A certified translator is a person who has passed the required DSHS written translation examination, or has passed the American Translators Association written translation examination.

They should not be a person with an interest in the department case or investigation involving the LEP individual.

A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

330.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department utilizes the Language Line telephone service in order to provide interpreter services for LEP individuals. Members may use these services without the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

330.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above).

Where bilingual personnel or other authorized interpreters are unavailable to assist, community volunteers may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

330.10 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

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Whenever any member of this department is required to complete a report or other documentation and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

330.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Kirkland Police Department will take reasonable steps and will work with the Department of Human Resources to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

330.11.1 EMERGENCY CALLS TO 9-1-1

NORCOM will follow their internal SOP 03-012.

330.12 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of bilingual personnel or an authorized interpreter before placing an LEP individual under arrest.

330.13 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized telephone interpreter
- Any other authorized interpreter

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Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when an authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

330.14 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

330.15 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of an authorized interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

330.16 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

330.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

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330.18 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

The Training Sergeant shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Sergeant shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

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Communications with Persons with Disabilities

331.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

331.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability or impairment. They include but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters and intermediary interpreters. Qualified interpreters should be certified pursuant to RCW 2.42.110.

331.2 POLICY

It is the policy of the Kirkland 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.

331.3 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 the Training Sergeant. The responsibilities of the ADA Coordinator shall include, but not be limited to:

(a) Working with the City ADA coordinator regarding the Kirkland 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.

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(d) Ensuring that a list of qualified interpreter services is maintained and available to all department personnel. The list should include information regarding the following:

1. Contact information
2. Availability

(e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.

(f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.

(g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

331.4 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.

331.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

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Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

(a) The methods of communication usually used by the individual.

(b) The nature, length and complexity of the communication involved.

(c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Kirkland Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

331.6 TYPES OF ASSISTANCE AVAILABLE

Kirkland Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

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331.7 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

331.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

(a) Available within a reasonable amount of time but in no event longer than one hour if requested.

(b) Experienced in providing interpretation services related to law enforcement matters.

(c) Familiar with the use of VRS and/or video remote interpreting services.

(d) Certified in either American Sign Language (ASL) or Signed English (SE).

(e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

331.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

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331.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

331.11 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

(a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.

(b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

331.12 REPORTING

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

331.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

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The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

331.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

(a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.

(b) Exchange of written notes or communications.

(c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.

(d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.

(e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

331.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter.

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In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

331.15 ARRESTS AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

331.16 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

331.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

331.18 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

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(a) Awareness and understanding of this policy and related procedures, related forms and available resources.

(b) Procedures for accessing qualified interpreters and other available resources.

(c) Working with in-person and telephone interpreters and related equipment.

The Training Sergeant shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Training Sergeant shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

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Child and Dependent Adult Safety

332.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Adult Abuse policies.

332.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Kirkland Police Department will endeavor to create a strong cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

332.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

(a) Inquire about and confirm the location of any children or dependent adults.

(b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.

(c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

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332.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered, children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.

    1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.

(b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.

    1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.

(c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.

(d) Notify the Department of Social and Health Services, if appropriate.

(e) Notify the shift supervisor of the disposition of children and dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

Officers shall promptly notify Child Protective Services (CPS) whenever a child under 13 years of age is present in a vehicle and his/her parent, guardian or legal custodian is arrested for a drug or alcohol driving offense in accordance with the department Child Abuse Policy (RCW 26.44.250).

332.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law.

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If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

332.3.3 REPORTING

(a) For all arrests where children are present or living in the household, the reporting member will document the following information:

1. Name
2. Sex
3. Age
4. Special needs (e.g., medical, mental health)
5. How, where and with whom or which agency the child was placed
6. Identities and contact information for other potential caregivers
7. Notifications made to other adults (e.g., schools, relatives)

(b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:

1. Name
2. Sex
3. Age
4. Whether he/she reasonably appears able to care for him/herself
5. Disposition or placement information if he/she is unable to care for him/herself

332.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

332.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked law enforcement vehicle or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

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332.5 TRAINING

The Training Sergeant is responsible to ensure that all members of this department who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.

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Service Animals

333.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Kirkland 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.

333.2 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).

333.2.1 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.

333.3 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 Kirkland Police Department affords to all members of the public.

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If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations, an officer may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with a disability.

If it is apparent or if the officer is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the officer should ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner into all areas that other customers or members of the public are allowed.

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice.

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Volunteer Program

334.1 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.

334.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, interns, persons providing administrative support, persons monitoring and gathering information from traffic complaint areas, citizens assisting the Family Violence Unit as part of the Domestic Abuse Response Team, and youth involved in a law enforcement Explorer Post, among others.

All youth involved in the Kirkland Police Explorer Post operate under the Police Explorer Program Policy.

334.2 VOLUNTEER MANAGEMENT

The Kirkland Police Department uses volunteers identified through the City of Kirkland volunteer program. All volunteers must be authorized by the Administrative Division Captain upon successful completion of a background investigation and recommendation by the City of Kirkland's Volunteer Coordinator responsible for volunteers. The City of Kirkland's Volunteer Coordinator, or his/her designee, shall be responsible for the following:

- Recruiting, selecting and training qualified volunteers for various positions.
- Facilitating the implementation of new volunteer activities and assignments.
- Maintaining records for each volunteer.
- Tracking and evaluating the contribution of volunteers.
- Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.
- Maintaining a record of volunteer schedules and work hours.
- Completion and dissemination as appropriate of all necessary paperwork and information.
- Planning periodic recognition events.
- Administering discipline when warranted.

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- Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

334.2.1 VOLUNTEER COORDINATOR

The Volunteer Manager shall be the Administrative Division ASA. The function of the Volunteer Manager 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 Manager should work with other Department staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

334.2.2 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 Manager 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 Manager may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

334.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The City of Kirkland's 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 may 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 C.V.S.A. exam may be required of each applicant depending on the type of assignment.

334.2.4 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 Manager. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required

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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 City of Kirkland's 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.

DART

Dart volunteers must meet the following minimum eligibility requirements:

Applicants must:

- be 21 years of age or older.
- be able to commit to serving one shift per month, for a minimum of 1 year.
- must complete 15-20 hours of training and attend monthly meetings.
- have a valid Washington State Driver's License and be an insurable driver,
- pass a Kirkland Police Department background check, which does include a Computer Voice Stress Analyzer test.

334.2.5 TRAINING

Volunteers shall receive the required training as outlined in the volunteer handbook and coordinated through the City of Kirkland's Volunteer Coordinator.

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 Manager.

Their initial training and any ongoing training may be coordinated through the Training Officer.

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.

334.2.6 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:

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(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.

334.2.7 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.

All volunteers will wear a name tag designating them as a volunteer. A volunteer is prohibited from using his/her name tag or identification card for personal or financial benefit, or as a means of obtaining privileges not otherwise available to him/her, or for avoiding consequences of illegal acts.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

334.3 SUPERVISION OF VOLUNTEERS

Every volunteer who is accepted to a position with the department shall have a clearly identified supervisor, appointed by the Administrative Section Lieutenant. The supervisor shall be responsible for the direct managmeent of the volunteer. This supervisor shall be responsible for the day to day management and guidance of the work of the volunteer, and shall 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 appointed by the Administrative Section Lieutenant. 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.

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334.4 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.

334.5 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.

334.5.1 VEHICLE USE

Volunteers assigned to duties that require the use of a vehicle must first complete the following:

(a) Verification that the volunteer possesses a valid Washington Driver's License.

(b) Verification that the volunteer carries current vehicle insurance.

The Volunteer Manager 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. Volunteers are not authorized to operate a Department vehicle with emergency lights and siren activated.

334.5.2 RADIO AND MCT USAGE

Volunteers shall successfully complete Central Computerized Enforcement Service System (ACCESS) and radio procedures training prior to using the police radio or MCT and comply with all related provisions. The Volunteer Manager should ensure that radio and ACCESS training is provided for volunteers whenever necessary.

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334.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Chief of Police or the City of Kirkland's 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.

334.6.1 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.

334.7 EVALUATION

An evaluation of the overall volunteer program for the department will be conducted on an annual basis by the Volunteer Manager. Regular assessments should be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.

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Off-Duty Law Enforcement Actions

335.1 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 Kirkland Police Department with respect to taking law enforcement action while off-duty.

This policy does not apply if an officer is working an outside employment opportunity, as approved by the Chief of Police or their designee.

335.2 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 they reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat. (see the Use of Force Policy).

When public safety or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

335.3 FIREARMS

Commissioned 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.

Carrying of off-duty weapons by officers with special commissions (Corrections Officers) is not authorized by the department. Officers not fully commissioned shall conform to all laws required of any citizen for the carrying of weapons. Concealed Pistol Licenses are required in order to carry concealed weapons while off duty for officers not fully commissioned.

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335.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

(a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.

(b) The inability to communicate with responding units.

(c) The lack of equipment, such as handcuffs, OC or baton.

(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.

335.4.1 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 Kirkland Police Department officer until acknowledged. Official identification should also be displayed.

335.4.2 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.

335.4.3 CIVILIAN RESPONSIBILITIES

Civilian personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

335.4.4 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.

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335.5 REPORTING

Any off-duty officer, who engages in any law enforcement activity, regardless of jurisdiction, shall notify the on-duty supervisor as soon as practicable. The on-duty supervisor shall determine whether a report should be filed immediately by the employee or on their first day back to work.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

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Department Security and Voicemail

336.1 DEPARTMENT SECURITY

336.1.1 PURPOSE AND SCOPE

To provide visual security within the department through the proper identification of department and non-department personnel and to maintain physical security by controlling and limiting facility access through the use of electronic access cards.

To establish use and care guidelines for department issued identification cards and access cards.

336.1.2 DEFINITIONS

“Police Department Personnel” shall include full, part-time, and volunteer employees.

“Identification card” or “ID card” means your City of Kirkland issued identification card.

“Commission Card” is synonymous for the identification card of a sworn law enforcement employee.

“Access” or “key” card is your electronic entry access card.

336.1.3 IDENTIFICATION CARDS

City issued building access/identification cards are governed under Administrative Policy 4-41.

Police Department Personnel

All department personnel will be issued one City of Kirkland combined building access and identification card.

(a) The card will display the following unique information:
    (a) Photograph
    (b) Name
(b) Identification Card Accessories
    1. Card Holder - Employees will be issued a clear sleeve-style card holder to be used with a lanyard.
    2. Lanyard - Employees will be issued a black break-away lanyard with “KIRKLAND POLICE” in white lettering.
    3. Retention Reel - Employees will be issued a black retractable retention reel to be used with the card holder when the lanyard is not appropriate to attire.

Use and Care

Identification cards shall be worn visibly using the lanyard or retention reel under the following circumstances:

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(a) 1. When working in an official capacity where a metal badge, uniform, or other officially identifiable item is not visible.

(a) For the purposes of this section, “uniform” shall include the recognized polo style shirts worn by Records and Communications.

2. When inside non-public areas of City buildings while in plain clothes.

It is the responsibility of the employee to maintain the physical integrity of the identification card.

Identification cards are for official use only.

Replacement

(a) Lost or Stolen Cards

1. If an identification card is discovered lost or stolen, employees shall immediately complete an employee or officer’s report and forward it to the Administrative Lieutenant via the Chain of Command.

2. Replacement cards will not be issued without authorization from Command.

(b) Damaged Cards

1. If an identification card becomes damaged to the point where the validity of the card is in question, an Equipment Repair/Request Form should be submitted to the Administrative Lieutenant via the Chain of Command.

Non-Police Department Personnel

(a) All visitors, contractors, and any person not employed by the Kirkland Police Department will be required to wear the following types of badges.

1. Visitor Badges

(a) For any person who will not be in the company of a Police employee at all times.

2. DART

(a) Photo identification badges issued to EDVP personnel.

(b) Clients with EDVP personnel will be issued visitor badges.

3. Kirkland City employee identification badges as authorized by the City of Kirkland.

(b) Visiting law enforcement personnel are required to have a badge, uniform, or their Police ID exposed.

(c) Identification cards may be issued to regularly present non-departmental personnel at the discretion of the Administrative Lieutenant.

(d) Uniformed personnel such as Explorers and City of Kirkland employees would not require an ID badge.

(e) City employees who do not meet the above requirements, or who are not escorted by Police personnel would require a visitor badge or display of their City of Kirkland issued ID badge.

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Commissioned Officer identification card

All commissioned officers will be issued a commissioned identification card in addition to the City of Kirkland combined buidlingaccess/identification card

(a) The commissioned identification card will display the following unique information:
    1. Full name as it appears or is used in your official capacity
    2. Card holder's signature
    3. A photograph obtained at the time of issuance
    4. Physical descriptors at the time of issuance to include:
        (a) Height
        (b) Weight
        (c) Eye color
    5. Applicable rank
    6. Identification or personnel number
    7. Issue date

Retired Commissioned Personnel

(a) Definition of retired commissioned personnel is a person who either:
    1. Takes a service retirement according to eligibility standards set by the Washington State Department of Retirement Systems; or
    2. Retires as a result of injury received in the performance of duty.
(b) Retired Commissioned Personnel may receive a retired officer identification card.
(c) Retired officer identification cards will include the following information:
    1. Full legal name
    2. Card holder's signature
    3. A photograph obtained at the time of issuance
    4. Physical descriptors at the time of issuance to include:
        (a) Height
        (b) Weight
        (c) Eye color
    5. Applicable rank at time of retirement
    6. Identification or personnel number at time of retirement
    7. Issue date
    8. "RETIRED" printed boldly on the front of the identification card.

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336.1.4 VISTOR ACCESS

Visitors

(a) All visitors must enter through the main lobby; this includes friends & family members of Kirkland Police Department personnel.

1. The Kirkland Police Department employee must first be notified and agree to a visitor's request to meet them prior to allowing the visitor entry into the secured area of the Kirkland Police Department.

(b) A supply of visitor ID badges will be kept in Records near the front counter. All visitors who will be left unattended for any period of time will be required to wear a visitor ID badge. The Police employee who brings the visitor into the Department is responsible for issuing their visitor(s) a badge which will be worn in plain sight. The employee is responsible for retrieving the badge from their visitor upon their departure.

DILIGENCE

(a) For this system to work, employees need to be diligent in having visitors they are responsible for wear the ID badge. Employees need to approach people not wearing proper ID to ascertain who they are and what their purpose is in the Department.

(b) Police employees must also not leave confidential materials where it is accessible to unauthorized people.

336.1.5 SUPERVISOR RESPONSIBILITY

Supervisors need to ensure that employees are abiding by this procedure. It will be the responsibility of supervisors to take appropriate corrective action for any variance from this procedure.

336.2 VOICEMAIL

In order to maintain consistency and enhance customer service, the following procedures are to be followed by employees utilizing voicemail:

(a) All external greetings are to include wording to the effect that if the caller requires immediate assistance they are to hang up and dial 911.

(b) External voice mail greetings are to be changed when the employee knows in advance that they will be out of the office for an extended period of time, such as vacations or training. The greeting is to be changed upon the employee's return to their normal work shift.

(c) Employees are to return calls in a timely manner.

(d) It is suggested that for those employees who work a conventional work shift, i.e. Detectives, staff personnel, etc., include in their days and hours of work be included in their external greeting.

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Drug Collection/Disposal Program

337.1 PURPOSE AND SCOPE

This policy is designed to establish guidelines for the proper collection, handling, and disposal of unused medications through the drug collection and disposal system. The drug collection and disposal program provides a safe location for citizens to properly dispose of unused prescription medications.

This program provides an environmentally safe alternative to disposing of medications in a landfill or sewer system, which may later negatively affect the environment. This program encourages citizens to remove their unneeded medications from their homes. This reduces access to addictive medications from accidental or intentional misuse by children in the home.

This policy is authorized by the Federal Drug Enforcement Administration under their “Final Rule” for disposal of controlled substances, and is in compliance with King County Board of Health regulations, chapter 11.50.

337.2 COLLECTION BOX

Collection options for secure medicine return programs allow for permanent drop box locations operated by law enforcement agencies.

- The Kirkland Police Department will provide a metal drop box collection site in the Police Department Lobby.
- The collection box shall be locked and securely mounted to the wall and/or floor.
- The collection box will be labeled with the intended purpose and what can and cannot be collected.

337.3 PROGRAM PROTOCOLS

The DEA “Final Rule” defines protocols for the return of unwanted controlled substances for disposal. The rule allows unwanted controlled substances from:

- Any person the drug is prescribed to;
- Any member of the person’s household who has a prescribed drug (including pets); and
- Individuals lawfully entitled to dispose of a deceased person’s property.

Controlled, non-controlled, and over the counter substances may be collected. The general public is often unaware of this distinction in medication status.

This program is anonymous and all efforts should be made to protect the anonymity of individuals disposing of medications. No questions or requests for identification should be made.

Participants may dispose of medication in its original container or by removing the medication from its container and disposing of it directly into a disposal box.

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All solid dosage pharmaceutical products and liquids in consumer containers may be accepted. Liquid products, such as cough syrup, should remain sealed in their original container. The depositor should ensure that the cap is tightly sealed to prevent leakage.

Intra-venous solutions, injectables, syringes, or medical waste WILL NOT be accepted due to potential hazard posed by blood-borne pathogens.

Illicit substances such as marijuana or methamphetamine are not part of initiative and should not be placed in collection containers. If an individual attempts to surrender an illicit controlled substance, law enforcement personnel should handle such material as abandoned property in accordance with department policy.

Persons disposing of drugs must retain possession of their own medication during the surrender process. Law enforcement personnel should not handle the medications at any time and should simply have participants either empty the medication into the disposal box and throw the container into a garbage bag or throw the entire container in the disposal box.

337.4 EMPLOYEE HANDLING PROCEDURES

The Kirkland Police Department Evidence Technician(s) and the Administrative Captain, or their designee, will be the sole possessors of the keys to the collection box.

- Staff will not have access to the contents of the collection boxes.
- When necessary, the Evidence Technician will secure the evidence from the drop box location, with a commissioned police officer present since it will be in a public location.
- The Evidence Technician will assign a case number and document each collection on a supplemental report. This allows for tracing of data to monitor the program benefits.
- This case number will cover the time period from the start of collection to the time the drugs are disposed of properly.
- Each collection/disposal will have its own case number.
- The Evidence Technician will collect the deposited drugs on a frequency deemed necessary, based on usage.
- The Evidence Technician will bag/box the deposited drugs, document a general description of the contents, and place the bag/box into Evidence until disposed of.
- The Evidence Technician will transport and witness the disposal of the collected medications at an approved incinerator site.

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Department Use of Social Media

338.1 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).

338.1.1 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.

338.2 POLICY

Social media provides a new and potentially valuable means of assisting the department and its personnel in meeting community outreach, problem solving, investiigative, crime prevention, and related objectives.

The Kirkland 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.

338.3 AUTHORIZED USERS

Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. The primary members authorized with the monitoring and posting on department social media websites will be members of the Public Information Cadre. 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.

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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.

338.4 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.

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.

338.4.1 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 or designee.

338.5 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 Kirkland 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.

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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.

338.5.1 PUBLIC POSTING PROHIBITED

Department social media sites shall be designed and maintained to prevent posting of content by the public.

The Department may provide a method for members of the public to contact department members directly.

338.6 MONITORING CONTENT

The PIO Cadre Head will monitor and review the use of department social media. The Cadre head will immediately report any misuse of department social media. Additionally, the Cadre head will prepare a quarterly report to the Chief of Police for review. This report shall include at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content, and the resolution of any issues.

338.7 RETENTION OF RECORDS

The Administration Deputy Chief, or their designee, will 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.

338.8 TRAINING

In addition to relevant policy and communications training, members of the Public Information Cadre should also receive training that addresses legal issues concerning appropriate use of social media sites, privacy, civil rights and the dissemination and retention of information on department sites.

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Native American Graves Protection and Repatriation

339.1 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.).

339.1.1 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.

339.2 POLICY

It is the policy of the Kirkland 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.

339.3 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.

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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

339.4 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).

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Extreme Risk Protection Orders

340.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning and serving extreme risk protection orders (ERPO's) and accounting for the firearms and Concealed Pistol Licenses (CPL's) obtained pursuant to those orders.

340.1.1 DEFINITIONS

Definitions related to this policy include:

Extreme risk protection order – An order prohibiting a named person from having custody or control, purchasing, possessing, accessing, receiving, or attempting to purchase or receive 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.

340.2 POLICY

It is the policy of the Kirkland Police Department to petition for and serve extreme risk protection orders in compliance with state law and to properly account for firearms and CPL's obtained by the Department pursuant to such orders.

340.3 EXTREME RISK PROTECTION ORDER COORDINATION

All Extreme Risk Protection Orders should be coordinated through the Investigations Unit who shall be responsible for the coordination of the following items::

(a) Developing and maintaining procedures for the filing of a petition for an order or a renewal of an order by department members (RCW 7.105.100; RCW 7.105.105; RCW 7.105.110).

1. This includes development of procedures to provide notice of an extreme risk protection order to persons who may be at risk of violence (RCW 7.105.110).

(b) Identifying factors to consider when assessing whether to seek an order, including:

1. Whether threats have been made, and if so, whether the threats are credible and specific.
2. Whether the potential victim is within close proximity.
3. Whether the person has expressed suicidal tendencies.
4. Whether the person has access to firearms.
5. Whether the person has committed an act of violence toward themselves or another person.
6. The criminal history of the person, in particular any history of criminal violence, including whether the person is currently on parole, probation, or monitored release.

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7. The mental health history of the person, in particular whether the person has any history of mental illness or has ever been detained for being a danger to themselves or others.
8. Any known upcoming holidays, anniversaries, or other dates of significance that may serve as a trigger for the person, such as the death of a family member.
9. Whether the person has any history of drug or alcohol abuse.

(c) Developing and maintaining procedures for the receipt and service of orders consistent with the requirements of RCW 7.105.150 (Methods of Service) and RCW 7.105.155 (Service by a Law Enforcement Officer). Procedures should include:

1. Methods of authorized service for orders (e.g., service by electronic means, personal service) including mechanisms and verification options for electronic service and electronic returns of service (RCW 7.105.175).
2. Evaluation of an order to determine appropriate service and necessary precautions (see the Warrant Service Policy and the Operations Planning and Deconfliction Policy).
3.
4. Forwarding orders to the Records Supervisor for recording in appropriate databases and required notice to the court, as applicable.
5. Preparing or obtaining a search warrant prior to attempting service of an order, when appropriate.

(d) Coordinating with the Training Sergeant to provide officers who may be involved in petitioning for or serving orders with training on such orders. Training should include determining when a petition is appropriate, the process for seeking an order, and the service of such orders.

(e) Reviewing each petition, and any associated court documents for an order prepared by members, for compliance with this policy, department procedures, and state law.

(f) Developing and maintaining procedures for members to accept voluntarily surrendered prohibited items at times other than when an order is being served by the Department.

1. Procedures should include preparing and providing a receipt identifying all prohibited items to the person surrendering the items.

340.4 EXTREME RISK PROTECTION ORDERS

An officer who reasonably believes a person, including a minor (person under the age of 18), is a significant danger to themselves or another person by having in their custody or control, purchasing, possessing, accessing, receiving, or attempting to purchase or receive a firearm may request permission from the officer's supervisor to petition the court for an extreme risk protection order (RCW 7.105.100).

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340.4.1 REQUIREMENTS OF PETITION

An application for an extreme risk protection order should be prepared, filed, and served consistent with state law and the procedures developed by the Investigations Unit (RCW 7.105.100; RCW 7.105.105; RCW 7.105.110).

Officers petitioning the court shall use any standard petition, order, and confidential party information forms created by the administrative office of the courts (RCW 7.105.105).

The petition shall (RCW 7.105.100; RCW 7.105.105; RCW 7.105.110):

(a) Allege that the person poses a significant danger of causing personal injury to the person or others by having in the person's control or custody, purchasing, possessing, accessing, receiving, or attempting to purchase or receive a firearm and be accompanied by the confidential party form and declaration signed under penalty of perjury that provides the specific statements and circumstances for which relief is sought.

(b) Identify the number, types, and locations of any firearms that the [officer_deputy] believes to be owned, possessed, accessed, controlled, or in the custody of the person.

(c) Identify any other known existing protection orders governing the person.

(d) Identify, if reasonably identifiable, any pending lawsuits, complaints, petitions, or other action between the person and the Kirkland Police Department.

(e) Include an attestation that the officer provided notice of the intent to seek the order to a family or household member of the person and to any third party who the officer reasonably believes may be at risk of violence, or an attestation to the steps that will be taken to provide this notice.

An officer may also seek an ex parte extreme risk protection order, without notice to the person, by including in the petition detailed allegations based on personal knowledge that the person poses a significant danger of causing personal injury to the person or others in the near future by having in the person's custody or control, purchasing, possessing, or receiving or attempting to purchase or receive 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 7.105.110).

340.4.2 NOTICE TO PERSONS AT RISK

When an officerof the Kirkland Police Department petitions for an extreme risk protection order, the officer shall make a good faith effort to provide notice to an intimate partner or family or household member of the person and to any known third party who the member reasonably believes may be at risk of violence. The notice shall state the 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 7.105.110).

340.5 SERVICE OF ORDERS

Service of Extreme Risk Protection Orders should be made in accordance with the agency protocols.

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Personal service of ERPOs shall include copies of all forms with the exception of the confidential party information form completed by the protected party and the proof of service form (RCW 7.105.155).

Service of ERPOs should take precedence over the service of other orders, except for orders of a similar emergency nature (RCW 7.105.155).

340.5.1 PERSONAL SERVICE REQUIREMENTS

When personally serving an order, including an ex parte order, the first attempt to serve an extreme risk protection order should be made within 24 hours if practicable, but not more than five days after receipt from the court. If the first attempt is unsuccessful, at least two additional attempts should be made. If the order is issued against a minor under the age of 18, officers shall also make reasonable efforts to serve a copy of the order on the parent or guardian of the minor at the address where the minor resides, or the Department of Children, Youth, and Families in the case where the minor is the subject of a dependency or court approved out-of-home placement. A minor shall not be served at the minor's school unless no other address for service is known. All attempts at service must be documented on a proof of service form and submitted to the court in a timely matter (RCW 7.105.150; RCW 7.105.155; RCW 7.105.330(5)).

If personal service is not completed within 10 days, the officer should notify the petitioner, attempt to gain new information sufficient to permit service, and continue to attempt service unless otherwise notified by the court. If the petitioner is unable to provide a service address or there is evidence that the person is evading service, the officer shall use law enforcement databases to assist in locating the person. If service is not successful, all service attempts shall be documented on the proper form and submitted to the Records Supervisor for filing with the court (RCW 7.105.155).

If the protected person is present when service is attempted, the officer should take reasonable steps to separate the protected person to complete service or inquiring about any firearms (RCW 7.105.155).

340.5.2 SAFETY CONSIDERATIONS

Upon receipt of extreme risk protection order, the supervisor should evaluate the circumstances of the order and consider what precautions are appropriate for service of the protection order.

When appropriate based on the circumstances and department procedures, service of an order should be executed pursuant to the Operations Planning and Deconfliction Policy.

At least two officers should be present when an order is being served.

340.5.3 SURRENDER OF PROHIBITED ITEMS

The officer serving any extreme risk protection order, including an ex parte order, shall (RCW 7.105.340):

(a) Request that any firearms and any concealed pistol license be immediately surrendered, and issue a receipt for the surrendered items.

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1. The officer should ensure the original receipt is forwarded to the Records Supervisor.

(b) Take into custody any firearms discovered in plain view or pursuant to consent or other lawful search.

(c) As soon as practicable, but by the end of the officer's shift, submit the proof of service to the Records Supervisor.

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

340.6 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.

340.7 RECORDS SUPERVISOR RESPONSIBILITIES

The Records Supervisor 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 7.105.350).

(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 7.105.340).

(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 7.105.350).

(e) Orders that could not be personally served should be returned to the issuing court on the next judicial day following the last service attempt (RCW 7.105.155).

1. The return should be made on the appropriate form and include the reason that service was unsuccessful.

340.8 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.

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(d) Provide a property receipt to the person who surrendered the firearms (RCW 7.105.340).

1. The original receipt is to be forwarded to the Records Supervisor.

(e) Package and submit the firearms in accordance with the Property and Evidence Policy.

340.9 ORDERS TO SHOW CAUSE

When the Department receives notice from the court of an order to show cause, the Investigation Unit supervisor should address any requirements involving the Department, including the following (RCW 7.105.340):

(a) Fulfilling any additional service requirements for the order to show cause

(b) Providing the court a complete list of firearms surrendered by the person pursuant to the extreme risk protection order that are in the possession of the Department

(c) Providing the court with verification that any concealed pistol license was surrendered by the person pursuant to the extreme risk protection order and that the agency with authority to revoke the license has been notified

(d) Filing an affidavit with the court where there is reasonable suspicion that the person who is subject to the extreme risk protection order is not in full compliance with the terms, including the basis for the belief

340.10 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).

340.11 RELEASE OF FIREARMS

Firearms that were taken into custody or surrendered pursuant to an extreme risk protection order should be returned to the restrained person upon the expiration of the order, only after confirming, through a background check, that the respondent is currently eligible to own or possess firearms under federal and state law, and after confirming with the court that the extreme risk protection order has terminated or has expired without renewal. (RCW 7.105.345).

A law enforcement agency must, if requested, provide prior notice of the return of a firearm to a respondent to family or household members and to an intimate partner of the respondent in the manner provided in RCW 9.41.340 and 9.41.345.

340.12 RENEWAL OF EXTREME RISK PROTECTION ORDER

The Investigation Unit supervisor is responsible for review of an extreme risk protection order obtained by the Department, to determine if renewal should be requested within the time prescribed by law (RCW 7.105.410).

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340.13 TRAINING

The Training Sergeant shall ensure that members receive training on the service of Protection Orders, ERPO's and Orders to Surrender Weapons.

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Community Relations

341.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Hate Crimes Policy.
- Limited English Proficiency Services Policy.
- Communications with Persons with Disabilities Policy
- Patrol Function Policy.
- Suspicious Activity Reporting Policy.
- Navigator/MHP Policy.

341.2 POLICY

It is the policy of the Kirkland Police Department to promote positive relationships between department members and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

341.3 MEMBER RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

(a) Make casual and consensual contacts with community members to promote positive community relationships (see the Contacts and Temporary Detentions Policy).

(b) Become reasonably familiar with the schools, businesses, and community groups in their assigned jurisdictional areas.

(c) Work with community members and the department Neighborhood Resource Officers to identify issues and solve problems related to community relations and public safety.

(d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Officers carrying out foot patrols should notify an appropriate supervisor and NORCOM of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform NORCOM of their location and status during the foot patrol.

341.4 NEIGHBORHOOD RESOURCE OFFICERS

The Chief of Police or the authorized designee should designate members of the Department to serve as Neighborhood Resource Officers (NRO's). NRO's work under the supervision of the

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Community Services Unit Sergeant in the Professional Standards Division. They are responsible for:

(a) Obtaining department-approved training related to his/her responsibilities.

(b) Responding to requests from department members and the community for assistance in identifying issues and solving problems related to community relations and public safety.

(c) Working with community groups, department members and other community resources to (RCW 43.101.240):

  (a) Identify and solve public safety problems within the community.

  (b) Organize programs and activities that help build positive relationships between department members and the community and provide community members with an improved understanding of department operations.

(d) Recognizing department and community members for exceptional work or performance in community relations efforts.

(e) Attending City Council and other community meetings to obtain information on community relations needs.

(f) Informing his/her supervisor of developments and needs related to the furtherance of the department's community relations goals, as appropriate.

(g) Co-responding with the department MHP/Navigator to mental health and crisis-related calls for service and developing programs and processes as outlined in the MHP/Navigator policy.

(h) Performing other functions as listed in the NRO job description.

341.5 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS

The Neighborhood Resource Officer should organize or assist with programs and activities that create opportunities for department members and community members, especially youth, to interact in a positive setting. An example of such programs includes:

(a) Youth leadership and life skills mentoring such as the Explorer Post.

(b) Coffee With A Cop

(c) National Night Out Against Crime

341.6 INFORMATION SHARING

The Neighborhood Resource Officer should work with the Public Information Officer to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in department operations, comments, feedback, positive events) between the Department and community members. Examples of information-sharing methods include:

(a) Community meetings.

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(b) Social media (see the Department Use of Social Media Policy).

(c) Department website postings.

Information should be regularly refreshed to inform and engage community members continuously.

341.7 LAW ENFORCEMENT OPERATIONS EDUCATION

The Neighborhood Resource Officer should develop methods to educate community members on general law enforcement operations so they may understand the work that officers do to keep the community safe. Examples of educational methods include:

(a) Development and distribution of informational cards/flyers.

(b) Department website postings.

(c) Citizen academies.

Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make a complaint to the department regarding alleged misconduct or inappropriate job performance by department members.

341.8 SAFETY AND OTHER CONSIDERATIONS

Department members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, not allow them to be present in any location or situation that would jeopardize their safety.

Department members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

341.9 TRAINING

Subject to available resources, members should receive training related to this policy, including training on topics such as:

(a) Effective social interaction and communication skills.

(b) Cultural, racial and ethnic diversity and relations.

(c) Building community partnerships.

(d) Community policing and problem-solving principles.

(e) Enforcement actions and their effects on community relations.

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Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

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Chapter 4 - Patrol Operations

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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 Kirkland, 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, the discovery of hazardous situations or conditions and on view activities.

(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 units 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 enforcement, direction and control.

400.1.2 TERRORISM

It is the goal of the Kirkland 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. The supervisor should ensure that all terrorism related reports are forwarded to the Investigation Unit Supervisor in a timely fashion.

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400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-department cooperation and information flow between the various divisions of the Kirkland Police Department.

400.2.1 CRIME ANALYSIS UNIT

The Crime Analysis Unit (CAU) will be the central unit for information exchange. Criminal information and intelligence reports will be distributed by the Crime Analysis Unit through e-mails, bulletins and shift briefings to all divisions within the Department.

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 Records Unit for filing and retention. After supervisor review, the report may also be forwarded to the Investigations Unit for additional follow-up if necessary.

400.2.3 PATROL BRIEFING

Patrol supervisors, Investigation supervisors, and special unit supervisors are encouraged to share information as much as possible. All supervisors and/or officers will be provided an opportunity to share information at the daily Patrol Briefings as time permits.

400.2.4 INFORMATION CLIPBOARDS

Several information clipboards will be maintained in the briefing room and will be available for review by officers from all divisions within the Department. These will include, but not be limited to, KPD bulletins, outside agency bulletins, wanted person information and Teletypes.

Personnel Orders will be distributed via e-mail and posted on the bulletin board of the Chief's Administrative Assistant.

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.

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400.3.1 SCENE SUPERVISION

A supervisor will respond and take command of all situations relating to or involving any civil unrest. Officers will ensure that a supervisor is notified.

Any officer in charge of a situation may request the presence of a Sergeant/Shift Supervisor. The supervisor will assess the situation and assume command, as they deem necessary. The supervisor may further request the assistance and/or response of command personnel.

400.3.2 MASS ARREST PROTOCOL

Occasionally, public gatherings turn into unlawful or unsafe public disturbances. The Kirkland Police Department has the responsibility to maintain the peace, and protect life and property during these disturbances. All alternatives should be explored prior to using force and/or initiating mass arrests. Mass arrests are those incidents having a likelihood of more than ten (10) arrests at one time.

- In the event of a possible mass arrest situation, local hospitals and King County Jail will be notified as necessary.

Command and Control

(a) At any scene where mass arrests are contemplated, the first objective is to establish a command post in a secure area.

(b) The on-scene supervisor will assign personnel to pick up the field arrest processing kit.

(c) The field supervisor will assign personnel to pick up the Kirkland Police Jail Transport Vehicle.

(d) The same, or another, officer will be assigned to pick up another jail transport vehicle from another jurisdiction or the Kirkland Parks Department senior citizens van, or other assigned vehicle, and return it to the command post.

(e) If the incident involves more than twenty-five (25) arrests, the field supervisor may consider using a Metro bus as a transport vehicle. A metro bus may be requested via the on call Metro Supervisor, or the King County Jail may be contacted for a jail bus and personnel.

(f) The on-scene supervisor will contact the Operations Lieutenant and:

1. Apprise the Corrections Lieutenant, Corrections Sergeant, and the on-duty corrections supervisor of the situation, the location of the command post, and request authorization to open a temporary detention/release facility if needed.

2. If authorized, the Corrections Lieutenant or his/her designee shall designate a temporary detention/release facility.

3. Assign Corrections and Patrol officer(s) to staff the temporary detention/release facility.

4. If the on-scene supervisor feels that mutual aid is necessary he/she may request personnel or other resources from other jurisdictions, upon approval of the Operations Lieutenant, Operations Captain, or the Chief of Police and pursuant

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to mutual aid agreements. If additional personnel are requested, the supervisor will ensure that unity of command is maintained with all police action under the control of the command post.

5. Designate a staging area and assign an officer to be a liaison at this staging area.

Guide to resources available and the procedures to be followed in mass arrest situations

(a) Arrests Procedures - Persons arrested will be handcuffed and removed as soon as possible from the scene to a nearby holding area for initial processing and to await transportation to jail or a temporary detention area.

1. A Corrections Officer may be assigned as booking officer at the jail or the temporary detention area to complete the required paperwork for the arrest procedure. Upon completion of the booking process, the prisoners may be released on bail, taken for court appearance (if during hours of court operation), confined in a jail cell, or transported to the county jail or other nearby jail facility for confinement.

(b) Juvenile offenders will be kept separate from other arrestees and handled according to policy.

(c) Transportation arrangements will be made by the person in charge, or his/her designee. Phone numbers for mass transportation are maintained by NORCOM.

(d) Detention Facilities - Arrangements will be made for the use of a relatively large and conveniently located facility should the need arise for a temporary detention area.

(e) Evidence Collection - During the police operation at the incident scene, an officer will be assigned to provide evidence collection work, in addition to other duties, as determined by the on-scene supervisor.

(f) Each arresting officer is to search their prisoner for weapons or items of evidentiary value. Property to be held as evidence will be sealed in an evidence collection bag or envelope, identified and secured. Property to be returned will be marked with the prisoner's name and attached to the prisoner's paper work.

(g) Security - The appropriate number of officers shall be assigned to maintain exterior and interior security of the field booking facility. The security detail shall provide assistance to arresting officers and those working in the field booking facility.

(h) Identification - Upon arrival at the holding area each arresting officer will do the following;

1. Fill out a prisoner ID bracelet with the officer’s ID number, prisoner's name and date of birth, and attach it to the prisoner's wrist.

2. Fill out the photo/ID slate with the prisoner's name, date of birth, current date and time, and citation number and/or case number.

3. Have the prisoner and officer photographed together using a digital camera.

4. Complete the appropriate charge forms.

(a) Misdemeanor - Ensure time, date, location, and charge portion of citation is complete. Then sign and date it.

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(b) Felony - The arresting officer will complete the time, date, location, charge portion, and signature portion of any paperwork required. In this instance, the transporting officer will be completing the prisoner identification portions of all paperwork accompanying the prisoner.

5. Juveniles - The arresting officer will complete the time, date, location, charge portion, and signature portion of any paperwork required.

6. The arresting officer will remove their handcuffs and re-secure the prisoner with flex-cuffs.

7. The arresting officer will staple the photograph to the citation or report form and take it with the prisoner to the van or bus for transportation to a temporary detention/release facility.

(i) Interagency Agreements - Mutual Aid, Chapter 89, Washington Laws of 1985, Section 7 makes provision for the Kirkland Police Department to enter into interagency agreements for “consent to the full exercise of peace officer powers”. The intent of Mutual Aid Agreements, see Mutual Aid and Outside Agency Assistence Policy, includes provisions for those situations where the nature and size of the incident require assistance from other law enforcement agencies. In civil disturbance situations requiring outside agency assistance, those officers will be assigned first to provide security at the holding area, the temporary detention area, and the designated medical facility when any prisoner is taken there for treatmen.

1. If feasible, Mutual Aid agencies shall be contacted prior to the event/incident to ascertain extent of aid available to the Kirkland Police Department.

2. Officers from other agencies will be assigned additional duties as needed. Consideration should be given to using them primarily where detailed knowledge of the City's geography and departmental policies and procedures are not essential.

3. Any use of outside agencies will be consistent with the state and federal laws, as well as current mutual aid agreements. Authorization to request mutual aid assistance or to grant assistance shall come from the Chief of Police or his/her representative only.

(j) Defense Counsel Visits - The arresting officer(s) will advise all prisoners of their constitutional rights. During a mass arrest incident the first opportunity for a detained person to consult legal counsel is after the booking process has been completed at the jail.

(k) Court and Prosecutorial Liaison - When a mass arrest situation is anticipated; the City Attorney or designee, or in the event that those persons are not available, then the CountyProsecutor or their designee shall be contacted for legal guidance. An officer will be selected as a liaison and the liaison officer will solicit legal advice from the attorney who will be available to give advice for the duration of the incident.

(l) All media and public relations will be handled by assigned department personnel. As time permits, the on-scene supervisor may handle press relations if a PIO (Public Information Officer) is unavailable.

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(m) Food, Water, and Sanitation - If transportation to jail is not immediately available, the temporary detention facility chosen must have shelter, warmth, water, sanitation facilities, and be a place where food can be served if the detention extends through normally recognized meal times.

(n) Medical evaluation will be provided as needed by Fire Department Aid Units and/or Medics. Any prisoner needing treatment beyond the capability of the Aid Units will be transported to a medical facility.

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Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Kirkland Police Department 's commitment to policing that is fair and objective. Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships) (RCW 43.101.410).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement.

401.2 POLICY

The Kirkland Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

401.3.1 OTHER PROHIBITIONS

The Kirkland Police Department also condemns the illegal use of an individual or group's attire, appearance, or mode of transportation, including the fact that an individual rides a motorcycle or wears motorcycle-related paraphernalia, as a factor in deciding to stop and question, take enforcement action, arrest, or search a person or vehicle with or without a legal basis under the United States Constitution or Washington State Constitution (RCW 43.101.419).

Additionally, members shall not collect information from a person based on religious belief, practice, or affiliation unless permitted under state law. Members shall not (RCW 42.60.020; RCW 42.60.030):

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(a) Provide or disclose to federal government authorities personally identifiable information about a person's religious belief, practice, or affiliation unless the member is being questioned as a witness to a crime.

(b) Assist federal government authorities in compiling personal information about a person's religious belief, practice, or affiliation.

(c) Investigate or enforce any requirement that a person register with the federal government or a federal agency based on religion.

401.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

401.4.2 REPORTING TRAFFIC STOPS

Each time an officer makes a traffic stop, the officer shall report any demographic information required by the Department (RCW 43.101.410).

401.4.3 BUSINESS CARDS

Officers shall provide a business card upon request. The business card shall contain identifying information including, but not limited to, the officer's name, title, personnel number, and a telephone number.

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

(a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner and should document these discussions in the prescribed manner.

(b) Supervisors shall initiate investigations of any actual or alleged violations of this policy. Investigations may include review of portable audio/video recordings, MCT data and any other available resource used to document contact between officers and the public.

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1. Recordings that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.

(c) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

401.6 STATE REPORTING

Subject to any fiscal constraints, the Operations Deputy Chief should review available data related to traffic stops, including demographic data, existing procedures, practices and training, as well as complaints. The data should be analyzed for any patterns or other possible indicators of racial- or bias-based profiling and included in an annual report for the Washington Association of Sheriffs and Police Chiefs (RCW 43.101.410(3)).

401.7 ADMINISTRATION

The Operations Deputy Chief 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.

401.8 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Training Sergeant (RCW 43.101.410).

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Briefing

402.1 PURPOSE AND SCOPE

This policy discusses the activity of briefing and includes the tasks that should be accomplished during this short period.

402.2 POLICY

Briefing is intended to facilitate the accurate flow of information in order to enhance coordination of activities, improve performance and safety, and outline the expected actions of members.

402.3 BRIEFING

All divisions and specialized units will conduct regular briefing to discuss, disseminate, and exchange information among department members, work groups, and other organizations. A supervisor generally will conduct briefing. However, the supervisor may delegate this responsibility to a subordinate member in their absence or for training purposes.

Briefing should include but is not limited to:

(a) Providing members with information regarding daily activities, with particular attention given to changes in the status of:
    1. Wanted persons.
    2. Crime patterns.
    3. Suspect descriptions.
    4. Intelligence reports and photographs.
    5. Community issues affecting law enforcement.
    6. Major investigations.
(b) Notifying members of changes in schedules and assignments.
(c) Reviewing recent incidents for situational awareness and training purposes.
(d) Providing training on a variety of subjects.
(e) Conducting periodic personnel inspections.

Supervisors should also ensure that all members are informed about Special Orders and any recent policy changes.

402.3.1 RETENTION OF BRIEFING TRAINING RECORDS

Briefing training materials and a curriculum or summary shall be forwarded to the Training Sergeant for inclusion in training records, as appropriate.

402.4 PREPARATION OF MATERIALS

The member conducting briefing is responsible for preparation of the materials necessary for a constructive briefing.

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402.4.1 BRIEFING TRAINING

When possible, Briefing training should be planned in advance and in a manner that has a minimal impact to the squad's operational readiness. All training must be documented on a training attendance roster and forwarded to the Training Officer for tracking purposes.

402.5 TRAINING

Briefing training should incorporate short segments on a variety of subjects or topics and may include:

(a) Review and discussion of new or updated policies.

(b) Presentation and discussion of the proper application of existing policy to routine daily activities.

(c) Presentation and discussion of the proper application of existing policy to unusual activities.

(d) Review of recent incidents for training purposes.

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Crime and Disaster Scene Integrity

403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

403.2 POLICY

It is the policy of the Kirkland Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

403.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

403.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

(a) Broadcast emergency information, including requests for additional assistance and resources.

(b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.

(c) Locate or identify suspects and determine whether dangerous suspects are still within the area.

(d) Provide first aid to injured parties if it can be done safely.

(e) Evacuate the location safely as required or appropriate.

(f) Secure the inner perimeter.

(g) Protect items of apparent evidentiary value.

(h) Secure an outer perimeter.

(i) Identify potential witnesses.

(j) Start a chronological log noting critical times and personnel allowed access.

(k) Set up a command post.

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403.5 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

403.5.1 CONSENT

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

403.6 EXECUTION OF HEALTH ORDERS

Sworn members of this department shall enforce all lawful orders of the local health officer, issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (RCW 70.05.070; WAC 246-100-040(2)).

403.7 INVESTIGATION DEPUTY CHIEF RESPONSIBILITIES

The Investigation Deputy Chief is responsible for ensuring procedures are established that are consistent with the Washington State Patrol Crime Laboratory Division Crime Scene Procedures Manual, including, but not limited to:

(a) Ensuring reasonable access to qualified personnel, equipment and supplies for processing crime scenes.

(b) Establishing procedures for collecting, processing and preserving physical evidence in the field.

(c) Establishing procedures for photographing, video-recording and other imaging used to collect and preserve evidence.

(d) Establishing procedures for processing, developing, lifting and labeling fingerprints.

(e) Establishing procedures for the safe collection, storage, transportation and submission of biological and other evidence for DNA testing and evaluation.

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Special Operations Unit

404.1 PURPOSE AND SCOPE

The Special Operations Unit (SOU) is a member of the North Sound Metro Regional SWAT team and is comprised of two specialized teams: the Crisis Negotiation Team (CNT) and the Special Response Team (SRT). The unit has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appear to be necessary.

404.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The sections of this policy are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a police response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the Operational sections serve as a guideline to department personnel allowing for appropriate on scene decision making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken. The North Sound SWAT team, as a regional team, will operate under its own Command structure, Policies, and Procedures.

404.1.2 SWAT TEAM DEFINED

The Special Operations Unit (SOU) is a designated unit of law enforcement officers that are specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigative units including, but not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of department policy, such a unit may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

404.2 POLICY

It shall be the policy of this department to maintain a Special Operations Unit that is part of the North Sound Metro SWAT team and to provide the equipment, manpower, and training necessary to maintain the SOU and its presence on the regional SWAT team. North Sound Metro SWAT team should develop sufficient resources to perform three basic operational functions:

(a) Command and Control

(b) Containment

(c) Entry/Apprehension/Rescue

It is understood it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall restrict SOU members from conducting additional training outside of their affiliation with the regional SWAT team. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

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Members of the Kirkland Police Department assigned to the North Sound Metro SWAT team shall operate under the policies and procedures of the North Sound Metro SWAT Team while assigned to the team. The members are still responsible for their actions and subject to all the policies and procedures of the Kirkland Police Department and the City of Kirkland.

404.2.1 POLICY CONSIDERATIONS

A needs assessment should be conducted to determine the type and extent of missions and operations that are appropriate to this department and to the regional SWAT team. The assessment should consider the team's capabilities and limitations and should be reviewed annually by SOU Command Staff. This will be discussed at the advisory group for the North Sound Metro SWAT team.

404.2.2 ORGANIZATIONAL PROCEDURES

This department, in conjunction with the North Sound Metro SWAT team, shall develop a separate written set of organizational procedures which should address, at minimum, the following:

(a) Locally identified specific missions the team is capable of performing.

(b) Team organization and function.

(c) Personnel selection and retention criteria.

(d) Training and required competencies.

(e) Procedures for activation and deployment.

(f) Command and control issues, including a clearly defined command structure.

(g) Multi-agency response.

(h) Out-of-jurisdiction response.

(i) Specialized functions and supporting resources.

404.2.3 OPERATIONAL PROCEDURES

This department, in conjunction with the North Sound Metro SWAT team, shall develop a separate written set of operational procedures in accordance with the determination of their level of capability, using sound risk reduction practices. The operational procedures should be patterned after the National Tactical Officers Association Suggested SWAT Best Practices. Because such procedures are specific to SWAT members and will outline tactical and officer safety issues, they are not included within this policy. The operational procedures should include, at minimum, the following:

(a) Designated personnel responsible for developing an operational or tactical plan prior to, and/or during SWAT operations (time permitting).

1. All SWAT team members should have an understanding of operational planning.
2. SWAT team training should consider planning for both spontaneous and planned events.

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3. SWAT teams should incorporate medical emergency contingency planning as part of the SWAT operational plan.

(b) Plans for mission briefings conducted prior to an operation, unless circumstances require immediate deployment.

1. When possible, briefings should include the specialized units and supporting resources.

(c) Protocols for a sustained operation should be developed which may include relief, rotation of personnel and augmentation of resources.

(d) A generic checklist to be worked through prior to initiating a tactical action as a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of SWAT.

(e) The appropriate role for a trained negotiator.

(f) A standard method of determining whether or not a warrant should be regarded as high-risk.

(g) A method for deciding how best to serve a high-risk warrant with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.

(h) Post incident scene management including:

1. Documentation of the incident.

2. Transition to investigations and/or other units.

3. Debriefing after every deployment of the SWAT team.

(a) After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments, helps to identify training needs, and reinforces sound risk management practices.

(b) In order to maintain candor and a meaningful exchange, debriefing will generally not be recorded.

(c) When appropriate, debriefing should include specialized units and resources.

(i) Sound risk management analysis.

(j) Standardization of equipment deployed.

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404.3 TRAINING NEEDS ASSESSMENT

The SOU Command Staff shall work with the regional SWAT team Commander to conduct an annual training needs assessment to ensure that training is conducted within unit capabilities and department policy.

404.3.1 INITIAL TRAINING

SOU members should not be deployed as an active participant in a mission, unless in peripheral roles as approved by the SOU Command Staff and/or the North Sound Metro SWAT team Commander, until successful completion of a Criminal Justice Training Commission (CJTC) approved Basic SWAT Course or Basic Negotiation Course or its equivalent.

(a) To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content (topics) meet or exceed department requirements or standardized training recommendations.

404.3.2 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend team training in order to ensure personnel who provide active oversight at the scene of a SWAT operation understand the purpose and capabilities of the teams.

Command personnel who may assume incident command responsibilities should attend all necessary ICS courses. SOU command personnel should attend a SWAT Commander or tactical Commander course, or its equivalent.

404.3.3 SWAT ONGOING TRAINING

Training shall be coordinated by the Special Operations Unit Commander or the North Sound Metro SWAT Team Commander. The North Sound Metro SWAT team Commander may conduct training exercises that include a review and critique of personnel and their performance in the exercise in addition to specialized training. The training shall be provided and scheduled by the North Sound Metro SWAT team Commander as outlined in their operational procedures. Failure to meet attendance requirements, qualification requirements, ongoing training requirements, physical fitness requirements, poor performance or conduct issues, may be cause for removal from the team.

Attendance:

Recognizing that there are national standards which require that SWAT teams and team members participate in training, the North Sound Metro SWAT Team requires attendance to all training events unless excused ahead of time. It is also recognized that call outs are usually not scheduled events and an Operators availability may be based on many factors, so it is required that Operators respond to all SWAT calls for service as available and when practical. If an Operator misses a training or call-out, they are required to document this absence, in writing, to the SWAT team Commander via their SWAT chain of command.

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404.3.4 TRAINING SAFETY
Use of a designated safety officer should be considered for all tactical training.

404.3.5 SCENARIO BASED TRAINING
SWAT teams should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

404.3.6 TRAINING DOCUMENTATION
Individual and team training shall be documented and records maintained by the team leader at his/her agency. A separate agency SRT training file shall be maintained with documentation and records of all outside training classes attended and certifications obtained by members of SOU.

404.4 UNIFORMS, EQUIPMENT, AND FIREARMS

404.4.1 UNIFORMS
SOU members from this agency should wear department and North Sound Metro SWAT team approved uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

404.4.2 EQUIPMENT
SOU should be adequately equipped to meet the specific mission(s) identified by the department and by North Sound Metro SWAT team.

404.4.3 FIREARMS
Weapons and equipment used by SWAT, the specialized units, and the supporting resources shall be agency-issued or approved, including any modifications, additions, or attachments.

404.4.4 OPERATIONAL READINESS INSPECTIONS
The SOU Lieutenant shall have the SRT and CNT Team Leaders perform operational readiness inspections of all unit equipment at least quarterly. The result of the inspection will be forwarded to the SOU Lieutenant in writing. The inspection will include personal equipment issued to members of the unit, operational equipment maintained by each Unit and equipment maintained or used in SOU vehicles.

404.5 MANAGEMENT/SUPERVISION OF CRISIS RESPONSE UNIT
The SOU Lieutenant will generally be the Risk Management Section Lieutenant but may be selected by the Chief of Police upon recommendation of staff.

404.5.1 PRIMARY UNIT MANAGER
Under the direction of the Chief of Police, through the Professional Standards Captain, the Special Operations Unit shall usually be managed by a Lieutenant, unless another Command Staff member is designated by the Chief of Police. This chain of command shall be referred to as the SOU Command Staff.

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404.5.2 TEAM SUPERVISORS

As it applies to members of the SOU for departmental purposes, the Crisis Negotiation Team and the Special Response Team will generally be supervised by a Sergeant. If no Sergeant is able to fill this role, the Chief of Police may assign this role to an existing member off of one of these teams.

The team leaders shall be selected by the Chief of Police upon specific recommendation by the SOU Command Staff.

The following represent the supervisor responsibilities for the Special Operations Unit within the department.

(a) The Crisis Negotiation Team supervisor's primary responsibility is to supervise the operations of the Crisis Negotiation Team which will include deployment, training, first line participation, and other duties as directed by the SOU Command Staff.

(b) The Special Response Team supervisor's primary responsibility is to supervise the operations of the Special Response Team, which will include deployment, training, first line participation, and other duties as directed by the SOU Command Staff.

North Sound Metro SWAT team has its own process for determining team supervisors, which shall be followed on all issues outside of internal control.

404.6 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES

The Crisis Negotiation Team has been established to provide skilled verbal communicators who may be utilized to attempt to de-escalate and affect surrender in critical situations where suspects have taken hostages, barricaded themselves, or have suicidal tendencies.

The North Sound Metro regional SWAT Team shall operate under its own policies and procedures, where the department provides input through the SWAT Advisory Group, or through communications between the SOU Commander and the Regional SWAT Commander.

The following procedures serve as directives for the administrative operation of the Crisis Negotiation Team.

404.6.1 SELECTION OF PERSONNEL

When a negotiator position on the North Sound Metro SWAT team becomes available, a posting will be advertised department-wide for a period of at least two weeks. Interested employees shall submit necessary documents as described in the position announcement.

All submitted applications will be subject to administrative review with consideration for the stated minimum qualifications.

(a) Must be below the rank of Sergeant.

(b) Minimum of three years as a commissioned officer and off of probation.

(c) Satisfactory job performance in present and previous assignments.

(d) Other requirements set forth in the position announcement.

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Testing will consist of a process developed to assess skills specific to the function of a crisis negotiator. The SOU Lieutenant, or their designee, will review all written applications and resumes, conduct an internal review of applicant qualifications, and administer the testing process.

Interested personnel shall be evaluated several criteria, to include the following criteria:

(a) Recognized competence and ability as evidenced by performance.

(b) Demonstrated good judgment and understanding of critical role of negotiator and negotiation process.

(c) Effective communication skills to ensure success as a negotiator.

(d) Special skills, training, or appropriate education as it pertains to the assignment.

(e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions, and training obligations.

At the conclusion of the testing process, a recommendation will be forwarded to the Chief of Police, via the chain of command, by the SOU Lieutenant. With the Chief's approval, the chosen applicant's packet will be forwarded to the North Sound Metro SWAT Commander, who will conduct an oral board for the applicant.

404.6.2 TRAINING OF NEGOTIATORS

Those officers selected as members of the Negotiation Team should attend the Basic Negotiators Course as approved by the Criminal Justice Training Commission (CJTC), or its equivalent, prior to primary use in an actual crisis situation. Untrained officers may be used in a support or training capacity. Additional training will be coordinated by the team leader.

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the CNT team leader, the SOU Command Staff and North Sound Metro SWAT team leaders. The performance and efficiency level, as established by North Sound Metro SWAT command, the team leader, and SOU Command Staff, will be met and maintained by all CNT members. Any member of CNT who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

404.7 SWAT TEAM ADMINISTRATIVE PROCEDURES

SRT was established to provide a skilled and trained team which may be deployed during events requiring specialized tactics in such situations as cases where suspects have taken hostages and/or barricaded themselves as well as prolonged or predictable situations in which persons armed or suspected of being armed pose a danger to themselves or others.

The North Sound Metro regional SWAT Team shall operate under its own policies and procedures, where the department provides input through the SWAT Advisory Group, or through communications between the SOU Commander and the Regional SWAT Commander.

The following procedures serve as directives for the administrative operation of the Special Response Team.

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404.7.1 SELECTION OF PERSONNEL

When an operator position on the North Sound Metro SWAT team becomes available, a posting will be advertised department-wide for a period of at least two weeks. Interested employees shall submit necessary documents as described in the position announcement.

All submitted applications will be subject to administrative review with consideration for the stated minimum qualifications.

(a) Must be below the rank of Sergeant.

(b) Minimum of three years as a commissioned officer and off of probation.

(c) Satisfactory job performance in present and previous assignments.

(d) Must successfully meet and maintain the Washington State Tactical Officers Association physical fitness standards.

(e) Other requirements set forth in the position announcement.

Testing will consist of a process developed to assess skills specific to the function of a special response team member. The SOU Lieutenant, or their designee, will review all written applications and resumes, conduct an internal review of applicant qualifications, and administer the testing process.

Interested personnel shall be evaluated several criteria, to include the following criteria:

(a) Recognized competence and ability as evidenced by performance.

(b) Demonstrated good judgment and understanding of critical role of negotiator and negotiation process.

(c) Team oriented

(d) Demonstrate superior marksmanship skills

(e) Special skills, training, or appropriate education as it pertains to the assignment.

(f) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions, and training obligations.

At the conclusion of the testing process, a recommendation will be forwarded to the Chief of Police, via the chain of command, by the SOU Lieutenant. With the Chief's approval, the chosen applicant's packet will be forwarded to the North Sound Metro SWAT Commander, who will conduct an oral board for the applicant. A firearms test will also be conducted by a North Sound Metro SWAT firearms instructor.

Officers who may be interested in SWAT are strongly encouraged to begin a physical fitness and/or firearms proficiency routine well before any anticipated announcement.

404.7.2 TEAM EVALUATION

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the SRT team leader, the SOU Command Staff and

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North Sound Metro SWAT team leaders. The performance and efficiency level, as established by North Sound Metro SWAT command, the team leader, and SOU Command Staff, will be met and maintained by all SRT members. Any member of SRT who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

404.8 OPERATION GUIDELINES FOR SPECIAL OPERATIONS UNIT

The following procedures serve as guidelines for the operational deployment of the North Sound Metro SWAT team. Generally, the Special Response Team and the Crisis Negotiation Team will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the Crisis Negotiation Team such as warrant service operations. This shall be at the discretion of the North Sound Metro SWAT Commander.

404.8.1 ON-SCENE DETERMINATION

Any officer with a potential SWAT situation shall report it to their immediate supervisor. The supervisor shall fully investigate the situation.

(a) The supervisor, or their designee, will complete a SWAT risk assessment form to assist in the investigation and planning. If the supervisor has any questions, they are encouraged to the contact their supervisor or the internal team leaders of SRT and/ or CNT for advice and/or clarification.

(b) If the supervisor believes the situation warrants a SWAT activation, they should follow the notification steps outlined in the Major Incident Notification. Command Staff Notifications shall be made in the order listed below. If the Supervisor cannot reach their respective Section Lieutenant, they shall proceed down the list until they are able to successfully notify one of the department's Command Staff personnel.

- Section Lieutenants
- Division Captain
- Other Command Staff Lieutenants and Captains
- Chief of Police

(c) The supervisor should advise the command level officer with as much of the following information which is available at the time:

1. The number of suspects, known weapons and resources.
2. If the suspect is in control of hostages.
3. If the suspect is barricaded.
4. The type of crime involved.
5. If the suspect has threatened or attempted suicide.
6. The location of the command post and a safe approach to it.

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7. The extent of any perimeter and the number of officers involved.
8. Any other important facts critical to the immediate situation and whether the suspect has refused an order to surrender

Once the decision has been made that there is a need to call out a SWAT team, the supervisor or command level officer shall notify Sno-Com, who shall then notify the North Sound Metro SWAT team leader and team Commander.

Final determination and authorization to mobilize the SWAT team shall be made by the SWAT Commander.

If the decision is made to activate the North Sound Metro SWAT team, the supervisor or command level officer on scene should consider calling the Investigations Unit supervisor in order to call out a Detective to be responsible to begin writing any necessary search warrants where probable cause exists or may be developed in an ongoing situation to make entry into a location.

404.8.2 APPROPRIATE SITUATIONS FOR USE OF SPECIAL OPERATIONS UNIT

The following are examples of incidents which may result in the activation of the North Sound Metro SWAT team:

(a) Barricaded suspects who refuse an order to surrender.
(b) Incidents where hostages are taken.
(c) Specific incidents of suicide threats where other people are in jeopardy.
(d) Arrests of dangerous persons.
(e) Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property.

404.8.3 MOBILIZATION OF SPECIAL OPERATIONS UNIT

Once the North Sound Metro SWAT Commander, in conjunction with a Command Level Officer, has made the decision that a SWAT activation is authorized, SNOCOM will be notified and a request made to page out all needed personnel.

SOU personnel may be activated 24 hours a day, 7 days a week and therefore will keep their department issued pagers/cell phones or personal cell phones that have been registered with dispatch with them at all times, unless they are unavailable for activation. If team members are going to be unavailable for activation, they must notify the team leaders for both North Sound Metro SWAT and Kirkland, by phone, e-mail or in person.

When SOU is activated, team members will respond to the activation page by calling SNOCOM or by following the directions included in the page.

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(a) Team members will advise SNOCOM that they are en route and what their estimated time of arrival is.

(b) Team members will not attempt to find out additional details from SNOCOM. This does not apply to the team leaders.

(c) All on duty members will respond to the scene of the incident.

(d) All off duty members shall report to the station unless directed otherwise.

404.8.4 FIELD UNIT RESPONSIBILITIES

While waiting for the North Sound Metro SWAT team, field personnel should, if safe, practical and sufficient resources exist:

(a) Establish an inner and outer perimeter.

(b) Establish a command post outside of the inner perimeter.

(c) Establish an arrest/response team. The team actions may include:

1. Securing any subject or suspect who may surrender.
2. Taking action to mitigate a deadly threat or behavior.

(d) Evacuate any injured persons or citizens in the zone of danger.

(e) Attempt to establish preliminary communication with the suspect. Once SWAT has arrived, all negotiations should generally be halted to allow the negotiators time to set up.

(f) Be prepared to brief the SWAT Commander on the situation.

(g) Plan for, and stage, anticipated resources.

404.8.5 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the North Sound Metro SWAT team, the Incident Commander shall brief the North Sound Metro SWAT Commander and team supervisors about the situation. Upon review, it will be the Incident Commander's decision, with input from the SWAT Commander, whether to deploy the North Sound Metro SWAT Team. Once the Incident Commander authorizes deployment, the SWAT Commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and support for the SWAT Team. The Incident Commander and the SWAT Commander or a designee shall maintain communications at all times.

404.8.6 COMMUNICATION WITH SWAT PERSONNEL

All of those persons who are non-North Sound Metro SWAT personnel should refrain from any non-emergency contact or interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel and, as a result, no one should interrupt or communicate with SWAT Team personnel directly. All non-emergency communications shall be channeled through the Incident Commander or his/her designee.

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Ride-Along Policy

405.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function first hand. This policy provides the requirements and approval process for the Ride-Along Program.

405.1.1 ELIGIBILITY

The Kirkland Police Department Ride-Along Program is offered to Kirkland residents, job applicants, Citizen Academy students and those employed within the City when operationally feasible. In addition, employees of the Police Department, Explorers and family members of Police Department employees are also encouraged to ride-along, but must receive supervisory approval. 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.
- Background information that causes concern.
- Operational feasibility

405.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions. Nothing in this policy prevents the department of suspending this program due to operational needs or unusual occurrences.

405.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, Ride-Along requests will be scheduled by the Operations Deputy Chief or their designee. All participants must complete a Ride-Along waiver form along with their application at least two weeks prior to the requested Ride-Along date. 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. Kirkland Youth Council members who are 16 years of age or older may ride with the appropriate Youth Council Application and parental/guardian waiver.

The Operations Deputy Chief or their designee will schedule a date, based on availability, at least one week after the date that the application process is completed. If approved, a copy will be forwarded to the respective supervisor as soon as possible for his/her scheduling considerations.

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If the Ride-Along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial.

405.2.1 PROGRAM REQUIREMENTS
Once approved, civilian Ride-Alongs will be allowed to ride no more than once every 12 months and as a general rule, no longer than 4 hours. Exceptions may be approved by the shift supervisor. 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. No Ride-Alongs will be armed with exceptions as outlined in this policy.

405.2.2 SUITABLE ATTIRE
Any person approved to ride along is required to be suitably dressed . Sandals, tank tops, shorts, and ripped or torn blue jeans are not permitted. The supervisor may refuse a ride along to anyone not properly dressed.

405.2.3 PEACE OFFICER RIDE-ALONGS
Off-duty members of this department or any other law enforcement agency will not be permitted to Ride-Along with on-duty officers without the expressed consent of the on-duty supervisor. In the event that such a Ride-Along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

A certified police officer, currently employed in the State of Washington as a police officer, may carry their weapon while on a Ride-Along.

405.3 OFFICER'S RESPONSIBILITY
In order to be eligible for a Ride-Along, an officer must not be on probation and must have at least one year of commissioned law enforcement experience.

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 Operations Captain, or their designee, is responsible for maintaining and scheduling Ride-Alongs. Upon completion of the Ride-Along, the form shall be returned to the Operations Captain, or their designee, with any comments which may be offered by the officer.

405.4 CONTROL OF RIDE-ALONG
The assigned officer 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.

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(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 officer 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 the safety of the officer, Ride-Along or the arrestee.

(e) Officers will not allow any Ride-Alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen.

(f) Under no circumstance shall a civilian Ride-Along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person.

(g) If a civilian Ride-Along is injured or exposed to serious danger during the ride, the officer shall complete an officer's report outlining the circumstances surrounding the incident.

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Hazardous Material Response

406.1 PURPOSE AND SCOPE

Exposure to hazardous materials present potential harm to department members and the public. This policy outlines the responsibilities of members who respond to these events and the factors that should be considered while on-scene, including the reporting of exposures and supervisor responsibilities. WA legal references can be found in RCW 70.105-Hazardous Waste Clean-up and WAC 173-303-Dangerous Waste Regulations.

406.1.1 DEFINITIONS

Definitions related to this policy include:

Hazardous material - A substance which, by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

406.2 POLICY

It is the policy of the Kirkland Police Department to respond to hazardous material emergencies with due regard for the safety of the public and those members responding to such incidents.

406.3 HAZARDOUS MATERIAL RESPONSE

Members may encounter situations involving suspected hazardous materials, such as at the scene of a traffic collision, chemical spill, or fire. When members come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond to and mitigate most incidents involving hazardous materials and biohazards.

Responders should not perform tasks or use equipment without proper training. A responder entering the area may require decontamination before he/she is allowed to leave the scene, and should be evaluated by appropriate technicians and emergency medical services personnel for signs of exposure.

406.4 REPORTING EXPOSURE

Department members who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the member in a memorandum that shall be forwarded via chain of command to their Division Deputy Chief. Should the affected member be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the 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 as applicable.

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406.4.1 SUPERVISOR RESPONSIBILITIES
When a supervisor has been informed that a member has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to mitigate the exposure or continued exposure. Supervisors should also ensure that Policy 1008.5.2-Reporting Requirements for an Explosure have been completed.

To ensure the safety of members, PPE is provided by the department. PPE items not maintained by this department may be available through the appropriate fire department or emergency response team.

406.5 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 NORCOM, appropriate supervisors, the appropriate fire department and hazardous response units.

1. Provide weather conditions, wind direction, a suggested safe approach route and any other information pertinent to responder safety.

(c) Wear personal protective equipment (PPE), being cognizant that some hazardous material can be inhaled.

(d) Remain upwind, uphill and at a safe distance, maintaining awareness of weather and environmental conditions, until the material is identified and a process for handling has been determined.

(e) Attempt to identify the type of hazardous material from a safe distance using optical aids (binoculars or spotting scopes) if they are available. Identification can be determined by:

1. Placards or use of an emergency response guidebook.

2. Driver’s manifest or statements or shipping documents from the person transporting the material.

3. Information obtained from any involved person with knowledge regarding the hazardous material. Information should include:

(a) The type of material.

(b) How to secure and contain the material.

(c) Any other information to protect the safety of those present, the community and the environment.

(f) Provide first-aid to injured parties if it can be done safely and without contamination.

(g) Make reasonable efforts to secure the scene and prevent access from unauthorized individuals and to protect and identify any evidence.

(h) Begin evacuation of the immediate and surrounding areas, dependent on the material. Voluntary evacuation should be considered; mandatory evacuation may be necessary and will depend on the type of material.

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(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 Kirkland Local Emergency Planning Committee (LEPC) procedures.

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Hostage and Barricade Incidents

407.1 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.

407.1.1 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.

407.2 POLICY

It is the policy of the Kirkland 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.

407.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

407.3.1 EMERGENCY COMMUNICATIONS

A supervisor may order the telephone company to cut, reroute or divert telephone lines in order to prevent a suspect from communicating with anyone other than designated personnel in a barricade or hostage situation (RCW 70.85.100).

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407.4 FIRST RESPONDER CONSIDERATIONS

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

407.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(d) Provide responding emergency personnel with a safe arrival route to the location.

(e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

(f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.

(g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.

(h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer.

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(j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

(k) Establish a command post.

407.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).

(d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.

(e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(f) Provide responding emergency personnel with a safe arrival route to the location.

(g) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

(h) Coordinate pursuit or surveillance vehicles and control of travel routes.

(i) Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.

(j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.

(k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer.

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(m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

407.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation by completing a Risk Analysis form, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a Special Operations Unit response if appropriate and apprising the Special Operations Unit Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

(a) Ensure injured persons are evacuated and treated by medical personnel.

(b) Ensure the completion of necessary first responder responsibilities or assignments.

(c) Make appropriate command staff notifications.

(d) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.

(e) Establish a command post location as resources and circumstances permit.

(f) Designate assistants who can help with intelligence information and documentation of the incident.

(g) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).

(h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or NORCOM.

(i) Identify a media staging area outside the outer perimeter and have the department Public Information Officer or a designated temporary media representative provide media access in accordance with the News Media Relations Policy.

(j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.

(k) Debrief personnel and review documentation as appropriate.

407.6 CRISIS RESPONSE UNIT RESPONSIBILITIES

It will be the Incident Commander's decision, with input from the Special Operations Unit Commander, whether to deploy the Special Operations Unit during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the Special Operations Unit Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the Special Operations Unit. The

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Incident Commander and the Special Operations Unit Commander or the authorized designee shall maintain communications at all times.

407.7 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

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Response to Bomb Calls

408.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Kirkland Police Department in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

408.2 POLICY

It is the policy of the Kirkland Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

408.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that an on-duty supervisor is immediately advised and informed of the details. This will enable the supervisor to ensure that the appropriate personnel are dispatched and, as appropriate, the threatened location is given an advance warning.

408.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

408.4.1 KIRKLAND POLICE DEPARTMENT FACILITY

If the bomb threat is against the Kirkland Police Department facility, the on-duty supervisor will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

408.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Kirkland Police Department that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the on-duty supervisor deems appropriate.

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408.4.3 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

408.5 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the City of Kirkland, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

(a) The location of the facility.

(b) The nature of the threat.

(c) Whether the type and detonation time of the device is known.

(d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.

(e) Whether the individual is requesting police assistance at the facility.

(f) Whether there are any internal facility procedures regarding bomb threats in place, such as:

    (a) No evacuation of personnel and no search for a device.

    (b) Search for a device without evacuation of personnel.

    (c) Evacuation of personnel without a search for a device.

    (d) Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that an on-duty supervisor is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

408.5.1 ASSISTANCE

An on-duty supervisor should be notified when police assistance is requested. The supervisor will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the supervisor determine that the Department will assist or control such an incident, he/she will determine:

(a) The appropriate level of assistance.

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(b) The plan for assistance.

(c) Whether to evacuate and/or search the facility.

(d) Whether to involve facility staff in the search or evacuation of the building.

1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
2. The safety of all participants is the paramount concern.

(e) The need for additional resources, including:

1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

408.6 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

(a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.

(b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.

(c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:

1. Two-way radios
2. Cell phones
3. Other personal communication devices

(d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.

1. The Bellevue Explosive Ordnance Disposal Unit (EOD) is the primary team to respond to bomb calls for the Kirkland Police Department. The King County Sheriff's Office, the Seattle Police Department, and the US Army EOD unit at Fort Lewis are other available resources.

(e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.

(f) A safe access route should be provided for support personnel and equipment.

(g) Search the area for secondary devices as appropriate and based upon available resources.

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(h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.

(i) Promptly relay available information to the Sergeant, including:

  (a) The time of discovery.

  (b) The exact location of the device.

  (c) A full description of the device (e.g., size, shape, markings, construction).

  (d) The anticipated danger zone and perimeter.

  (e) The areas to be evacuated or cleared.

408.7 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

408.7.1 CONSIDERATIONS

Officers responding to explosions, whether accidental or a criminal act, should consider the following actions:

(a) Assess the scope of the incident, including the number of victims and extent of injuries.

(b) Request additional personnel and resources, as appropriate.

(c) Assist with first aid.

(d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.

(e) Assist with the safe evacuation of victims, if possible.

(f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.

(g) Preserve evidence.

(h) Establish an outer perimeter and evacuate if necessary.

(i) Identify witnesses.

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Emergency Detentions

409.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place an individual under an emergency detention.

409.2 POLICY

It is the policy of the Kirkland Police Department to protect the public and individuals through legal and appropriate use of the emergency detention process.

409.3 AUTHORITY

An officer may take a person into emergency detention when either (RCW 71.05.150; RCW 71.05.153; RCW 71.05.201; RCW 71.34.710; RCW 71.34.351):

(a) There is reasonable cause to believe that a person is suffering from a behavioral health disorder (e.g., mental disorder, substance abuse disorder) and presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled

(b) The officer has received an order authorizing emergency detention from a court or a designated crisis responder

Persons taken into emergency detention should be transported to an appropriate facility as soon as practicable.

409.3.1 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.

409.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for emergency detention should consider, as time and circumstances reasonably permit:

(a) Available information that might assist in determining the cause and nature of the individual's action or stated intentions.

(b) Community or neighborhood mediation services.

(c) Conflict resolution and de-escalation techniques.

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(d) Community or other resources available to assist in dealing with behavioral health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Emergency detentions should be preferred over arrest for individuals with behavioral health disorders who are suspected of committing minor crimes or creating other public safety issues.

409.5 TRANSPORTATION

As a general rule, the Kirkland Police Department will utilize a private ambulance service for any transport of an individual for an emergent detention. If the available private ambulance carriers decline to respond, the following procedure will be implemented:

- Officers will request via NORCOM that a Kirkland Fire Department Aid Unit respond for a "patient evaluation".
- If the Kirkland Fire Department Aid personnel feel the patient may be a threat to their safety, they may request an officer to ride in the Aid Unit or have police personnel follow the Aid Unit to the medical facility.
- The use of an Aid Unit to transport an emergent detention shall only be requested after there is a decline (not a time delay) by the available private carriers.

409.6 TRANSFER TO APPROPRIATE FACILITY

If the patient is violent or potentially violent, the officer will notify the transporting personnel of this concern.

409.7 DOCUMENTATION

In all circumstances where a person is taken into custody on a mental health detention, the officer shall also provide a verbal summary to an Emergency Department staff member or ambulance personnel regarding the circumstances leading to the involuntary detention. This will be immediately followed up by the officer with a written report faxed to the admitting facility.

409.8 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken into emergency detention should resolve the criminal matter by issuing a warning or a citation, as appropriate.

When an individual who may qualify for emergency detention has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

(a) Arrest the individual when there is probable cause to do so.

(b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the emergency detention.

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(c) Facilitate the individual's transfer to the jail facility.

(d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for emergency detention.

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard), and other relevant factors in making this decision.

409.9 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.

409.9.1 RETURN OF CONFISCATED FIREARMS AND OTHER WEAPONS

Weapons taken into custody for safekeeping under section 418.4 will be returned to the lawful owner upon request unless the seizing officer or the assigned detective has placed a hold on the weapons pending a petition for retention, the petition has been granted, or is pending before the court. Once the petition has been ruled on by the court, the weapons will be released or disposed of in accordance with the court order.

Prior to releasing any weapon, Evidence Unit personnel shall be required to ensure the person is legally eligible to possess the weapon.

In the event that no timely petition is filed with the court or the court denies such a petition, the seized weapon shall be eligible for release to the lawful owner or other authorized individual unless such weapon(s) represent evidence in a criminal matter or there is other independent good cause to continue to retain custody of the weapon.

409.10 TRAINING

This department will endeavor to provide department-approved training on interaction with persons with behavioral health disorders, emergency detentions and crisis intervention.

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Citation Releases

410.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Kirkland 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.

410.2 POLICY

The Kirkland 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.

410.3 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)).

410.4 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.

410.5 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.

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(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.

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Foreign Diplomatic and Consular Representatives

411.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Kirkland Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

411.2 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, color or national origin in any way that would violate the United States or Washington Constitutions.

411.3 ICE REQUEST FOR ASSISTANCE

Requests by ICE, or any other federal agency, 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, to ICE or other federal agencies.

411.4 POLICY

It is the policy of the Kirkland Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their immigration status.

Officers shall not inquire into the immigration or citizenship status of an individual excecpt where the inquiry relates to a legitimate law enforcement purpose that is unrelated to the enforcement of a civil immigration law.

411.4.1 INFORMATION SHARING

All members will follow 8 USC § 1373 regarding the citizenship or immigration status, lawful or unlawful, of any individual reference the following:

a) Sending information to, or requesting or receiving such information from ICE

b) Maintaining such information in department records

c) Exchanging such information with any other federal, state or local government entity.

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411.5 ENFORCEMENT ACTION

An officer shall not detain any individual for any length of time for a civil violation of federal immigration laws or a related civil warrant.

If the Department of State is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

(a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.

(b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety, or the prevention of serious criminal acts.

(c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.

    (a) Investigations, including the request for field sobriety tests, chemical tests, and any other tests regarding impaired driving may proceed but they shall not be compelled.

(d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:

    1. Diplomatic-level staff of missions to international organizations and recognized family members
    2. Diplomatic agents and recognized family members
    3. Members of administrative and technical staff of a diplomatic mission and recognized family members
    4. Career consular officers, unless the person is the subject of a felony warrant

(e) The following persons may generally be detained and arrested:

    1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
    2. Support staff of missions to international organizations
    3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
    4. Honorary consular officers

411.5.1 IMMIGRATION HOLDS

No individual should be held based solely on a federal immigration detainer under CFR 287.7 unless the detainer is accompanied by a judicial warrant. Notification to the federal authority issuing the detainer should be made prior to the release.

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411.6 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 the 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 diplomatic relations are not jeopardized and to maintain reciprocal treatment of U.S. personnel abroad. Although immunity may preclude U.S. courts from exercising jurisdiction, it is not intended to excuse unlawful activity. It is the policy of the U.S. Department of State's Office of Foreign Missions (OFM) that illegal acts by Foreign Service personnel should always be pursued through proper channels. Additionally, the host country's right to protect its citizens supersedes immunity privileges. Peace officers may intervene to the extent necessary to prevent the endangerment of public safety or the commission of a serious crime, regardless of immunity claims.

411.7 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 an in-custody arrest when diplomatic or consular immunity is claimed by the individual or suspected by the officer, and the officer has verified or reasonably suspects that the claim of immunity is valid.

411.8 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.

411.8.1 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.

411.8.2 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 persuant 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

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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 the Department of State (DOS) enumerating any privileges or immunities on the back of the card. Examples are consular officers and family members from Russia and China.

There are approximately 40 consular officers in Washington, with most located in Seattle or Spokane.

411.8.3 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 a temporary assignment to the U.S.). Honorary consuls may be arrested and detained; limited immunity for official acts may be available as a subsequent defense. Family members have no immunity.

411.9 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's license issued by the Department of State Diplomatic Motor Vehicle Office (DMVO), which in most circumstances replaces the operator's license issued by the state.

411.9.1 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 license plates. Vehicles assigned to diplomatic or consular officers will generally have license plate 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 plate displayed on the vehicle. The status of OFM license plates 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.

411.10 ENFORCEMENT PROCEDURES

The following procedures provide a guideline for handling enforcement of foreign nationals:

411.10.1 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 the current Department of State guidelines. Whenever the equivalent

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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) All other claimants are subject to the provisions of the policy and procedures outlined in this chapter.

(e) The violator shall be provded with the appropriate copy of the Notice to Appear.

411.10.2 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 in Policy 411.12.

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 officers 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: 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.
- Initiate telephone verification with the Department of State. Newly arrived members of the 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 produce 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

425-744-2910 ext. 22 or 23

415-774-2913 (fax)

Hours: 0800-1700 PST

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Office of Foreign Missions/Diplomatic Motor Vehicle Office:

Washington, D.C.

202-895-3521 (Driver's License Verification)

202-895-3532 (Registration Verification)

202-895-3533 (fax)

Hours: 0815-1700 EST

Diplomatic Security Service:

915 Second Avenue, Room 3410

Seattle, WA 98174

206-220-7721

206-220-7723 (fax)

Department of State/Diplomatic Security Service Command Center:

Washington, D.C.

202-647-7277

202-647-1512

202-647-0122 (fax)

Hours: 24 hours

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's licenses issues by the 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 officals 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 and 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 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

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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 should be documented in accordance with this policy in a Driving Under the Influence (DUI) report, or cae report. Notwithstanding the field release of the subject, prosecution is still appropriate and should be pursued by the command concerned. The Department of State will take appropriate sanctions against errant foreign service personnel, even where prosecution is not undertaken by the agency.

411.11 TRAFFIC COLLISIONS

Persons involved in traffic collisions who possess a Department of State OFM Diplomatic Driver License issued by 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 scenes should be handled in accordance with the procedures specified in Policy 411.9 of this chapter.

411.11.1 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.

411.11.2 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 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 notifcation of the Department of State and all necessary follow-up occur.

411.12 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 arest foreign nationals only under the following circumstances:

(a) There is a valid warrant issued for the person's arrest.

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(b) There is probable cause to believe the foreign national has violated a federal criminal law, a state law, or a local ordinance.

Officers shall not arrest or detain foreign nationals solely for the alleged undocumented entry into or presence in the United States. Federal courts have consistently held that undocumented presence is not a crime, but a federal civil violation only enforceable by federal officers.

- Officers shall not stop or detain persons solely for determining immigration status.
- International treaty obligations provide for notification of foreign governments when foreign nationals are arrested or otherwise detained in the U.S.
- Whenever an officer arrests and incarcerates a foreign national or detains a foreign national for investigation for over two hours, the officer shall promptly advise the individual that he/she is entitled to have his/her government notified of the arrest or detention. If the individual wants his/her government notified, the officer shall begin the notification process.

411.12.1 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 the 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 or supervisor shall notify the appropriate embassy/ consulate. Officers should be prepared to provide the following information:

- Country of citizenship
- Full name of individual, including paternal and maternal surname if used
- Date of birth or age
- 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 embassy/ consulate is mandatory, officers shall gather and retain the information listed above as soon as possible, regardless of whether the individual desires 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.

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411.12.2 DOCUMENTATION
Officers shall document on the face page and in the narrative of the appropriate case report the date and time of the foreign national's arrest/detention and his/her claimed nationality. Officers shall also document the time notifications were attempted and completed.

411.13 U VISA AND T VISA NON-IMMIGRANT 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)). A law enforcement certification for a U visa may be completed by an officer in order for a U visa to be issued.

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human traficking (8 USC § 1101(a)(15)(T)). A law enforcement declaration for a T visa may be completed by an officer in order for a T visa to be issued.

Any request for assistance in applying for a U visa or a T visa status should be forwarded in a timely manner to the Investigation Section supervisor assigned to oversee the handling of any related case. The Investigations 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.

    (a) The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.

(d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

411.14 TRAINING

The Training Sergeant shall ensure that all appropriate members receive immigration and consular notification training.

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Rapid Response and Deployment

412.1 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.

412.2 POLICY

The Kirkland Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

412.3 CONSIDERATIONS

When dealing with a crisis situation members should:

(a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.

(b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.

(c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.

(d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

412.4 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

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(a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be made based on information known or received at the time.

(b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.

(c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.

(d) Whether the suspect can be contained or denied access to victims.

(e) Whether the officers have the ability to effectively communicate with other personnel or resources.

(f) Whether planned tactics can be effectively deployed.

(g) The availability of rifles, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

An officer's duty is to protect the lives of the public while keeping in mind the following priorities of life:

(a) Hostages

(b) Citizens/Bystanders

(c) Officers

(d) Suspects

412.5 PLANNING

The Operations Division Deputy Chief should coordinate critical incident planning. Planning efforts should consider:

(a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Availability of building plans and venue schematics of likely critical incident target sites.

(c) Communications interoperability with other law enforcement and emergency service agencies.

(d) Training opportunities in critical incident target sites, including joint training with site occupants.

(e) Evacuation routes in critical incident target sites.

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(f) Patrol first-response training.

(g) Response coordination and resources of emergency medical and fire services.

(h) Equipment needs.

(i) Mutual aid agreements with other agencies.

(j) Coordination with private security providers in critical incident target sites.

412.6 SCHOOL NOTIFICATION

The Operations Deputy Chief should establish protocols for public and private school notification in the event an incident reasonably appears to require a lockdown or evacuation. Protocols should include notification to all known schools in the vicinity of the incident that may be similarly threatened (RCW 28A.320.125).

412.7 TRAINING

The Training Sergeant should include rapid response to critical incidents in the training plan. This training should address:

(a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Communications interoperability with other law enforcement and emergency service agencies.

(c) Patrol first-response training, including patrol rifle, breaching tool and control device training.

(d) First aid, including gunshot trauma.

(e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

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Emergency Utility Service

413.1 PURPOSE AND SCOPE

The City Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Police Department. Requests for such service received by this department should be handled in the following manner.

413.1.1 BROKEN WATER LINES

The City's responsibility ends at the water meter; any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility.Public Works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the City side of the meter, emergency personnel should be called as soon as practical by NORCOM.

413.1.2 ELECTRICAL LINES

City Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. Puget Sound Energy should be promptly notified, as appropriate.

413.1.3 RESERVOIRS, PUMPS, WELLS, ETC.

Public Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

413.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by NORCOM.

413.2 TRAFFIC SIGNAL MAINTENANCE

The City of Kirkland Public Works Signal Technicians are responsible for the maintenance of all traffic signals within the City, other than those maintained by the State of Washington.

413.2.1 OFFICER'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the officer will advise the NORCOM of the location and problem with the signal. The dispatcher should make the necessary notification to Public Works.

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Aircraft Accidents

414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide Department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

414.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

414.2 POLICY

It is the policy of the Kirkland Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

414.3 ARRIVAL AT SCENE

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

(a) Protect persons and property.

(b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.

(c) Preserve ground scars and marks made by the aircraft.

(d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.

(e) Maintain a record of persons who enter the accident site.

(f) Consider implementation of an Incident Command System (ICS).

414.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

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414.5 NOTIFICATIONS

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

(a) Fire department

(b) Appropriate airport tower

(c) Emergency medical services (EMS)

414.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

(a) FAA.

(b) Fire department, EMS or other assisting law enforcement agencies.

(c) Medical Examiner

(d) Air Carrier/Operators investigative teams with NTSB approval.

(e) Appropriate branch of the military, when applicable.

(f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene supervisor should ensure the accident is still appropriately investigated and documented.

414.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

(a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.

(b) Pressure vessels, compressed gas bottles, accumulators and tires.

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(c) Fluids, batteries, flares and igniters.

(d) Evacuation chutes, ballistic parachute systems and composite materials.

414.8 DOCUMENTATION

All aircraft accidents occurring within the City of Kirkland shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of KPD members deployed to assist; other City resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

414.8.1 WRECKAGE

When reasonably safe, members should:

(a) Obtain the aircraft registration number (N number) and note the type of aircraft.

(b) Attempt to ascertain the number of casualties.

(c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.

1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).

(d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.

(e) Acquire copies of any recordings from security cameras that may have captured the incident.

414.8.2 WITNESSES

Members tasked with contacting witnesses should obtain:

(a) The location of the witness at the time of his/her observation relative to the accident site.

(b) A detailed description of what was observed or heard.

(c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.

(d) The names of all persons reporting the accident, even if not yet interviewed.

(e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

414.9 MEDIA RELATIONS

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should

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be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

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Police Training Officer Program

415.1 PURPOSE AND SCOPE

The Police 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 Kirkland Police Department.

It is the policy of this department to assign all new police officers to a structured Police Training Officer Program that is designed to prepare the new officer to perform in a patrol assignment possessing all skills needed to operate in a safe, productive and professional manner.

415.2 POLICE TRAINING OFFICER SELECTION AND TRAINING

The Police Training Officer (PTO) is an experienced officer trained in the art of supervising, training and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

415.2.1 SELECTION PROCESS

PTO's will be selected based on the following requirements:

(a) Desire to be an PTO.

(b) Minimum of two years of patrol experience with this department.

(c) Demonstrated ability as a positive role model.

(d) Participate and pass a selection process.

(e) Evaluation by supervisors

415.2.2 TRAINING

An officer selected as a Police Training Officer shall successfully complete a 40-hour Police Training Officer's Course prior to being assigned as an PTO.

415.3 POLICE TRAINING OFFICER PROGRAM SUPERVISOR

The Police Training Officer Program supervisor will generally be the Training Sergeant.

The responsibilities of the PTO Program Supervisor include the following:

(a) Assignment of trainees to PTOs.

(b) Complete all scheduling of trainees during the PTO program.

(c) Conduct PTO meetings.

(d) Maintain and ensure PTO/Trainee performance evaluations are completed.

(e) Maintain, update and issue the Police Training Manual to each trainee.

(f) Monitor individual PTO performance.

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(g) Monitor overall PTO Program.

(h) Maintain liaison with PTO Coordinators of other agencies.

(i) Maintain liaison with academy staff on recruit performance during the academy.

(j) Develop ongoing training for PTOs.

(k) Coordinate meeting with final PTO, PTO supervisor, Operations and Risk Management Lieutenants near the end of the PTO program. The purpose of this meeting is to review the trainee's performance and make the appropriate recommendation to the Chief of Police in regards to their transition to solo patrol.

415.4 TRAINEE DEFINED

Any entry level or lateral police officer newly appointed to the Kirkland Police Department who has successfully completed a CJTC approved Basic Academy.

415.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Police Training Program, consisting of a minimum of 15 weeks.

The training period for lateral officers may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of eight weeks.

To the extent practicable, entry level and lateral officers should be assigned to a variety of Police Training Officers, shifts and geographical areas during their Police Training Program.

415.5.1 POLICE TRAINING MANUAL

Each new officer will be issued a Police 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 Kirkland 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 Police Training Manual will specifically cover those policies, procedures, rules and regulations enacted by the Kirkland Police Department.

415.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

415.6.1 POLICE TRAINING OFFICER

The PTO will be responsible for the following:

(a) Complete and submit a written evaluation journal on the performance of his/her assigned trainee to the PTO program supervisor on a daily basis.

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(b) Review the Trainees performance each day with them.

(c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.

(d) Sign off all completed topics contained in the Police Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

415.6.2 IMMEDIATE SUPERVISOR

The Patrol Sergeant shall review the Trainees performance every two weeks and forward a written evaluation to the PTO Supervisor.

415.6.3 TRAINEE

At the completion of the Police Training Program, the trainee shall submit a confidential performance evaluation on each of their PTO's and on the Police Training Program.

415.7 DOCUMENTATION

All documentation of the Police Training Program will be retained in the officer's training files (which may be electronic) and will consist of the following:

(a) PTO and Trainee's Daily Journal.

(b) Coaching and Training Reports (CTR's).

(c) Problem Based Learning Exercises.

(d) Two Week Supervisor Evaluations.

(e) Mid-Term and Final Evaluations.

(f) Memo reflecting approval for transition to Solo-Patrol assignment.

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Obtaining Air Support

416.1 PURPOSE AND SCOPE

The use of a police helicopter can be invaluable in certain situations. This policy specifies potential situations where the use of a helicopter may be requested and the responsibilities for making a request.

416.2 REQUEST FOR HELICOPTER ASSISTANCE

If a supervisor or officer in charge of an incident determines that the use of a helicopter would be beneficial, a request to obtain helicopter assistance may be made.

416.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for a helicopter, the supervisor, or his/her designee, will have NORCOM call King County Sheriff's Office and apprise them of the specific details of the incident prompting the request.

416.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Police helicopters may be requested under any of the following conditions:

(a) When the helicopter is activated under existing mutual aid agreements.

(b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard.

(c) When the use of the helicopters will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community.

(d) When a helicopter is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard.

(e) Vehicle pursuits.

While it is recognized that the availability of helicopter support will generally provide valuable assistance to ground personnel, the presence of a helicopter will rarely replace the need for officers on the ground.

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Contacts and Temporary Detentions

417.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

417.1.1 DEFINITIONS

Consensual encounter - When an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field interview (FI) - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the officer's suspicions.

Field photographs - Posed photographs taken of a person during a contact, detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - A type of search used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

Reasonable suspicion - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Temporary detention - When an officer intentionally, through words or actions, 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. Physical force may be used to prevent a person from fleeing or stop a person who is actively fleeing a lawful temporary investigative detention, provided that the person has been given notice that he or she is being detained and is not free to leave.

417.2 POLICY

The Kirkland 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.

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417.3 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Kirkland Police Department to strengthen community involvement, community awareness, and problem identification.

417.3.1 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.

417.3.2 USE OF MOBILE FINGERPRINT IDENTIFICATION DEVICES

This policy applies to the use of mobile fingerprint identification devices by Department employees.

King County's regional AFIS (Automated Fingerprint Identification System) program has initiated a Mobile ID project, involving the use of wireless remote fingerprint identification throughout the county. The project is designed to assist in identifying persons whose identities are in question, while the fingerprint verification process already exists in King County, Mobile ID moves this function to law enforcement first responders in the field, resulting in a more timely identification process. King County AFIS has provided several handheld Mobile ID devices to Kirkland Police Department for this purpose.

Kirkland Police Department has adopted the attached BIOMETRIC HANDHELD FINGERPRINT IDENTIFICATION POLICY ISSUED BY King County AFIS. The policy stipulates the legal parameters and procedures for the use of the device.

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Only officers trained by King County AFIS program staff and operating under the guidelines of the Mobile ID project/policy may use the device. Training incudes a review and signed acknowledgement of the adopted policy.

Review attachment: BIOMETRIC HANDHELD FINGERPRINT IDENTIFICATION POLICY ISSUED BY KING COUNTY AFIS.pdf

417.4 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.

Whenever practicable, pat-down searches should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

417.5 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 should attempt to identify the witness prior to his/her departure.

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(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.

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Criminal Organizations

418.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Kirkland Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

418.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

418.2 POLICY

The Kirkland Police Department recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

418.3 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20 and RCW 43.43.762.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

(a) Members using any such system are appropriately selected and trained.

(b) Use of every criminal intelligence system is appropriately reviewed and audited.

(c) Any system security issues are reasonably addressed.

418.3.1 SYSTEM ENTRIES

It is the designated supervisor’s responsibility to approve the entry of any information from a report, FI, photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Section. Any

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supporting documentation for an entry shall be retained by the Records Section in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Section are appropriately marked as intelligence information. The Records Supervisor may not purge such documents without the approval of the designated supervisor.

418.3.2 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information into a criminal intelligence system operated by the state patrol and authorized by RCW 43.43.762. Entries into such a database shall be based upon reasonable suspicion of criminal activity or actual criminal activity, and must be supported by documentation, where documentation is available (RCW 43.43.762(2)).

418.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved CIS only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of CIS entries.

418.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

(a) Must only be included upon documented authorization of the responsible department supervisor.

(b) Should not be originals that would ordinarily be retained by the Records Section or Evidence Unit, but should be copies of, or references to, retained documents, such as copies of reports, field interview (FIR) reports, NORCOM records or booking forms.

(c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.

(d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

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418.4.2 FILE REVIEW AND PURGING
The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged in compliance with the department records retention schedule or entered in an authorized criminal intelligence system, as applicable.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

418.5 INFORMATION RECOGNITION

Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

(a) Gang indicia associated with a person or residence.

(b) Information related to a drug-trafficking operation.

(c) Vandalism indicating an animus for a particular group.

(d) Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the Investigations Sergeant to train members to identify information that may be particularly relevant for inclusion.

418.6 RELEASE OF INFORMATION

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

418.7 CRIMINAL STREET GANGS

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

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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.

418.7.1 GANG ENHANCEMENT
King County Prosecuting Attorney's Office (KCPAO) has suggested the following requirements in order to file a gang enhancement on a case:

Requirements: Three criteria over two separate contacts; one must be either #j or #m.

(a) Self-admits to gang membership or affiliation

(b) Has gang tattoos

(c) Writes or possesses gang paraphernalia (bandannas, document, etc)

(d) Wears gang clothing or jewelry

(e) Uses a gang moniker

(f) Identified as a gang member of associate by a reliable source

(g) Seen in photos with other gang members

(h) Uses gang hand signs and/or language

(i) Associates with other known gang members

(j) Is involved in gang related crimes or activities

(k) Is identified as a gang member by another gang member

(l) Subject's name or moniker appears in gang documents (to include Internet postings) or graffiti

(m) Targets a rival gang member or crosses out a rival gang's graffiti

Investigating officers are encouraged to check with KCPAO prior to filing any gang related cases in order to provide the appropriate documentation.

418.8 TRAINING

The Investigations Sergeant should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

(a) The protection of civil liberties

(b) Participation in a multi-agnency criminal intelligence system.

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(c) Submission of information into a multi-agency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.

(d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.

(e) The review and purging of temporary information files.

(f) All users of the Washington criminal street gang database shall receive training on its use prior to accessing the database (RCW 43.43.762).

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Patrol Supervisors

419.1 PURPOSE AND SCOPE

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with departmental policies, procedures, practices, functions and objectives. To accomplish this goal, a Sergeant or Corporal will head each patrol shift.

419.2 DESIGNATION AS ACTING PATROL SUPERVISOR

If a Sergeant is temporarily unavailable during a shift, in most instances, the senior qualified Corporal shall be designated as acting patrol supervisor . This policy does not preclude designating a less senior Corporal as an acting patrol supervisor when operational needs require or training permits.

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Mobile Computer Terminal Use

420.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Computer Terminal (MCT) 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 NORCOM.

420.2 POLICY

Kirkland Police Department members using the MCT shall comply with all appropriate federal and state rules and regulations and shall use the MCT in a professional manner, in accordance with this policy.

420.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

420.4 RESTRICTED ACCESS AND USE

MCT use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MCT system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MCT by another member to their supervisors or Shift Sergeants.

Use of the MCT 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 MCT 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 MCT system unless directed to do so by a supervisor. Members are required to log off the MCT or secure the MCT when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

420.4.1 USE WHILE DRIVING

Use of the MCT by the vehicle operator should generally 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.

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In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

420.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the on-duty supervisor or other department-established protocol, all calls for service assigned by NORCOM should be communicated by voice over the police radio and electronically via the MCT unless security or confidentiality prevents such broadcasting.

MCT 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 MCT.

420.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MCT 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 MCT when the vehicle is not in motion.

420.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure that the on-duty supervisor is notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

420.6 EQUIPMENT CONSIDERATIONS

420.6.1 MALFUNCTIONING MCT

Whenever possible, members will not use vehicles with malfunctioning MCTs. Whenever members must drive a vehicle in which the MCT is not working, they shall notify NORCOM. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

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420.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MCTs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MCT could cause some devices to detonate.

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Body-Worn Cameras

421.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of body-worn cameras by officers of this department while in the performance of their duties (RCW 10.109.010).

This policy does not apply to the interception of conversations for lawfully authorized investigative purposes under RCW 9.73.210 and RCW 9.73.230.

Body-worn camera systems will be used to enhance member safety while promoting community trust and transparency. They are not intended to replace effective first-level supervisory practices. Body-worn camera use shall be used in accordance with applicable law. In the event of future changes to applicable law, this policy may be reviewed and revised following standard department procedure.

The Department has adopted the use of body-worn cameras by officers to:

(a) Accurately capture the actions, interactions, and communication of both officers and the public.

(b) Collect evidence for use in criminal investigations and prosecutions.

(c) Deter criminal activity and uncooperative behavior during police-public interactions.

(d) Assist officers with completing reports and providing testimony in court.

(e) Ensure accountability for policy and law violations.

(f) Provide evidence to quickly and accurately resolve complaints; and,

(g) Provide additional information for member evaluation, training, and continuous improvement.

Body-worn cameras provide additional information regarding an investigative or enforcement contact with a member of the public. Body-worn cameras, however, provide a limited perspective of the encounter and should be considered with all other available evidence, such as witness statements, officer interviews, forensic analyses and documentary evidence.

421.2 DEFINITIONS

Body-worn video camera (BWC) - System that captures audio and video signals that is capable of being worn on an officer's person which includes, at minimum, a camera, microphone, and recording device.

421.3 POLICY

The Kirkland Police Department will provide commissioned personnel with body-worn cameras for use during the performance of their duties due to their regular interactions with members of the public. All officers who are provided with a BWC by the department shall use and wear it consistent with the policy. Officers are prohibited from using privately owned BWCs while on duty. The use of body-worn cameras is intended to enhance the mission of the Department by accurately capturing

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contacts between officers of the Department and the public. BWC footage will not be utilized with any facial recognition software for investigative purposes. The use of facial recognition software by public disclosure personnel, for redaction purposes only, is authorized.

421.4 OFFICER PRIVACY EXPECTATION

All recordings made by officers on any department-issued device at any time, and any recording made while acting in an official capacity of the department, regardless of ownership of the device it was made on, shall remain the property of the Department. Officer's shall have no expectation of privacy or ownership interest in the content of these recordings.

421.5 GENERAL OPERATING PROCEDURES

Uniformed Personnel

Prior to going into service, each uniformed officer will be responsible for making sure that they are equipped with a BWC issued by the Department, and that the BWC is in good working order. Officers will wear the BWC securely mounted on their outer uniform, positioned to capture interactions from a forward-facing direction. In order to minimize the risk of accidental activations and/or deactivations, preferred placement should be near the center of the chest. If, due to uniform choice, the center of the chest is not feasible then placement should be on the non-dominant side of the chest area.

Non-Uniformed Personnel

Any officer assigned to a role that is functioning primarily in an administrative or support capacity, or is in a plain-clothes assignment, and could not reasonably be expected to take enforcement action, may carry a BWC any time the officer believes that such a device may be useful. These officers shall carry a BWC anytime they are engaged in a situation that is reasonably likely to result in a law enforcement encounter. These personnel will be responsible for making sure that they are equipped with a BWC issued by the Department, and that the BWC is in good working order. Unless conducting a lawful recording in an authorized undercover capacity, these personnel shall wear the BWC in a conspicuous manner when in use, positioned to capture interactions from a forward-facing direction and will notify persons that they are being recorded, whenever reasonably practicable. In order to minimize the risk of accidental activations and/or deactivations, preferred placement should be near the center of the chest. If, due to uniform choice, the center of the chest is not feasible then placement should be on the non-dominant side of the chest area.

All Personnel

If the BWC recorder is not in working order or the officer becomes aware of a malfunction at any time, the officer shall promptly report the failure to their supervisor and obtain a functioning device as soon as reasonably practicable. A reasonable number of spare BWCs will be available to replace non-functioning units. Officers are responsible to ensure their BWC remains charged and operational during their entire shift. Members will train with their BWCs in order to ensure the

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placement of their camera on their chest, provides the greatest likelihood of an unobstructed view of their contact with the public.

Officers shall verbally inform any person being recorded that an audio and video recording is being made and shall make the attempt to ensure said advisement is recorded. An officer may encounter a situation in public that is rapidly evolving, dynamic, or involving a group of persons. In these situations, it may not be feasible to advise all parties present that they are being audio and video recorded because of the dynamic environment. In a group, or public setting, or in situations where the law recognizes minimal expectations of privacy, the officer should advise the primary contact and make reasonable efforts to advise all other parties if time and circumstances allow.

Officers conducting traffic stops while equipped with a BWC shall notify the occupants that there is an audio and video recording occurring. Officers shall make a reasonable effort to ensure that non-English speaking persons, those with limited English proficiency, or hearing-impaired persons understand that they are being recorded. This may be accomplished simply by pointing at the camera while giving the advisement or providing the advisement in multiple languages on a reference card.

Officers shall ensure video from a BWC is uploaded by the end of their shift and any time the storage capacity is identifiably nearing its limit by inserting the BWC into the designated docking station. Officers shall classify each video in the manner prescribed during their training. Officers shall make reasonable efforts to avoid incurring overtime to perform the upload. If the upload may incur overtime, the officer shall report the issue to their supervisor.

Officers should document the existence of a recording in any report or other official record of the contact. This also includes any instance where the member was aware that the BWC malfunctioned or the member delayed or deactivated the recording prior to the conclusion of the incident. Officers should include the reason for the delay or deactivation in their report or other official record of the contact if no report (RCW 10.109.010). If a citation was issued, the proper notation shall be made in the SECTOR citation that the incident was recorded.

421.5.1 ACTIVATION OF THE BODY-WORN CAMERA

This policy is not intended to describe every possible situation in which the BWC should be used. Nothing prohibits a member from activating a BWC while at work, unless specifically prohibited by this policy and in accordance with all requirements as stated in this policy. When in doubt, officers should consider recording.

While not all-inclusive, the BWC shall be activated in any of the following situations:

(a) Field contacts involving actual or potential criminal conduct, including:
    1. Traffic Stops
    2. Priority Responses
    3. Vehicle Pursuits
    4. Suspicious vehicles and suspicious persons

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5. Arrests
6. Investigatory stops and/or detentions
7. Vehicle searches
8. Physical confrontations or use of force
9. Verbal confrontations
10. DUI investigations, including sobriety tests
11. Crimes in progress
12. Driving to an in-progress call
13. Domestic violence calls
14. Offenses involving weapons
15. Mental health contacts and welfare checks
16. Transport of any subject (this does not include ride-alongs)
17. While observing another member violating policy or laws
18. If requested by a member of the public

(b) Self-initiated activity in which the member believes there may be evidentiary value in activating the BWC.

(c) Any contact that becomes adversarial after the initial contact in a situation that would otherwise not be recorded.

(d) Any other circumstance that the member reasonably believes that a recording of a contact or event would be appropriate.

No officer of this department may record a face-to-face conversation without first announcing, or otherwise communicating, that the conversation is going to be recorded and ensuring the announcement is recorded except pursuant to a court order, or when the communication is of an emergency nature or relates to communications by a hostage holder or barricaded suspect (RCW 9.73.030(2)).

At no time is an officer expected to jeopardize his/her safety in order to activate their BWC. However, the BWC should be activated in situations described above as soon as reasonably practicable and the officer must document the reason the BWC was not activated at the outset of the incident. The BWC will be configured to have a pre-event buffering mode which will capture the most recent 30 seconds of video prior to the officer's activation of their body camera.

Officers recording law enforcement activity who inadvertently turn off the their BWC shall not be subject to discipline unless the officer has been previously counseled for similar incidents. Officers who repeatedly fail to activate the BWC when required or intentionally deactivates the BWC in situations in which recording is mandated by policy, will be subject to discipline, up to and including termination.

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421.5.2 DEACTIVATING THE BWC DURING AN INCIDENT

Consistent with this policy, once started, BWC recordings should continue without interruption until the contact ends. However, officers should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the officer that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Officers may de-activate or turn off the BWC during an incident in the following circumstances:

(a) Officers have the discretion to keep their cameras turned off during conversations with witnesses to, or victims of, crime and members of the community who wish to report or discuss criminal activity in their neighborhood if the officer believes that deactivation of the BWC would encourage complete and accurate information sharing by the witness or victim,

(b) Officers have the discretion to keep their cameras turned off in situations involving rape, sexual abuse, nudity, or other similarly sensitive matters. Officers should consider the evidentiary value of recording and the willingness of the victims or witnesses to speak on camera.

(c) Consistent with this policy, officers may deactivate the BWC during an incident when exchanging information with other members when the information is sensitive to a criminal investigation or when engaged in an operational or tactical discussion. If the BWC is de-activated during a contact to exchange sensitive information or to discuss operational details with another officer, the officer shall state the reason the BWC is being turned off and the officer should promptly re- activate the BWC before resuming duties related to the incident.

(d) Officers may choose to utilize the BWC to document the processing of evidence, such as serving a search warrant on an impounded vehicle or processing a crime scene and may turn off the audio portion of the recording during these instances. In all other instances, the BWC shall record both audio and video.

Unless impractical or impossible, an officer shall record a request to deactivate the BWC. Recording should resume when privacy is no longer at issue or to capture that the contact has ended. Anytime an officer turns off the camera prior to the conclusion of an interaction or contact, the officer shall record on camera the reason for turning the BWC off unless impractical or impossible and shall also document the same in their police report.

421.5.3 CESSATION OF RECORDING

Once activated, the BWC should remain on continuously until the officer reasonably believes that their direct participation in the incident is complete or the situation no longer fits the criteria for activation, unless cessation is otherwise authorized in this policy.

421.5.4 CUSTODIAL INTERROGATION

Consistent with RCW 9.73.090 and RCW 10.122.030, before an officer records an arrested suspect with a BWC, the officer shall

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(a) Inform the suspect that they are being recorded.

(b) State the time the recording begins and ends.

(c) Record the reading of the Miranda warnings

See Investigation and Prosecution Policy for further details.

421.5.5 RECORDING IN A PRIVATE RESIDENCE AND RESPONDING TO CIRCUMSTANCES WHERE A PERSON IS OR MAY BE UNWILLING TO COMMUNICATE WHILE BEING RECORDED

It is permissible to record in a private residence and, absent exigent circumstances or when a contact becomes adversarial, officers shall verbally, or otherwise, inform any person being recorded that a recording is being made and shall ensure said advisement is recorded.

Personnel should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy interests by discontinuing recording whenever it reasonably appears to the officer that such privacy may outweigh any legitimate law enforcement interest in recording. Recording should resume when privacy is no longer an issue or to capture that the contact has ended.

If a victim or witness requests that their identity and/or communications remain confidential for public records purposes, the officer shall reflect this in their general report. There is no guarantee that these recordings will be exempt from disclosure, but these criteria will be evaluated at the time a public records request may be received.

If a community member objects to being recorded, the officer may elect to record the encounter despite the objection. Since conversations with on-duty police officers are not considered private under Washington law, there is no requirement that an officer turn off the camera for a community member who objects to having the interaction recorded.

421.5.6 RECORDING IN A CORRECTIONAL FACILITY

When entering the Kirkland Correctional Facility with a person who is in custody, officers will continue to record with their body worn camera until custody has been transferred to Corrections Officers. This includes the sally port area, the BAC room, and the booking room.

- Formal transfer of custody occurs once corrections has determined that the inmate is acceptable for booking and housing.

No recording of footage in the inmate housing area is allowed unless officers are responding to an emergency. This is to maintain the privacy of others that are in the jail. Any time footage inside the housing area is recorded by body worn cameras, the officer should be able to articulate why it was recorded.

When entering a correctional facility other than the Kirkland Jail, officers will follow the guidance of that facility as it relates to body worn camera usage.

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421.5.7 RECORDING IN A MEDICAL FACILITY

Officers are prohibited from recording in hospitals or other health care facilities unless they are responding to actual or potential criminal conduct outlined in the Activation of Body Worn Camera section or the Recording Suspect After Arrest section in order to be in compliance with the law. If a body worn camera is recording inside a hospital or other health care facility, the law enforcement officer operating the body worn camera should avoid recording persons other than the suspect, victim, or witness deemed relevant to the matter being investigated by the law enforcement officer.Whenever possible, interviews should be conducted in an area where personal privacy can be protected. Officers will avoid, whenever possible, recording people who are unrelated to the police purpose. Officers should normally turn their camera off during a medical or psychological evaluation of a patient by a clinician or similar professional, or during treatment.

421.5.8 RECORDING IN A SCHOOL

Officers are prohibited from recording in schools unless they are responding to actual or potential criminal conduct outlined in the Activation of Body-Worn Camera section or the Recording Suspect after Arrest section in order to be in compliance with the law.

421.5.9 RECORDING AT A FIRST AMENDMENT GATHERING

Officers are prohibited from activating their cameras during a First Amendment gathering unless:

- Command personnel have a reasonable suspicion that unlawful activity is occurring in or around the event and, based on that suspicion, determine that visual recording is appropriate, or
- A crime is occurring (among the gathering or nearby) and an arrest or investigative detention is likely,

421.5.10 SURREPTITIOUS USE OF THE AUDIO/VIDEO RECORDER

A BWC may not be used to violate Washington law that prohibits any individual from surreptitiously recording any conversation, except as provided in RCW 9.73

421.5.11 EXPLOSIVE DEVICE

Body-worn cameras emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present. If a BWC is already active when the explosive device is encountered, the officer should back at least 300 feet away from the suspected device as soon as possible in order to turn off the BWC.

421.6 PROHIBITED USE OF BODY-WORN CAMERA RECORDINGS

Officers are prohibited from using BWCs for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Department personnel shall not upload recorded data onto public and/or social media websites without express permission from the Chief of Police or their designee. If the Chief of Police, or their designee, authorizes the release of recordings to the public and/or social media websites, and the incident is being investigated by an outside agency, the release of recordings should be coordinated with the lead investigator of the outside agency if possible.

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Officer shall not duplicate or distribute such recordings, except for authorized Department purposes. All such recordings shall be retained at the Department.

Officers are prohibited from using personally owned recording devices while on-duty.

Recordings shall not be used by any officer for the sole purpose of embarrassment, harassment or ridicule.

421.7 IDENTIFICATION AND PRESERVATION OF RECORDINGS

Officers shall download all footage following Department protocols at the end of their shift.

To assist with identifying and preserving data and recordings, officers should tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

An officer should tag or mark recordings when the officer reasonably believes:

(a) The recording contains evidence relevant to potential criminal, civil or administrative matters.

(b) A complainant, victim or witness has requested non-disclosure.

(c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.

(d) Disclosure may be an unreasonable violation of someone's privacy.

(e) Medical or mental health information is contained.

(f) Disclosure may compromise an undercover officer or confidential informant.

Any time an officer reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the officer should promptly notify a supervisor of the existence of the recording.

Supervisors should ensure that this policy is being followed and that all applicable protocols are followed through day-to-day observations and report review.

421.8 REVIEW OF BODY-WORN CAMERA RECORDINGS

When preparing written reports, officers should review their recordings as a resource. However, officers shall not retain personal copies of recordings. Officers should not use the fact that a recording was made as a reason to write a less detailed report. Officers may review recordings made by other officers if they have a related investigative interest, such as a detective being assigned a case for follow up, an officer having a common suspect or vehicle, or the recording would offer other investigative leads that are articulable by the officer.Officers may not review recordings made by other officers for personal curiosity reasons.

BWC recordings may be randomly reviewed to monitor officer performance using a general auditing function, as provided by the vendor, to ensure compliance with this policy.

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A supervisor may conduct a review of a specific incident when there is an articulable reason justifying such review. Articulable reasons for reviewing and/or disclosing a specific incident include, but are not limited to:

(a) Capturing specific evidence for use in a criminal prosecution,

(b) When a civil claim has been filed or threatened against the City involving the incident,

(c) When a complaint has been made against a member regarding the incident,

(d) When the incident included use of force,

(e) When the incident included a vehicle pursuit,

(f) When the incident included a vehicle collision,

(g) When the incident involved serious injury or death,

(h) With the involved officer present to address a training or coaching issue in a private setting (such as Field Training or a recurring performance issue).

1. Supervisors shall not routinely or randomly review videos with the goal of finding training or coaching issues on a specific officer, unless:

   (a) the member is undergoing training as part of a formal Training Program, or

   (b) if the member is having recurring documented performance issues, or

   (c) as part of a general auditing function, as provided by the vendor, to ensure compliance with this policy

(i) To assess properly functioning BWC systems when there is reason to believe that the system is not functioning properly.

(j) By a department investigator who is participating in an official investigation, such as a personnel complaint, preliminary investigation, administrative investigation, or a criminal investigation.

(k) By an officer who is captured on or referenced in the video or audio data and reviews and uses such data for any purposes relating to his or her employment.

(l) To assess possible training value at the suggestion of the involved officer and approved by the Chief of Police or designee.

(m) Recordings may be shown for training purposes.

1. The involved officer will be notified if the recording is being considered for training purposes.

2. If an involved officer objects to showing a recording, his or her objection shall be submitted to the Chief of Police or designee to determine if the training value outweighs the officer's objection.

(n) By an employee's legal representative and/ or bargaining unit representative who is involved in representing the employee in an official investigation, such as a personnel complaint or a criminal investigation.

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(o) By the City Attorney's Office, City Ombud, or other legal representative of the City consistent with applicable City Ordinances..

(p) Recordings will be provided to the City and County prosecutors or attorney's office when requested as part of discovery for a criminal or civil case.

(q) As part of any Public Disclosure Request; or,

(r) In connection with any incident that garners media or community inquiry consistent with the articulable reasons above.

All recordings should be reviewed by the Public Disclosure Analyst, or equivalent position, prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released, absent appropriate redaction, unless disclosure is required by law or order of the court. RCW 42.56

In situations where an officer has not been able to review relevant BWC video prior to preparing a written report, providing a statement, or answering questions as part of a formal interview, or informal questioning, the Department recognizes that in those situations, the potential for accuracy may be diminished. As such, an officer should not receive any discipline based solely upon a difference between the officer's report and the video evidence unless the preponderance of the evidence proves deception.

Based on the facts and circumstances known to the Department an Officer can be compelled by the Chief of Police, under penalty of termination, to provide a written statement. A compelled statement cannot be used against the officer in a criminal trial.

If an Officer is being compelled to make a statement regarding an incident in which substantial bodily harm or death occurs, the following procedures will be followed:

- The involved Officer will prepare and submit a written statement based on their perception and recollection of the incident.
- The Officer will then be provided their BWC video footage and may prepare an additional follow up or supplemental statement to their initial statement if the video footage provides additional recollection, or details, that they are able to clarify.
- Involved Officers will not be provided any witness Officer BWC video prior to submitting their initial statement or any follow up statements.

If the Department determines that the Officer will not be compelled to provide a written statement, based on the investigation of the Independent Force Investigation Team, the BWC video will not be released to the Officer except through normal discovery processes.

A recording shall never be used or shown for the sole purpose of ridiculing or embarrassing an officer , department employee or member of the community.

An electronic log or audit trail of all times a recording is viewed or transmitted shall be maintained. The log will include the date, time, and reviewer.

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421.9 COORDINATOR

The Chief of Police or the authorized designee should appoint a coordinator responsible for (RCW 10.109.010):

(a) Establishing procedures for the security, storage and maintenance of data and recordings.

(b) Establishing procedures for transferring, downloading, tagging or marking events.

(c) Establishing procedures for officers communicating to non-English speakers, those with limited English proficiency or those who are deaf or hard of hearing that a portable recorder is being used.

(d) Establishing procedures for accessing data and recordings.

(e) Establishing procedures for logging or auditing access.

421.10 RETENTION OF RECORDINGS

All recorded imagery will be stored and retained by the Department in accordance with the law and destroyed at the conclusion of any retention period required by law. The retention may be extended at the request of an officer or supervisor and should be extended if the recorded contact constitutes evidence in a criminal case or that the recorded contact may be beneficial in a noncriminal matter.

Any time an officer records a contact that constitutes evidence in a criminal case, the officer shall mark the file within the video software program in accordance with Department procedures to ensure the recording is retained for evidentiary purposes, and document the existence of the video in their case report.

Any time an officer reasonably believes a recorded contact may be beneficial in a non- criminal matter, the officer should mark the file in accordance with Department procedures, ensure the recording is retained, notify their supervisor and document the existence of the video in their case report.

Officers shall upload the files by the end of their shift and any time the storage capacity is nearing its limit. If the upload is going to incur overtime, the officer shall report the issue to their supervisor.

421.10.1 RETENTION PARAMETERS

All recordings shall be retained for a period consistent with the requirements of the State's records retention schedule and other applicable retention-related laws.

(a) Videos related to internal investigations shall be transferred to a format compatible with the Department's electronic tracking system and made part of the file. The videos will be retained in accordance with the Washington State Records Retention Schedule.

(b) Records labeled as evidentiary shall be retained on the secure video server in compliance with state law and until all trial and appellate litigation has been completed.

(c) Videos labeled as non-evidentiary shall be retained on the secure video server for 90 days and thereafter may be destroyed in accordance with the applicable records retention schedule (RCW 42.56.240)

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(d) Videos redacted for a public disclosure request shall be retained for 24 months after the request and then deleted.

(e) In the event of an accidental activation of the BWC where the resulting recording is of no perceived investigative or evidentiary value, the recording officer may request that the BWC video in question be deleted by submitting a written request to the Administrative Commander.

421.10.2 RECORDING SECURITY

Recordings made by officers shall be stored and secured on a city owned server maintained by the city's IT department or with a contractor capable of providing secured cloud or off-site storage. Recordings will only be accessible by those employees with access rights or others granted limited or specific access rights.

The Department utilizes a digital evidence storage software system in order to store, categorize, view, and share all digital evidence, to include BWC recordings. This software system also employs a robust security platform that ensures that the following areas of concern are maintained:

- The software must maintain the original recording or raw footage regardless of how many redactions are made to this recording.
- No employee will be able to alter, edit, or delete any recording except as outlined in this policy.
- An audit trail must be created any time a recording is accessed, viewed, redacted, shared or deleted based on Washington State Retention Laws.
- After a recording is deleted, due to Washington Retention Laws or as allowed by this policy, the audit trail must be retained.

Officers shall not copy, edit, alter, erase, or otherwise modify in any manner BWC recordings except as authorized by law or Department policy. Any violation of this provision is considered serious misconduct and subject to disciplinary action, up to and including termination.

421.11 PUBLIC DISCLOSURE AND REDACTION OF BODY-WORN CAMERA RECORDINGS

Public disclosure and appropriate redaction of BWC recordings, is governed by the Public Records Act, RCW 42.56. The Public Disclosure Analyst, or equivalent position, will ensure that a copy of the recording is made and delivered in accordance with the requirements of RCW 42.56..

421.12 TRAINING

The Training Sergeant shall ensure that those employees issued a BWC, or involved in the BWC program, receive Department approved training. Prior to use, initial training shall be given on the proper operation and care of BWCs and on the Department's policy regarding the use of BWCs. Thereafter, training shall be provided at periodic intervals to ensure, among other things, the continued effective use of the equipment, proper calibration, and performance, and to incorporate changes, updates, or other revisions in policies or equipment (RCW 10.109.010).

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Medical Cannabis

422.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for handling and distinguishing between claims of medical cannabis use under Washington's Medical Use of Cannabis Act and criminal controlled substance violations (RCW 69.51A.005 et seq.).

422.1.1 DEFINITIONS

Definitions related to this policy include (RCW 69.51A.010):

Authorization - Documentation that is signed and dated by a qualifying patient's health care professional, authorizing use of medical cannabis.

Designated provider - A person who:

- Is 21 years of age or older and is the parent or guardian of a qualifying patient who is 17 years of age or younger and holds a recognition card.
- Has been designated in writing by a qualifying patient to serve as the designated provider for that patient.
- Has an authorization from the qualifying patient's health care professional.
- Has been entered into the medical cannabis authorization database as being the designated provider to a qualifying patient and has been provided a recognition card.

An individual can act as a designated provider to no more than one patient at a time and is prohibited from consuming cannabis obtained for the use of the qualifying patient and may only provide cannabis to the patient designated to the provider.

Medical use of cannabis - The manufacture, production, possession, transportation, delivery, ingestion, application, or administration of cannabis for the exclusive benefit of a qualifying patient in the treatment of the patient's terminal or debilitating medical condition.

Qualifying patient - Any person who meets all of the following criteria:

- Has been diagnosed by the person's health care professional as having a terminal or a debilitating medical condition.
- Is a resident of the state of Washington at the time of such diagnosis.
- Has been advised by the person's health care professional about the risks and benefits of the medical use of cannabis.
- Has been advised by the health care professional that the person may benefit from the medical use of cannabis or has been entered into the medical cannabis authorization database and has been provided a recognition card.
- Has an authorization from the person's health care professional.
- Is not under supervision for a crime that does not allow for the use of medical cannabis.

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Recognition Card - A card issued to qualifying patients and designated providers by a cannabis retailer with a medical cannabis endorsement that has entered them into the medical cannabis authorization database.

422.2 POLICY

It is the policy of the Kirkland Police Department to prioritize resources to avoid making arrests related to cannabis that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

Washington medical cannabis laws are intended to provide protection from prosecution for those who use, possess, deliver, or produce cannabis to mitigate the symptoms of certain debilitating or terminal medical conditions. However, Washington medical cannabis laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of cannabis.

Officers should exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both the individuals protected under Washington law and the resources of the Department.

422.3 INVESTIGATION

Investigations involving the possession, delivery, or production of cannabis generally fall into one of several categories:

(a) No medicinal claim is made.

(b) A medicinal claim is made by a qualifying patient or designated provider who is in possession of amounts within the limits designated by RCW 69.51A.040.

(c) A medicinal claim is made by a qualifying patient or designated provider who is in possession of amounts exceeding the limits designated by RCW 69.51A.040 or who presented no authorization when initially contacted.

422.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM

In any investigation involving the possession, delivery, or production of cannabis where there is no claim that the cannabis is for medicinal purposes, the officer should proceed with reasonable enforcement action. A medicinal defense may be raised at any time, so officers should document any statements and observations that may be relevant to whether the cannabis is possessed or produced for medicinal purposes.

422.3.2 MEDICAL CLAIMS BY QUALIFYING PATIENTS OR DESIGNATED PROVIDERS

A qualifying patient or designated provider who was entered into the medical cannabis authorization database and who possesses a valid recognition card should not be arrested or cited if the patient or provider possesses no more than six plants in the patient's or provider's residence with up to 8 ounces of useable cannabis from these plants and any of the following (RCW 69.51A.040; RCW 69.51A.043):

(a) 48 ounces of cannabis-infused product in solid form

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(b) 3 ounces of useable cannabis

(c) 216 ounces of cannabis-infused product in liquid form

(d) 21 grams of cannabis concentrates

A qualifying patient may be allowed to possess up to 15 plants with up to 16 ounces of useable cannabis in the patient's residence for the personal medical use of the patient with appropriate health care professional authorization (RCW 69.51A.210).

Qualifying patients and designated providers may only purchase cannabis 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 cannabis seeds from a licensed cannabis producer (RCW 69.51A.310).

If a person is both a qualifying patient and a designated provider for another, the person may possess no more than double the amounts described above (RCW 69.51A.040(1)).

Officers may take enforcement action against a designated provider even when the above thresholds are not exceeded if there is evidence that the provider has converted the cannabis for the provider's personal use or benefit or has provided for more than one patient within a 15-day period (RCW 69.51A.040).

Officers may take enforcement action against a qualifying patient even when the above thresholds are not exceeded if there is evidence that the patient possesses or uses the cannabis for the patient's personal, non-medical use or benefit (RCW 69.51A.040).

422.3.3 EXCESS AMOUNTS OR NO AUTHORIZATION

A qualifying patient or designated provider may raise an affirmative defense to charges that the amount of cannabis in the patient's or provider's possession exceeds the amount legally allowed by RCW 69.51A.040 or that the patient or provider 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 cannabis 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.

422.3.4 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:

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1. The medical condition itself.
2. The quality of the cannabis (chemical content).
3. The method of ingestion (e.g., smoking, eating, nebulizer).
4. The timing of the possession in relation to a harvest (patient may be storing cannabis).
5. Whether the cannabis is being cultivated indoors or outdoors, and the climate.

(b) Before proceeding with enforcement related to collective gardens, cooperatives, or commercial producers, officers should consider conferring with appropriate legal counsel and the Washington State Liquor and Cannabis Board for license-related issues (WAC 314-55-410).

(c) Medical use and possession of cannabis authorized under the Washington medical cannabis statute does not support the forfeiture of property as set forth in the Asset Forfeiture Policy (RCW 69.51A.050).

(d) Laws and regulations do provide for the cultivation of industrial hemp. The Washington State Department of Agriculture should be contacted should questions arise regarding possible industrial hemp activity (RCW 15.140.030).

(e) A medical endorsement can be added to a cannabis retail license to allow a retailer to sell cannabis for medical use to qualifying patients and designated providers. Transaction limits apply (WAC 314-55-080; WAC 314-55-095).

(f) The Washington State Department of Health maintains a Medical Cannabis Authorization Database and regulates cannabis retail outlets with medical cannabis endorsements. This database may be accessed by authorized law enforcement officials for specific criminal investigations (WAC 246-71-010 et seq.).

422.4 EXCEPTIONS

This policy does not apply to the following offenses; officers may take enforcement action if the person (RCW 69.51A.060):

(a) Engages in the medical use of cannabis in a way that endangers the health or well-being of any person through the use of a motorized vehicle on a street, road, or highway, including violations of RCW 46.61.502 or RCW 46.61.504, or equivalent local ordinances.

(b) Uses or displays medical cannabis in a manner or place open to the view of the public.

(c) Produces fraudulent documentation.

422.5 FEDERAL LAW ENFORCEMENT

Officers may exchange information regarding a cannabis investigation with federal law enforcement authorities when information is requested by federal law enforcement authorities or whenever the officer reasonably believes federal law enforcement authorities would request the information if the authorities were aware of the information.

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422.6 EVIDENCE UNIT SUPERVISOR RESPONSIBILITIES

The Evidence Technicians shall ensure that cannabis, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical cannabis is not destroyed prior to the conclusion of the defendant's criminal proceedings.

Regardless of the prosecution status or disposition of any related criminal case, it shall be the policy of the Kirkland Police Department that the Evidence Technician shall not return any cannabis, drug paraphernalia or related property that was seized under the law unless presented with a valid court order requiring the return of such evidence.

The Evidence Technician may release cannabis to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Investigation Unit Supervisor.

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Bicycle Patrol Program

423.1 PURPOSE AND SCOPE

The Kirkland Police Department has established a Bicycle Patrol Program for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas and their quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

423.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control or special events. The use of the patrol bicycle will emphasize their mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Bicycle Patrol Program Coordinator or the on-duty supervisor.

423.3 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit a request for selection to the Bicycle Patrol Program through their Chain of Command to their Section Lieutenant. A copy will be forwarded to the Bicycle Patrol Program Coordinator. 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.

423.3.1 BICYCLE PATROL UNIT SUPERVISOR

The Bicycle Patrol Program Coordinator will be designated by the Chief of Police or their designee. The duties of the Bicycle Patrol Program Coordinator will be a collateral duty assignment for the selected officer.

The Bicycle Patrol Program Coordinator, or their designee, shall have responsibility for the following:

(a) Organizing bicycle patrol training.

(b) Inspecting and maintaining inventory of patrol bicycles and program equipment.

(c) Scheduling maintenance and repairs.

(d) Evaluating performance of bicycle officers.

(e) Coordinating activities with the Operations Division.

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(f) Other activities as required to maintain the efficient operation of the Bicycle Patrol Program.

423.4 TRAINING

Participants in the program must complete an initial department approved bicycle-training course after acceptance into the program. Thereafter bicycle patrol officers should receive yearly in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

- Bicycle operation and basic maintenance.
- Bicycle patrol strategies.
- Bicycle safety and accident prevention.
- Operational tactics using bicycles.

All training shall be coordinated and documented through the department's Training Unit.

423.5 OFFICER UNIFORMS AND EQUIPMENT

Officers shall wear the department-approved uniform and safety equipment while operating the department bicycle. Safety equipment includes department-approved helmet, riding gloves, protective eyewear and approved footwear. Soft body armor/vest is required.

Bicycle officers shall have a police-type whistle on their person, which is capable of giving an audible warning to the public as necessary.

The bicycle patrol unit uniform consists of the standard short-sleeve uniform shirt or other department-approved shirt with department badge and patches and department-approved bicycle patrol pants or shorts.

Optional equipment includes jacket in colder weather, turtleneck shirts or sweaters when worn under the uniform shirt, and a radio with a microphone.

Bicycle patrol officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Officers will be responsible for obtaining the necessary forms, citation books and other department equipment needed while on bicycle patrol.

423.6 PATROL BICYCLES-EQUIPMENT, CARE AND USE

Officers will use a specially marked and equipped patrol bicycle with an attached gear bag.

Bicycles are considered vehicles and are subject to laws, regulations, and privileges applicable to the operation of vehicles upon the highway. (RCW 46.04.670).

Bicycles utilized for uniformed bicycle patrol shall be primarily black or white with a police decal affixed to each side of the crossbar or the bike's saddlebag. Every such bicycle shall be equipped

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with front lights and rear reflectors or lights, and brakes satisfying the requirements of RCW 46.61.780.

The bicycle light batteries should be placed on a charger at the end of the officer's shift and rotated periodically.

Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bag(s) sufficient to carry all necessary equipment to handle routine patrol calls including report writing, vehicle impound and citations.

Each bicycle gear bag shall include a first aid kit, tire pump, repair tool, and tire tube. These items are to remain with/on the bicycle at all times.

Each bicycle shall be equipped with at least one blue lamp and officers shall carry a whistle capable of giving an audible signal (RCW 46.37.190; WAC 204-21-130).

Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to insure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

If a needed repair is beyond the ability of the bicycle officer, a repair work order will be completed and forwarded to the program coordinator 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.

Officers shall not modify the patrol bicycle, or remove, modify or add components except with the expressed approval of the bicycle coordinator, 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.

423.7 OFFICER RESPONSIBILITY

Officers must operate the bicycle in compliance with applicable codes under normal operation. Officers may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and/or tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment.

It shall be the policy of this department that all other bicycle operation shall be in compliance with the rules of the road except when responding to an emergency call or when in the pursuit of an actual or suspected violator. An emergency response or pursuit shall be conducted under the conditions required by RCW 46.61.035 and with due regard and caution for the safety of all persons using the highway as required by RCW 46.61.035(4). Officers should refer to the guidelines in the

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Foot Pursuit policy when determining whether to initiate, continue or discontinue a pursuit while operating a bicycle.

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Walk-In / Mail-Out Reports

424.1 PURPOSE

To provide guidelines for the consistent handling of walk-in and mail-out reports.

424.2 WALK-IN / MAIL-OUT FORMS AND INSTRUCTIONS

Case/Crime Report form

- This is used when the reporting party has no suspect information and primarily needs a case for insurance purposes.

Instructions

- Attach instructions to the Case/Crime Report form.

The form and instructions may be mailed to the reporting party, or handed to the reporting party if they come to the lobby of the Kirkland Police Department.

424.3 COMPUTER ENTRY

After the reporting party has completed the form, they may either mail or bring the form into records for a case number to be assigned.

- Case numbers can be created in Records by using the “Add Incident” function in the Records Management System and this will provide the case number for the reporting party.
- Enter the case number into their report.
- Enter the case into the computer.
- Scan the mail-out report into the case document tab.
- Disseminate as appropriate.

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Foot Pursuits

425.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

425.2 POLICY

It is the policy of this department that officers, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

425.3 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Officers may be justified in initiating a foot pursuit of any individual that the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity alone shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual’s involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place department members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

(a) Containment of the area.

(b) Saturation of the area with law enforcement personnel, including assistance from other agencies.

(c) A canine search.

(d) Thermal imaging or other sensing technology.

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(e) Air support.

(f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

425.4 GENERAL GUIDELINES

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

(a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory.

(b) The officer is acting alone.

(c) Two or more officers become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.

(d) The officer is unsure of his/her location and direction of travel.

(e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.

(f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.

(g) The officer loses radio contact with the dispatcher or with assisting or backup officers.

(h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.

(i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.

(j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.

(k) The officer loses possession of his/her firearm or other essential equipment.

(l) The officer or a third party is injured during the foot pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.

(m) The suspect’s location is no longer known.

(n) The identity of the suspect is established or other information exists that will allow for the suspect’s apprehension at a later time, and it reasonably appears that there is no immediate threat to department members or the public if the suspect is not immediately apprehended.

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(o) The officer's ability to safely continue the foot pursuit is impaired by inclement weather, darkness or other environmental conditions.

425.5 RESPONSIBILITIES IN FOOT PURSUITS

425.5.1 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.

425.5.2 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.

425.5.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible;

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the supervisor does not, however, need to be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

425.5.4 NORCOM RESPONSIBILITIES

Upon notification or becoming aware that a foot pursuit is in progress, the dispatcher is responsible for:

(a) Clearing the radio channel of non-emergency traffic.

(b) Coordinating pursuit communications of the involved officers.

(c) Broadcasting pursuit updates as well as other pertinent information as necessary.

(d) Ensuring that a field supervisor is notified of the foot pursuit.

(e) Notifying and coordinating with other involved or affected agencies as practicable.

(f) Assigning an incident number and logging all pursuit activities.

425.6 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.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

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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.

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Automated License Plate Readers

426.1 PURPOSE AND SCOPE

Automated License Plate Reader (ALPR) technology, also known as License Plate Recognition, provides automated detection of license plates. ALPR is used by the Kirkland Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including parking violations, identifying stolen or wanted vehicles, stolen license plates and missing persons. ALPRs may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

426.2 ADMINISTRATION OF ALPR DATA

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Operations Division. The Operations Division Captain, or his/her designee, will assign personnel under his/her command to administer the day-to-day operation of the ALPR equipment and data.

426.3 ALPR OPERATION

Use of an ALPR is restricted to the purposes outlined below. Department personnel shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.

(a) An ALPR shall only be used for official and legitimate law enforcement business.

(b) An ALPR will be used by Parking Enforcement Officers to enforce parking ordinances.

(c) An ALPR may also be used in conjunction with any patrol operation or official department investigation. Reasonable suspicion or probable cause is not required before using ALPR.

(d) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped vehicles to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.

(e) No member of this department shall operate ALPR equipment, or access ALPR data, without first completing department-approved training.

(f) If practicable, the officer should verify an ALPR response through the Central Computerized Enforcement Service System (ACCESS) before taking enforcement action that is based solely upon an ALPR alert.

(g) No ALPR operator may retrieve ACCESS data unless otherwise authorized to do so.

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426.4 ALPR DATA COLLECTION AND RETENTION

All data and images gathered by an ALPR are for the official use of the Kirkland Police Department, and because such data may contain confidential ACCESS information, it is not open to public review. ALPR information gathered and retained by this department may be used and shared with prosecutors or others only as permitted by law.

The Traffic Unit Sergeant and/or the Operations Lieutenant in charge of the Traffic Unit, is responsible to ensure proper collection and retention of ALPR data, and for transferring ALPR data stored in department vehicles to the department server on a regular basis, not to exceed 30 days between transfers.

All ALPR data downloaded to the server shall be stored according to the Washington State Law Enforcement Records Retention Schedule and thereafter may be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action, or is subject to a lawful action to produce records. In such circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

426.5 ACCOUNTABILITY AND SAFEGUARDS

All saved data will be closely safeguarded and protected by both procedural and technological means. The Kirkland Police Department will observe the following safeguards regarding access to and use of stored data:

(a) All non-law enforcement requests for access to stored ALPR data shall be referred to the Records Supervisor and processed in accordance with applicable law.

(b) All ALPR data downloaded to the mobile workstation and server shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.

(c) Persons approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relates to a parking violation, a specific criminal investigation or a department-related civil or administrative action.

(d) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies at any time for legitimate law enforcement purposes.

(e) ALPR system audits should be conducted on a regular basis.

(f) All ALPR data will be stored on the server for a period of 90 days.

(g) All ALPR data, where a parking ticket was issued, will be stored on the server for a period of 3 years per the Washington State retention guidelines.

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Homeless Persons

427.1 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 Kirkland Police Department recognizes that members of the homeless community are often in need of special protection and services. The Kirkland Police Department will address these needs in balance with the overall missions of this department. Therefore, officers will consider the following policy sections when serving the homeless community (see the Emergency Detentions Policy).

427.1.1 POLICY

It is the policy of the Kirkland 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.

427.2 HOMELESS COMMUNITY LIAISON

The department's Neighborhood Resource Officer will act as the Homeless Liaison Officer. The responsibilities of the Homeless Liaison Officer include the following:

(a) Maintain and make available to all department employees a list of assistance programs and other resources that are available to the homeless.

(b) Meet with Social Services and representatives of other organizations that render assistance to the homeless.

(c) Maintain a list of those areas within and near this jurisdiction that are used as frequent homeless encampments.

(d) Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include the following:

1. Proper posting of notices of trespass and clean-up operations.
2. Proper retention of property after clean-up, to include procedures for owners to reclaim their property in accordance with the Property and Evidence Policy and other established procedures.

(e) Be present during any clean-up operation conducted by this department involving the removal of personal property of the homeless to ensure the rights of the homeless are not violated.

(f) Develop training to assist officers in understanding current legal and social issues relating to the homeless.

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427.3 FIELD CONTACTS

Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

427.3.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

(a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.

(b) Document places the homeless person may frequent.

(c) Provide homeless victims with victim/witness resources when appropriate.

(d) Obtain statements from all available witnesses in the event a homeless victim is unavailable for a court appearance.

(e) Consider whether the person may be a vulnerable adult and if so, proceed in accordance with the Adult Abuse Policy.

(f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.

(g) Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates he/she does not desire prosecution.

(h) Document any facts indicating that the offense was intentionally committed because the victim was homeless or perceived to be homeless (RCW 9.94A.535).

427.4 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

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When a homeless person is arrested, or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the department Homeless Liaison Officer. When practicable, requests by the public for clean-up operations of a homeless encampment should be referred to the Homeless Liaison Officer.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the department Homeless Liaison Officer if such property appears to involve a trespass, blight to the community or is the subject of a complaint. It will be the responsibility of the Homeless Liaison Officer to address the matter in a timely fashion.

427.5 MENTAL ILLNESSES AND MENTAL IMPAIRMENTS

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention.

When a mental illness detention is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

427.6 ECOLOGICAL ISSUES

Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

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Lo/Jack

428.1 PURPOSE

To provide guidelines for the consistent application of Lo/Jack. The Lo/Jack Stolen Vehicle Recovery System consists of Police Tracking Computers (PTC) that have been installed in departmentally selected patrol cars to locate stolen vehicles equipped with a Lo/Jack transponder.

The Lo/Jack recovery system is automatically activated through a computer interface when a law enforcement agency enters a Lo/Jack equipped vehicle or a piece of construction equipment into the National Crime Information Center (NCIC) as stolen. Neither the theft victim nor law enforcement needs to contact Lo/Jack to activate the system.

428.2 PROCEDURE

ACTIVATION

- Activation occurs with a radio signal that is continuously broadcasted to activate the Lo/Jack transponder concealed in the stolen vehicle.
- Once activated the Lo/Jack transponder in the stolen vehicle broadcasts a silent radio signal once every 15 seconds. This signal will continue until the vehicle is cancelled from NCIC.

OFFICER'S RESPONSIBILITIES

- Upon receiving a Lo/Jack signal the officer should:
  (a) Immediately bring his/her vehicle to a safe stop upon reading an activation on the equipment display. This allows the signal to lock on.
  (b) Call in the Reply Code to NORCOM.
  (c) Monitor Signal Strength and Relative Bearing Indicators while waiting for the return on the Reply Code from NORCOM.

REQUIRED NOTIFICATIONS

- NORCOM
  (a) When an officer receives a Lo/Jack signal and a reply code, he/she shall notify Norcom of the Lo/Jack signal.
  (b) When a vehicle is recovered, the officer shall notify NORCOM of the recovery so it can be cancelled from NCIC.
- Supervisor
  (a) The officer is to obtain supervisory approval and backup assistance before starting a track of any stolen vehicle.
  (b) Supervisors shall assist with the tracking coordination, as needed.
- Outside Agency

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(a) During Lo/Jack tracking, 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 a related investigation.

OFFICER SAFETY

- During Lo/Jack tracking, officers are to follow established felony stop procedures and strictly adhere to the vehicular pursuit policy.

OPERATION

- Starting Up the Lo/Jack equipment
  (a) Once the Lo/Jack equipment is turned on, the Lo/Jack Police Tracking Computer (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 startup will conclude with the word “READY” and will beep once. The display head will then go blank and the PTC will be in its normal scan mode.
  (b) The PTC remains in this scan mode until the patrol car comes within range (up to 5 miles) of a Lo/Jack equipped and activated stolen vehicle.
- Equipment Display upon Activation
- The PTC will beep and will display the following when there is an activation:
  (a) Reply Code
    1. The five digit Reply Code is the Lo/Jack individual identifier for the stolen vehicle and is linked to the vehicle identification number (VIN).
    2. Reply Codes that being with three zeros (e.g., 000V6) is a training unit.
  (b) Signal Strength
    1. This is the most reliable signal to rely on for tracking.
    2. The signal strength indicator displays the relative distance of the stolen vehicle to the PT
  (c) Relative Bearing Indicator
    1. This is an arrow that points in the general direction of the source of the Lo/Jack signal.
    2. This arrow is oriented on the 12 o’clock position being straight ahead of the patrol car, 3 o’clock to the right, etc.

TRACKING

- Patrol Vehicle Speed
  (a) Drive slow (25 MPH is recommended), this is due to signal “bounce”. This means that the arrow will jump around. The speed of the patrol vehicle can cause this.
  (b) If signal bounce occurs stop the patrol vehicle to let the signal lock on again, then resume tracking at a slow pace.

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- Structures
    (a) Signals may be reflected from buildings, power lines, and geography.
    (b) Take note of any structures that are close to the vehicle that could be deflecting the signal.
    (c) If the signal strength is less than half the scale (12 bars or less) go to a high ground position, such as a highway overpass, to establish the true direction of the signal.
- Building Searches
    (a) The Lo/Jack signal will penetrate the walls of buildings and other vehicles.
    (b) A Search Warrant or Consent to Search may be needed if an officer determines that the signal is coming from inside a building, trailer, shipping container, etc.

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Public Recording of Law Enforcement Activity

429.1 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.

429.2 POLICY

The Kirkland 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.

429.3 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.

429.4 OFFICER/DEPUTY RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or

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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.

429.5 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.

429.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa):

(a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.

1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.

(b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.

(c) The person consents.

1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.

2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the

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evidence is to transmit a copy of the recording from a device to a department-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

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First Amendment Assemblies

430.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

430.2 POLICY

The Kirkland Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

430.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

(a) Engage in assembly or demonstration-related discussion with participants.

(b) Harass, confront or intimidate participants.

(c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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430.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

Photographs and video recordings shall not be retained or shared by members for personal use or posted online in social media or in any other medium.

430.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to NORCOM, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

430.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

430.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.

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- Information about past and potential unlawful conduct associated with the event or similar events.
- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

430.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for the following:

(a) Command assignments, chain of command structure, roles and responsibilities

(b) Staffing and resource allocation

(c) Management of criminal investigations

(d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields)

(e) Deployment of specialized resources

(f) Event communications and interoperability in a multijurisdictional event

(g) Liaison with demonstration leaders and external agencies

(h) Liaison with City government and legal staff

(i) Media relations

(j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation

(k) Traffic management plans

(l) First aid and emergency medical service provider availability

(m) Prisoner transport and detention

(n) Review of policies regarding public assemblies and use of force in crowd control

(o) Parameters for declaring an unlawful assembly

(p) Arrest protocol, including management of mass arrests

(q) Protocol for recording information flow and decisions

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(r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force

(s) Protocol for handling complaints during the event

430.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

430.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

430.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and TASER (TM)s should be considered only when the participants' conduct reasonably appears to present the potential to

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harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

430.8 ARRESTS

The Kirkland Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

(a) Reasonable measures to address the safety of officers and arrestees.

(b) Dedicated arrest, booking and report writing teams.

(c) Timely access to medical care.

(d) Timely access to legal resources.

(e) Timely processing of arrestees.

(f) Full accountability for arrestees and evidence.

(g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Citation Releases Policy).

430.9 MEDIA RELATIONS

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

430.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should

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promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

430.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

(a) Operational plan

(b) Any incident logs

(c) Any assignment logs

(d) Vehicle, fuel, equipment and supply records

(e) Incident, arrest, use of force, injury and property damage reports

(f) Photographs, audio/video recordings, NORCOM records/tapes

(g) Media accounts (print and broadcast media)

430.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

(a) Date, time and description of the event

(b) Actions taken and outcomes (e.g., injuries, property damage, arrests)

(c) Problems identified

(d) Significant events

(e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

430.12 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Department should, when practicable, train with its external and mutual aid partners.

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Civil Disputes

431.1 PURPOSE AND SCOPE

This policy provides members of the Kirkland Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Washington law.

431.2 POLICY

The Kirkland Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

431.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

(a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.

(b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.

(c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.

(d) Members are reminded that they shall not enter a residence or other non-public location without legal authority.

(e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

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431.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

(a) The person's knowledge of the court order or whether proof of service exists.

(b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

431.4.1 STANDBY REQUESTS

Officers responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items (RCW 7.105.320). Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or the person may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

431.5 VEHICLES AND PERSONAL PROPERTY

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

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431.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

431.6.1 REQUEST TO REMOVE TRESPASSER DECLARATION

Officers possessing a lawful declaration signed under penalty of perjury and in the form required by law, may take enforcement action to remove a person from a residence when (RCW 9A.52.105):

- The person has been allowed a reasonable opportunity to secure and present evidence that the person is lawfully on the premises
- The officer reasonably believe he/she has probable cause to believe the person is committing criminal trespass under RCW 9A.52.070

An officer should give the trespasser a reasonable opportunity to vacate the premises before taking enforcement action.

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Crisis Intervention Incidents

432.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a behavioral health disorder or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

432.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of a behavioral health disorder despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

De-escalation -Taking action to stabilize the situation and reduce the immediacy of the threat so that more time, options and resources are available to resolve the situation. The goal of de-escalation is to gain voluntary compliance of subjects when feasible, and thereby reduce or eliminate the necessity to use physical force.

432.2 POLICY

The Kirkland Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with behavioral health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a behavioral health crisis. This is to ensure equitable and safe treatment of all involved.

432.3 SIGNS

Members should be alert to any of the following possible signs of behavioral health issues or crises:

(a) A known history of behavioral health issues

(b) Threats of or attempted suicide

(c) Loss of memory

(d) Incoherence, disorientation or slow response

(e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas

(f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt

(g) Social withdrawal

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(h) Manic or impulsive behavior, extreme agitation, lack of control

(i) Lack of fear

(j) Anxiety, aggression, rigidity, inflexibility or paranoia

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

432.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS-NAVIGATORS

The Navigator program is intended to help improve the safety of individuals, the public and first responders. The Professional Standards Deputy Chief will coordinate a crisis intervention strategy, which may include collaboration with mental health professionals, in order to develop an education and response protocol. It should include a list of community resources, to guide department interaction with those who may be suffering from behavioral health disorders or who appear to be in a mental health crisis.

432.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a behavioral health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that behavioral health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

(a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a behavioral health crisis may be a factor.

(b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.

(c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.

(d) Attempt to determine if weapons are present or available.

(e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.

(f) Secure the scene and clear the immediate area as necessary.

(g) Employ tactics to preserve the safety of all participants.

(h) Determine the nature of any crime.

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(i) Request a supervisor, as warranted.

(j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.

(k) If circumstances reasonably permit, consider and employ alternatives to force.

432.6 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a behavioral health crisis.

Once it is determined that a situation is a behavioral health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

432.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a behavioral health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

(a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.

(b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.

(c) Contact information for a treating physician or behavioral health professional.

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Additional resources and a supervisor should be requested as warranted.

432.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

(a) Attempt to secure appropriate and sufficient resources.

(b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).

(c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.

(d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.

(e) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

432.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a behavioral health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official behavioral health or medical proceedings.

432.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Emergency Detentions Policy.

432.10 REFERRING A PERSON WHO IS THE SUBJECT OF A REPORT OF THREATENED OR ATTEMPTED SUICIDE TO A MENTAL HEALTH AGENCY

This WASPC Model policy was adopted in response to Second Substitute House Bill (2SHB) 1448, Chapter 158, Laws of 2016 and RCW 71.05.457 (also known as Sheena's Law) which requires all general authority Washington law enforcement agencies to adopt a policy establishing criteria and procedures for a law enforcement officer to refer a person to a behavioral health agency after receiving a report of a threatened or attempted suicide, where the individual is not subject to involuntary evaluation or immediate arrest.

432.10.1 CRITERIA

Referrals to a behavioral health agency pursuant to this model policy should be limited to instances where:

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- A person is the subject of a report of threatened or attempted suicide; and
- The responding officer(s) believe, based on their training and experience, that the person could benefit from behavioral health services;
- The person does not consent to voluntary mental health services;
- The person is not involuntarily committed or involuntarily transported for a mental health evaluation under RCW 71.05; and
- The person is not being transported to jail.

432.10.2 PROCEDURE

Upon responding to a report of threatened or attempted suicide where all of the aforementioned criteria are met, the primary officer is encouraged to refer the person to the King County Behavioral Health and Recovery Division, Crisis and Commitment Services. Weekdays 0830-1630, 206-263-9200. After hours, Crisis Clinic 206-461-3222.

Referrals should be made via written documentation using the "Report of Threatened or Attempted Suicide to Law Enforcement" form and should be noted/coded in a way to allow the law enforcement agency to identify specific reports where a referral was made/is being made. Additionally, referrals should include sufficient narrative for a behavioral health agency to understand the nature of the call, the behavior of the individual, and prioritize their level of response.

The "Report of Threatened or Attempted Suicide to Law Enforcement" in fill-able format is available both on the U drive in the patrol cars and in the KPD master forms folder. This form is to be completed and emailed by the reporting officer to the King County Behavioral Health and Recovery Division, Crisis and Commitment Services at the email address LE@crisisconnections.org. The form may serve as the case narrative, but officers are to note on the narrative page of the case report that a copy of the completed form was emailed and they uploaded it to the case in LERMS as an attachment. Officers should use the notes section of the report to indicate that a behavioral health referral was made.

Referrals by written documentation can be supplemented with a phone call or dispatch referral to the King County Behavioral Health and Recovery Division, Crisis and Commitment Services. Phone calls or dispatch referrals should not be a substitute for written documentation referrals. Phone calls or dispatch referrals should be noted in the written documentation, including the date and time of referral, and to whom the officer spoke.

Referrals made by written documentation only, without a phone call or dispatch referral to King County Behavioral Health and Recovery Division, Crisis and Commitment Services, should be processed in as expeditious a manner as practicable. RCW 71.05.458 requires the behavioral health agency to attempt to contact the person as a soon as possible, but not more than 24 hours (excluding holidays and weekends) after receiving the referral from law enforcement, to determine whether behavioral health intervention is necessary.

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Best practice option: King County Mental Health Crisis and Commitment Services has provided a handout for KPD officers to leave with a person in crisis that provides the person with information on mental health services available in the area. Officers should note on the narrative page that these forms were provided.

See attachment: KC Mental Health Crisis and Commitment Services_handout.pdf

432.11 CIVILIAN AND NON-SWORN MEMBER INTERACTION WITH PEOPLE IN CRISIS

Civilian members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

(a) Members should treat all individuals equally and with dignity and respect.

(b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.

(c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

432.12 EVALUATION

The Professional Standards Deputy Chief, who has been designated to coordinate the crisis intervention strategy for this department, should ensure that a thorough review and analysis of the department response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

432.13 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

Training shall include mandated training in crisis intervention, certified by the Criminal Justice Training Commission, as required by Washington law (RCW 43.101.427; WAC 139-09-020 et seq.).

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Medical Aid and Response

433.1 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.

433.2 POLICY

It is the policy of the Kirkland Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

433.3 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 NORCOM 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 NORCOM with information for relay to EMS personnel in order to enable an appropriate response, including:

(a) The location where EMS is needed.

(b) The nature of the incident.

(c) Any known scene hazards.

(d) Information on the person in need of EMS, such as:

1. Signs and symptoms as observed by the member.
2. Changes in apparent condition.
3. Number of patients, sex, and age, if known.
4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
5. Whether the person is showing signs of extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

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

433.4 TRANSPORTING ILL, INJURED OR DISABLED PERSONS OR PRISONERS

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. The need for restraining devices will be determined upon consultation with the medical personnel providing the immediate treatment to the prisoner.

Members should not provide emergency escort for medical transport or civilian vehicles.

433.4.1 DISABLED PRISONERS

Disabled prisoners may require special considerations during transport. The transporting officer should:

1. Make every legally required effort to ensure that any special equipment or medicine required by the prisoner is transported along with the prisoner.
2. When needed, request assistance in order for the transport to be completed in a manner that is safe for the prisoner and the officer.
3. When needed, request a specially equipped vehicle to transport disabled persons whose condition prohibits transport in police vehicles. When feasible these arrangements should be made prior to the arrest taking place.
4. Evaluate the application of restraint devices on a disabled prisoner based on the subject's physical capabilities, seriousness of the charge and the threat level of the prisoner. Officers should use discretion and sound judgment when determining whether restraining devices are necessary for physically disabled prisoners.

433.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with an emergency detention in accordance with the Emergency Detentions Policy.

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If an officer believes that a person who is in custody requires EMS care and the person refuses, the officer should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

433.6 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor’s approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer’s training.

433.7 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

433.8 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).

433.8.1 AED USER RESPONSIBILITY

Members who are operating department vehicles containing AED's 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 Quartermaster, who is responsible for ensuring appropriate maintenance.

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Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED shall contact NORCOM as soon as possible and request response by EMS (RCW 70.54.310).

433.8.2 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).

433.8.3 AED TRAINING AND MAINTENANCE
The Training Sergeant should ensure appropriate training is provided to members authorized to use an AED.

The Quartermaster 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).

433.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

In recognition of the dangers of opioid overdoses, the Department is making opioid overdose medication available to members. The Kirkland Police Department acts under the authorization of the Washington State Health Officer who has issued a standing order to dispense Naloxone. (RCW 69.41.095). Members who are properly qualified and trained may administer opioid overdose medication. If the decision is made to administer Nasal Naloxone upon encountering a person believed to be suffering from an opioid induced overdose, members should follow the below guidelines:

1. Establish patient responsiveness.
2. Look for signs of opioid overdose (shallow or no breathing, weakened pulse, pinpoint pupils, blue or gray skin tone, paraphernalia, and witness statements.) Naloxone ONLY works on opioid overdoses. IT DOES NOT WORK ON OTHER substances (like cocaine, amphetamines, ecstasy, GHB or alcohol).
3. Call for emergency medical response by Kirkland Fire Department and/or Medics.
4. Administer Nasal Naloxone to the patient in accordance with training and policy.
5. Notify NORCOM that Naloxone has been administered.
6. Provide basic life support care, per training.

Upon arrival of Fire Department/Medics:
Patient care is the responsibility of the Fire Department.
Officer may assist as needed.
Provide a verbal report of findings and actions to Fire Department member in charge.

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433.9.1 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 Quartermaster in exchange for a new one. The Quartermaster should maintain a log reference disposal of damaged or unserviceable administration equipment.

433.9.2 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication should detail its use in a case report. In addition, members shall complete an entry on the King County Behavioral Health and Recovery Division Naloxone Portal website: King County Narcan Report. An email notification should be sent to the Risk Management Lieutenant prior to the end of their shift. The online entry and notice to the Risk Management Lieutenant should be be documented in the case report.

An equipment supply request with the case number should be submitted to the Quartermaster to obtain a replacement medication.

The Training Sergeant will ensure that the Records Supervisor is provided enough information to meet applicable state reporting requirements.

433.9.3 OPIOID OVERDOSE MEDICATION TRAINING

The Training Sergeant should ensure training is provided to members authorized to administer opioid overdose medication.

433.10 FIRST AID TRAINING

Subject to available resources, the Training Sergeant should ensure officers receive periodic first aid training appropriate for their position.

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Suspicious Activity Reporting

434.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

434.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

Suspicious Activity Report (SAR) - An incident report used to document suspicious activity.

434.2 POLICY

The Kirkland Police Department recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

434.3 RESPONSIBILITIES

The Investigation Lieutenant and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for department participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

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

(a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.

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(b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.

(c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.

(d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.

(e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.

(f) Coordinating investigative follow-up, if appropriate.

(g) Coordinating with any appropriate agency or fusion center.

(h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

434.4 REPORTING AND INVESTIGATION

Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any civilian member who receives such information should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and include information about involved parties and the circumstances of the incident. If, during any investigation, an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

434.5 HANDLING INFORMATION

The Records Section will forward copies of SARs, in a timely manner, to the following:

- Investigation Unit supervisor
- Crime Analysis Unit
- Other authorized designees

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Utility Terrain Vehicle (UTV) Patrol Program

435.1 PURPOSE AND SCOPE

The Kirkland Police Department authorizes the use of department-owned utility terrain vehicles (UTV's) for qualified employees specially trained in their operation for the purpose of enhancing patrol efforts within the community in areas less-accessible to patrol cars, for use during special events, as further stated within this policy, or as directed by the Chief of Police or their designee.

The purpose of this policy is to provide guidelines for the safe and effective operation of the UTV's by police personnel.

435.2 POLICY

The Kirkland Police Department may maintain UTV's for duties such as regular patrol duty, parking control, and special events, but their primary use will be as an effective means to patrol the Cross Kirkland Corridor. The use of the UTV's will emphasize their mobility and visibility to the community. UTV's may be deployed to any area of the city at all hours of the day or night, according to Department needs and as staffing levels allow. Requests for specific deployment of personnel utilizing UTV's shall be coordinated through the on-duty patrol supervisor and the UTV Program Coordinator.

435.3 UTV PROGRAM SUPERVISOR

The UTV Program Supervisor will be the EVOC Cadre Head. The UTV Program Supervisor shall have responsibility for the following:

(a) Organizing department approved UTV training.

(b) Inspecting and maintaining the UTV's and their related equipment.

(c) Scheduling maintenance and repairs.

(d) Coordinating activities with the Patrol Division.

(e) Other activities as required to maintain the efficient operation of the UTV Program.

435.4 TRAINING

Employees operating UTV's should complete an initial Department approved UTV training course prior to utilizing a UTV in a patrol or special assignment function. A refresher class as approved by the Department will be required once every three years to improve skills and refresh safety and operational procedures. The initial training should minimally include the following:

(a) UTV operation familiarization.

(b) UTV safety and accident prevention.

(c) Operational tactics using UTV's.

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435.5 CARE AND USE OF UTV'S

The UTV's shall be clearly marked as "Police" and be equipped with front and rear lamps, red/blue emergency lighting, and a siren. In addition, the UTV's are equipped with a storage box for officers to place all of their needed equipment to handle routine patrol calls. A first aid kit should always be stored in the UTV storage box.

Authorized users shall operate the Department UTV's consistent with the guidelines outlined in the training, to include:

(a) Officers shall use good judgment while operating the UTV's, and follow all safety protocol addressed in the UTV training class.

(b) Officers shall conduct an inspection of the UTV and equipment prior to use in order to ensure proper working order of the equipment. Any deficiencies shall be noted and forwarded to the UTV Coordinator.

(c) Absent exigent circumstances, the UTV's shall not be left unattended (out of sight) without removing the keys.

(d) Officers shall not use the UTV's during hours of darkness without using a functional illumination device.

1. Officers may operate the UTV's wihtout an illumination device if it appears resonably necessary for officer safety and tactical considerations.

(e) At the end of any use of the UTV's, they shall be returned clean and ready for their next use, to include making sure they are plugged in and charging.

(f) Officer shall not modify the UTV, nor remove, modify, or add components except with the expressed approval of the UTV Coordinator, or in the event of an emergency.

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School Resource Officer Program

436.1 PURPOSE AND SCOPE

The Kirkland Police Department recognizes the value and importance of employing Community Oriented Policing practices as a means of promoting partnerships and strong police community relations.In keeping with that mission, the Department has established the use of School Resource Officers (SRO) to be assigned to various schools within the City in partnership with the Lake Washington School District.

436.2 POLICY

The Kirkland Police Department will cooperate with the Lake Washington School District in providing a safe environment for students and faculty and to interact in a positive manner with the youth of the community by providing a School Resource Officer Program.

436.3 GOALS AND OBJECTIVES

Specific goals and objectives of the School Resource Officer Program are:

(a) Create a greater respect for law and order in the public school system and minimize criminal activity.

(b) Identify youth in danger of becoming known to the criminal justice system and work with them to help them choose a more positive and socially acceptable way to conduct themselves.

(c) Alleviate tension and fear brought on by criminal activity on or near school campus.

(d) Enhance communication and understanding between students, their families, School District staff and the Police Department.

(e) Provide for direct action in the apprehension of criminal violators on or near the school campus as it relates to safety at the school.

(f) Maintain a regular office on the campuses of those schools in which SRO's are assigned, providing assistance to the school community on police related problems.

(g) Provide coordination of security measures for special school activities, such as sports events and dances.

(h) Reduce the need for Patrol Officer response to the schools

436.4 SCHOOL RESOURCE OFFICER RESPONSIBILITIES

Each School Resource Officer will maintain an office for interviewing and counseling provided for them at their schools.

(a) School Resource Officers will be assigned to the Community Services Unit and will be supervised by the Community Services Sergeant.

(b) It will be a uniformed position.

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(c) The working hours of the School Resource Officer will be established by the current Collective Bargaining Agreement.

(d) As a general rule, the School Resource Officer will start work at the assigned school at least one week before the classes start for the students in the fall. This will generally be in the third week of August. The School Resource Officer shall continue to work at the school until the last day of the school year, generally the third week of June.

(e) During the school year the School Resource Officer shall:

1. Handle calls that are related to the school and would normally be directed to police.
2. Report all significant incidents to a police supervisor.
3. Help keep students out of the criminal justice system while connecting students with supportive services.
4. Investigate and follow-up on crimes reported at the schools.
5. Assist Patrol and Investigations personnel in the arrest of juveniles at the schools as a result of investigations not originated by the School Resource Officer.
6. Work closely with other officers of the Police Department in matters relating to the schools, youth gangs, and the community.
7. Assist the school administration with the prevention of crime and delinquency on campus.
8. Strive to increase student understanding and respect for law enforcement through interaction at school-sponsored activities.
9. Interact with students relating to police/student problems and to be a focal point for quelling unrest on campus.
10. Develop and maintain lines of communication between School District staff, students, parents, and the Police Department.
11. Serve the school and the community as a source of information regarding City and Police functions.
12. Provide an officer for classroom programs when requested. This might include educational presentations to staff and students regarding the criminal justice system, criminal activity, substance abuse education, and driver education.
13. Assist school staff in establishing policies that will contribute to the safety of the school staff and students.
14. Participate in student counseling and parent conferences, when appropriate.
15. Coordinate and supervise security measures at school activities in.conjunction with school administration, including sports events, dances, plays, etc.
16. Attend periodic meetings of School Resource Officers and the Lake Washington School District Safety Advisory Committee.
17. Be a positive role model for youths through positive interaction and projection of a professional image.

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18. Provide training for campus supervisors on maintaining a safe and secure environment.

(f) During summer and school breaks the School Resource Officer may be assigned to Patrol, other specialty units, or to other responsibilities within the Community Services Unit based upon operational necessity.

436.5 SCHOOL RESOURCE OFFICER NON-FRATERNIZATION WITH STUDENTS

It is the Kirkland Police Department's expectation that School Resource Officers will maintain a professional relationship with students. The relationship between the School Resource Officer and students shall be one of professional cooperation and respect.

(a) School Resource Officers are prohibited from engaging in the following behaviors with students enrolled in any school district, regardless of age of the student at the time of enrollment:

1. Utilizing personal cell phones, tablets, computers, etc. to communicate with a student. This includes all social media sites and applications. All electronic communications must be done on department-issued equipment and be related to legitimate law enforcement business.
2. Having any inappropriate physical contact with a student.
3. Participating in any type of banter, allusions, jokes or innuendos of a sexual nature.
4. Socializing or spending time with students outside of the school day or school-sponsored events, except as required by law enforcement duties or as participants in organized community events.

(a) An exception will be made if the social relationship arises from the student's relationship with the School Resource Officer's child, or a relationship between the School Resource Officer and the parent/guardian of the student.

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Chapter 5 - Traffic Operations

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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 Kirkland 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:

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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 who is also driving on a suspended or revoked license, the officer should issue a traffic citation or make an arrest as appropriate.

500.4.1 SUSPENDED, REVOKED OR CANCELED COMMERCIAL LICENSE PLATES

If an officer contacts a traffic violator who is operating a commercial truck, truck tractor or tractor with registration that a computer check confirms to be revoked, suspended or canceled, the officer shall confiscate the license plates. The Department may either recycle or destroy the plates (RCW 46.32.100).

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500.5 HIGH-VISIBILITY VESTS AND RAIN JACKETS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests and/or rain jackets to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601).

Although intended primarily for use while performing traffic related assignments, these ANSI-rated high-visibility vests or rain jackets 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, ANSI-rated high-visibility vests or ANSI-rated rain jackets 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 these ANSI-rated high-visibility vests or ANSI-rated rain jackets 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 or rain jacket, officers shall retrieve and wear the vest or rain jacket as soon as conditions reasonably permit. Use of the vests or rain jackets 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 AND RAIN JACKETS

ANSI-rated high visibility vests and/or ANSI-rated rain jackets shall be issued to each employee upon employment. Before going into service, each employee shall ensure an ANSI-rated high visibility vest or ANSI-rated rain jacket is stored either inside their patrol bag or within their assigned vehicle. This includes patrol, investigation and corrections units, police motorcycles and police bicycles.

Any damaged or unserviceable vests or rain jackets shall be replaced as soon as possible.Officers should submit an equipment replacement request through their chain.

A supply of high-visibility vests and/or rain jackets will be maintained in the equipment room for replacement of damaged or unserviceable vests and jackets. The Administrative Lieutenant should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

500.6 HAZARDOUS ROAD CONDITIONS

The Kirkland Police Department will make all reasonable efforts to address all reported hazardous road conditions in a timely manner as circumstances and resources permit.

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Traffic Collision Reporting

501.1 PURPOSE AND SCOPE

The Kirkland Police Department prepares traffic collision reports and as a public service makes traffic collision reports available to the community with some exceptions.

501.2 TRAFFIC COLLISION REPORTS

All traffic collision reports taken by members of this department shall be forwarded to their supervisors for approval. The department requires the mandatory completion and orderly processing of all traffic citations, arrest reports, collision reports and other supplemental reports. Supervisors are to be diligent in their review of collision reports.

The Crime Analyst will provide reports on traffic collision statistics upon request.

501.2.1 STATEWIDE ELECTRONIC COLLISION AND TICKET ONLINE RECORDS (SECTOR)

This department utilizes SECTOR software to complete traffic citations and traffic collision reports. SECTOR shall only be used by those authorized employees who have completed department-approved training in the use of SECTOR software. All traffic collision reports completed with SECTOR software shall comply with established report approval requirements.

All reports completed using SECTOR software should be downloaded to the designated server as soon as practicable or in any case prior to the end of the employee's shift.

501.3 REPORTING SITUATIONS

Uniformed officers dispatched to handle a traffic collision are to report and/or investigate the collision in a thorough and professional manner. All investigations of traffic collisions will preferably be reported in Sector, or as necessary, on the Washington State Police Traffic Collision Report form (WSP-300-345-159).

Traffic Collision Scene Responsibilities:

(a) Collision scene responsibilities for responding officers include the following:

1. Determining the officer or investigator who is in charge at the scene
2. Identifying and dealing with injured persons
3. Identifying and dealing with fire hazards and/or hazardous material
4. Collecting information
5. Protecting the collision scene
    (a) Responding officers should position their vehicles in such a manner as to protect the scene, preserve evidence and protect the public, but not in such a manner that would create an additional hazard.

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(b) Overhead emergency lights and rear window directional lights will be used on patrol vehicles while stopped/parked in the roadway

6. Controlling property belonging to collision victims

7. Attempt to get the scene cleared as quickly as possible

(a) If damage to the vehicles will require towing, a tow truck should be summoned as quickly as possible so normal traffic flow can be resumed. The exception to this is either a fatality or serious injury accident.

501.3.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES

Traffic collision reports shall be taken when any City-owned vehicle is involved in a traffic collision wherein any damage or injury results. Photographs of the collision scene and vehicle damage shall be taken by the responding officer.

501.3.2 TRAFFIC COLLISIONS WITH POLICE DEPARTMENT EMPLOYEES

All collisions involving on-duty employees which results in any damage or possible injury to any person, shall be immediately reported and throughly investigated.

The shift supervisor will be notified of any collision, regardless of location, which involves injuries or any damage in order to ensure that appropriate investigative and enforcement action is taken.

Collisions within the City of Kirkland limits

Collisions occurring within the Kirkland City limits shall be investigated by the Kirkland Police Department.

When an employee becomes involved in a collision within the Kirkland City limits, the employee shall:

(a) Notify dispatch of the collision and location

(b) Request Aid for any injured, or possibly injured, persons

(c) Request a Patrol Sergeant respond to the scene

The Patrol Sergeant shall:

(a) Respond to the scene

(b) Assume the investigation

(c) When appropriate, delegate the investigation to the Traffic Unit

Investigative Responsibility shall be determined according to the following criteria:

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(a) In the case of collisions resulting in serious injuries which require medical attention, the Traffic Sergeant will be notified and has responsibility. The Traffic Sergeant may delegate the investigative function and follow up to another traffic officer

(b) In the case of all other collisions, a Patrol Sergeant shall have the responsibility.

(c) In the absence of a Patrol Sergeant, the duty supervisor may assign this responsibility.

(d) The supervisor may enlist the assistance of the Traffic Unit

Enforcement action will proceed under the following conditions:

(a) Citations

1. Citations will not be issued to on duty personnel involved in the collision at the scene
2. Citations may be issued to other persons involved in the collision at the scene
3. After all available facts are known and recorded, the information involving the on duty personnel involved in the collision will be forwarded to the Investigations Lieutenant and the City Attorney for recommendations.
4. Citations issued to the on duty personnel involved in the collision must be approved by the Investigations Lieutenant.

(b) Arrests

1. Arrests of on duty personnel involved in the collision related to fault in the collision must be approved by the Investigations Lieutenant

The assigned investigator will:

(a) Conduct or delegate the investigation, ensuring that information sufficient to complete the following required documents is obtained:

(a) Washington State Police Traffic Collision Report

(b) Photographs of all vehicles, property damage and the collision scene

(c) Statements or reports from all drivers, participants and witnesses

(d) Kirkland Police Department Officer's Report from the involved employee

(e) Complete a Blue Team entry, complete with all necessary attachments to include photographs. This entry is to be forwarded to the employee's Section Lieutenant, cc'ing the EVOC cadre head, for review.

(b) When unable to complete the investigation prior to the end of the shift, the investigator will provide an interim report to the employee's Section Lieutenant, outlining the basic

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facts of the collision. However, prior to the completion of the investigation, the known or suspected cause of the collision shall not be published.

(c) Upon completion of the investigation, the investigator will forward the entire report to the employee's Section Lieutenant, cc'ing the EVOC cadre head, via Blue Team. If the employee's Section Lieutenant is not available, then forward the entire report to the Investigations Lieutenant.

(d) The Section Lieutenant, or in their absence, the Investigations Lieutenant, will:

  (a) Review all of the collision documents to make sure everything is completed

  (b) Review all applicable policies, RCW's and KMC's.

  (c) Turn the original copy of the State Collision Report into the Records Unit.

  (d) Ensure all materials are entered into Blue Team and forward the entire packet via Blue Team to the Investigations Lieutenant.

501.3.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS

All collisions involving on-duty employees which results in any damage or possible injury to any person, shall be immediately reported and throughly investigated. The employee's supervisor will be notified of any collision, regardless of location, which involves injuries or any damage in order to ensure that appropriate investigative and enforcement action is taken.

Collisions outside of the City of Kirkland limits

When an employee becomes involved in a collision outside of the Kirkland City limits, the employee shall:

(a) Immediately ensure that the appropriate public safety agencies are called to the scene

(b) As soon as practical, notify their immediate supervisor of the circumstances surrounding the incident

(c) Complete a Kirkland Police Department officer's report

The employee's immediate supervisor shall:

(a) If appropriate, respond to the scene of the collision

(b) Request a copy of the jurisdictional agency's investigative report

(c) Prepare a memorandum which contains a brief summary of the incident to the employee's Section Lieutenant.

(d) Upon receipt of the the other agency's report, complete a Blue Team entry, complete with all necessary attachments to include photographs. This entry is to be forwarded to the employee's Section Lieutenant, cc'ing the EVOC cadre head, for their review.

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(e) The Section Lieutenant will forward the entire report to the Investigations Lieutenant via Blue Team.

(f) The Section Lieutenant, or in their absence, the Investigations Lieutenant, will:

1. Review all of the collision documents to make sure everything is completed
2. Review all applicable policies, RCW's and KMC's.
3. Turn the original copy of the State Collision Report into the Records Unit.
4. Ensure all materials are entered into Blue Team and forward the entire packet via Blue Team to the Investigations Lieutenant.

501.3.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY

As a general rule, traffic collision reports should not be taken for traffic collisions occurring on private property, unless one of the following conditions is present:

(a) Death or injury to any person involved

(b) Hit-and-run violations

(c) Any additional RCW violations which apply to private property, such as operator impairment due to alcohol and/or drugs

(d) Damage to city vehicles and/or property

(e) Damage to the property of any one person meets or exceeds the reportable amount as set by the Washington State Patrol

501.3.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS

Traffic collision reports shall be taken when they occur on a roadway or highway within the jurisdiction of this department under any of the following circumstances:

(a) When there is a death or injury to any persons involved in the collision.

(b) When there is an identifiable violation of the Revised Code of Washington.

(c) Property damage exceeding the dollar amount currently established by WSP.

(d) When a report is requested by any involved driver.

In all cases where a traffic collision report is required by policy, Sector or the current state authorized form will to used to document the collision (RCW 46.52.030 and 46.52.070).

501.3.6 INCLEMENT WEATHER SITUATIONS

During inclement weather, with extremely poor road conditions, the Traffic and/or Patrol Sergeants may direct the curtailing of collision investigations that do not involve injury and have minimal damage to the involved vehicles. The involved drivers will be requested to exchange information and complete the required state traffic collision report on their own.

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501.4 NOTIFICATION OF TRAFFIC UNIT SUPERVISION

In the event of a serious injury or death related traffic collision, the on-duty supervisor shall notify the Traffic Sergeant to relate the circumstances of the traffic collision and to determine what assistance is needed from the Traffic Unit. In the absence of the Traffic Sergeant, the on-duty supervisor may assign a traffic officer to investigate the traffic collision.

All serious traffic collisions shall be forwarded to the Traffic Sergeant for review and possible assignment. This will include any serious traffic collisions requiring follow up investigation.

(a) All original case material will be forwarded to the Records Unit.

(b) The original responding officer will complete the basic investigation and case report. They may be assigned additional follow up by their supervisor and/or the Traffic Sergeant.

501.5 ADMINISTRATIVE REVIEW BOARD FOR POLICE VEHICLE COLLISIONS/ INCIDENTS

The Administrative Review Board will review all police vehicle collisions/incidents. The Board is to determine the primary cause of the collisions/incidents, whether department policies were followed, if there were any mitigating or extenuating circumstances, and to check that all reports are thorough and complete.

Responsibilities, Membership, and Authority of the Board:

(a) The Administrative Review Board investigates and reviews the circumstances pertaining to police vehicle collisions/incidents.

(b) The Board shall consist of the following members:

1. The Traffic Sergeant who will be designated as chairperson.
2. An EVOC cadre member.
3. One other member of a rank equal to the employee involved, appointed by the Traffic Sergeant.
4. Optional - City's HR Risk Manager, if available and based upon the seriousness of the collision.

(c) In the event any of the above personnel are unavailable due to illness, vacation, or other reasons, the Chief of Police, or their designee, will appoint an alternate to fill the vacancy for the duration of the investigation.

Authority and Duties of the Board:

(a) The Board convenes, upon order of the Chief of Police or their designee, to review all police department vehicle collisions/incidents.

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(b) The Board is authorized to review all reports concerning the collisions/incidents and call before it any witnesses necessary to obtain all the facts. This review is separate from and shall not interfere with any investigation of a criminal nature. Officers and employees will be afforded all rights as provided by the Kirkland Police Guild Collective Bargaining Agreement.

(c) At the conclusion of the Review Board, one of the following determinations will be made:

  (a) The collisions/incidents were NON-PREVENTABLE. The actions of the officer/employee were proper and there was nothing that could have reasonably been done to prevent the collisions/incidents.

  (b) The collisions/incidents were CONTRIBUTORY. Though not necessarily legally at fault, the officer/employee could have taken preventative measures to avoid the collisions/incidents.

  (c) The collisions/incidents were PREVENTABLE. In this case, the officer, either by omission or commission, failed to comply with traffic laws and/or department policies, the result of which either directly or indirectly led to the collisions/incidents.

(d) When the review process is complete, the findings are presented in writing to the Investigations Lieutenant. The Investigations Lieutenant will present the board's findings and a recommendation to the Chief of Police, who will make the determination if any corrective action is warranted.

Incidents

(a) Incidents are defined as any damage to a police vehicle that doesn't meet the Washington State threshold of a reportable collision.

Safety Coordinator

(a) Based upon the seriousness of the collision, the City's Human Resources Risk Manager will be afforded the opportunity sit in on the Administrative Review Board for Police Vehicle collisions/incidents as an observer and to insure uniformity of procedures and continuity between the City of Kirkland Review Board and the Kirkland Police Department Review Board.

(b) In all cases, the final disposition of the investigation shall be forwarded to the City's Human Resources Risk Manager by the Investigations Lieutenant.

EVOC Cadre Head

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(a) A copy of the findings will be forwarded to the EVOC Cadre Head for training purposes.

501.5.1 ANNUAL MANAGEMENT REVIEW AND ANALYSIS OF TRAFFIC COLLISION/ INCIDENTS

The Investigations Lieutenant will compile an annual year end report, based upon electronic tracking system records, of all traffic collisions/incidents involving Kirkland Police Department employees. This report will be forwarded to the Chief of Police at the end of each calendar year.

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Vehicle Towing and Release

502.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Kirkland Police Department.

502.2 RESPONSIBILITIES

The responsibilities of those employees storing or impounding a vehicle are as follows.

502.2.1 REMOVAL OF VEHICLE DISABLED IN A TRAFFIC COLLISION

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in NORCOM.

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 NORCOM to call the next tow company up in the rotation. The tow company shall tow the vehicle to their storage lot, unless otherwise directed by the officer. If the vehicle is to be secured for evidence, the vehicle shall be towed to, and secured in, the appropriate vehicle storage area at the Department, accompanied by an officer. The officer shall complete the Uniform Washington State Tow/Impound and Inventory Record form.

When a vehicle has been impounded, the officer will immediately notify NORCOM and they will enter the vehicle into WACIC as an impounded vehicle.

502.2.2 DRIVING A NON-CITY VEHICLE

Vehicles which have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant, or to comply with posted signs.

502.2.3 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall follow the appropriate NORCOM policy (06-017). To summarize, 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.

502.2.4 RECOVERY OF STOLEN VEHICLES

The officer responding to perform the impound of a recovered stolen vehicle shall attempt to notify the legal owner of the recovered vehicle prior to impound. (RCW 7.69.030(7)). Any

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evidence located shall be handled and processed in accordance with Property and Evidence policy. NORCOM shall ensure that a Locate record is entered into WACIC/NCIC.

502.3 TOWING SERVICES

The City of Kirkland contracts with three towing companies to act as the official tow service providers for the police department. These three companies will be used in the following situations:

(a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.

(b) When a vehicle is being held as evidence in connection with an investigation.

(c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal from the streets of vehicles obstructing traffic in violation of state or local regulations.

Nothing in this policy shall require the Department to tow a vehicle.

502.4 STORAGE AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping for the arrestee's vehicle. The vehicle shall be impounded whenever it is mandated by law, needed for the furtherance of an investigation or prosecution of the case, or when the Community Caretaker Doctrine would reasonably suggest it. For example, the vehicle would present a traffic hazard if not removed, or due to a high crime area the vehicle would be in jeopardy of theft or damage if left at the scene.

No impound should occur if other alternatives are available that would ensure the vehicle's protection. Factors that should be considered by officers in determining whether to impound a vehicle pursuant to this policy include:

(a) Whether the offense for which the subject was arrested mandates vehicle impound (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 impounded.

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(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 impounded, the handling employee shall note in the report that the owner was informed that the Department will not be responsible for theft or damages to the vehicle.

502.5 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. A locked vehicle trunk shall not be opened, even if it may be opened without a key from an accessible area of the passenger compartment. Locked 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.

502.6 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to retrieve small items of value or personal need which are not considered evidence or contraband for the vehicle occupant(s).

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Vehicle Impound Hearings

503.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound validity hearings.

503.2 IMPOUND HEARING

When a vehicle is impounded by any member of the Kirkland Police Department, a hearing will be conducted, upon the request of the registered or legal owner of the vehicle or their agent, by the Kirkland Municipal Court (RCW 46.55.240).

503.2.1 HEARING PROCEDURES

If the registered or legal owner of an impounded vehicle wishes to contest the validity of the impoundment or the amount of towing and storage charges they shall contact the Kirkland Municipal Court and follow its procedures.

If a decision is made that the vehicle was impounded within the law and department policy, the hearing officer shall advise the inquiring party that they may appeal the decision with the district court for a final judgment (RCW 46.55.240(1)(d)).

A decision that the vehicle was not impounded in a lawful manner or within department policy will require that the vehicle in impound be released immediately. Towing and storage fees will be paid at the Department's expense (RCW 46.55.120(3)(e)).

If subpoenaed, the officer who authorized the impound of the vehicle shall attend the hearing.

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Impaired Driving

504.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of driving under the influence (DUI).

504.2 POLICY

The Kirkland Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Washington's impaired driving laws.

504.3 INVESTIGATIONS

Officers should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All officers are expected to enforce these laws with due diligence.

The Training Sergeant will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

(a) The field sobriety tests (FSTs) administered and the results.

(b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).

(c) Sources of additional information (e.g., reporting party, witnesses) and their observations.

(d) Information about any audio and/or video recording of the individual's driving or subsequent actions.

(e) The location and time frame of the individual's vehicle operation and how this was determined.

(f) Any prior related convictions in Washington or another jurisdiction.

(g) Whether a child under the age of 16 was present in the vehicle (RCW 46.61.507).

504.4 BLOOD SEARCH WARRANTS

Where circumstances do not arise to the level of Special Evidence, but the Officer believes that the investigation would benefit from the collection of blood evidence, a search warrant may be obtained. Supervisor approval should be obtained first. The following criteria should be considered prior to application for a warrant:

(a) Suspect's general criminal, driving and DUI history.

(b) Amount, if any, of property damage.

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(c) Other extenuating circumstances.

504.5 FIELD TESTS

All KPD officers should be trained in the National Highway Traffic Safety Administration (NHTSA) curriculum for standardized field sobriety tests and shall utilize these when investigating violations of DUI laws.

504.6 CHEMICAL TESTS

A person implies consent under Washington law to a chemical test or tests of the person's breath and to providing the associated chemical sample under any of the following (RCW 46.20.308):

(a) The arresting officer has reasonable grounds to believe the person was driving or in actual physical control of a motor vehicle while under the influence of intoxicating liquor or drug.

(b) The arresting officer has reasonable grounds to believe a person under the age of 21 was driving or in actual physical control of a motor vehicle while having a blood alcohol concentration of at least 0.02 (RCW 46.61.503).

(c) The officer has stopped a person operating a commercial motor vehicle license (CDL) and has reasonable grounds to believe that the person was driving while having alcohol in the person’s system (RCW 46.25.120).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

504.6.1 BREATH SAMPLES

The Administrative Sergeant should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Administrative Sergeant.

Generally, chemical tests to determine alcohol concentration shall be of the breath only (RCW 46.20.308; RCW 46.25.120).

504.6.2 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (RCW 46.61.506). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

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Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be drawn and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

A blood sample may be obtained only with the consent of the individual or as otherwise provided in this policy (RCW 46.20.308; RCW 46.25.120).

504.6.3 STATUTORY NOTIFICATIONS

An officer requesting that a person submit to a chemical test shall provide the person, prior to administering the test, with the mandatory warnings pursuant to RCW 46.20.308(2) or if driving a commercial vehicle the warnings pursuant to RCW 46.25.120(3).

504.7 REFUSALS

When an arrestee refuses to provide a chemical sample, officers shall:

(a) Advise the arrestee of the requirement to provide a sample.

(b) Audio- and/or video-record the admonishment and the response when it is practicable.

(c) Document the refusal in the appropriate report.

504.7.1 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who has been arrested and does not consent to a blood test when any of the following conditions exist (RCW 46.20.308; RCW 46.25.120):

(a) A search warrant has been obtained.

(b) The officer can articulate that exigent circumstances exist

Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts, such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

504.7.2 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

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(a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.

(b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.

(c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the individual to submit to such a sample without physical resistance. This dialogue should be recorded on audio and/or video when practicable.

(d) Ensure that the blood sample is taken in a medically approved manner.

(e) Ensure the forced blood draw is recorded on audio and/or video when practicable.

(f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances

1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.

2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.

3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.

(g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

504.8 ARREST AND INVESTIGATION

504.8.1 WARRANTLESS ARREST

An officer having probable cause to believe that a person is DUI may make a warrantless arrest of the person whether or not the officer observed the violation first hand (RCW 10.31.100).

Arrests supported by probable cause for DUI are mandatory if the person has been convicted of DUI in the past 10 years or if the officer has knowledge based on the information available to him/her that the person is charged with, or is waiting arraignment for, an offense that would qualify as a prior offense as defined by RCW 46.61.5055 if it were a conviction (RCW 10.31.100).

504.8.2 OFFICER RESPONSIBILITIES

If a person refuses to submit to a chemical test, or the results from the test render a prohibited alcohol or THC concentration in the person's breath or blood, the officer shall (RCW 46.20.308(5)):

(a) Serve the notice of intention to suspend, revoke, or deny the person's license or permit to drive.

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(b) Provide the person with a written notice of his/her right to a hearing before the Department of Licensing (DOL).

(c) Advise the person that his/her license or permit is a temporary license.

(d) Immediately notify the DOL of the arrest and within 72 hours transmit to the DOL a sworn report that states:

1. The officer had reasonable grounds to believe the person was DUI.
2. After having received the required statutory warnings, the person either refused to submit to a test of his/her blood or breath or submitted to a test that rendered a prohibited alcohol or THC concentration of the person's breath or blood.

(e) Submit a sworn report to the DOL when the person has a CDL and either refused or had a test administered that disclosed a prohibited amount of alcohol or any amount of THC concentration (RCW 46.25.120(5)).

When a person is arrested for a violation of RCW 46.61.502 (DUI) or RCW 46.61.504 (Physical control of vehicle while DUI), the officer shall make a clear notation on the report if there is a child under the age of 16 present in the vehicle and promptly notify child protective services as required in the Child Abuse Policy (RCW 46.61.507).

504.8.3 ADDITIONAL TESTING

A person submitting to a chemical test pursuant to this policy may have a qualified person of his/her own choosing administer one or more tests in addition to any administered at the direction of an officer (RCW 46.20.308(2); RCW 46.61.506).

504.9 RECORDS SECTION RESPONSIBILITIES

The Records Supervisor will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

504.10 ADMINISTRATIVE HEARINGS

The Records Supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the DOL.

Any officer who receive notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

An officer called to testify at an administrative hearing should document the hearing date and the DOL file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

504.11 TRAINING

The Training Sergeant should ensure that officers participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving,

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investigative techniques and rules of evidence pertaining to DUI investigations. KPD Officers shall also take the NHTSA 4 hour SFST refresher course or the ARIDE class every 3 years.

The Training Sergeant should confer with the prosecuting attorney's office and update training topics as needed.

504.12 DRUG RECOGNITION EXPERT (DRE)

The following guidelines have been established for the utilization and or call out of a Drug Recognition Expert (DRE):

- Subject has been contacted in a vehicle under conditions amounting to suspected DUI or Physical Control, Vehicular Homicide or Vehicular Assault. Unusual driving maneuvers must be noted, as well as any unusual actions or statements made on initial contact. Also note presence of drugs (prescription or illicit), admission of use and/or paraphernalia in the vehicle.
- Any noticeable odors (alcohol beverage/intoxicants, marijuana, etc.), abnormal appearance (watery and/or bloodshot eyes, droopy eyelids, constricted or dilated pupils, rigid or flaccid muscle tone), speech patterns (rapid, repetitive, slow) must be noted. The officer should review the drug influence signs and symptoms chart and note any observations.
- The subject should be requested to perform voluntary Field Sobriety Tests. The officer must note if the performance on the tests indicates impairment, with or without odor of an alcoholic beverage or marijuana. A PBT reading of less than the statutory requirement (adult .08, and juvenile, .02) is obtained, and this reading is inconsistent with the officer’s observations of level of impairment. If subject refuses tests, but the officer believes that the subject is impaired, officer must use discretion in making the arrest. The arresting officer must be able to articulate what it is about the subject’s appearance, speech, manner, etc., that indicates impairment. Officers will be supplied with a symptom chart for drugs for consultation. Arresting officer should inform the subject that he/she is under arrest for DUI, Vehicular Homicide or Vehicular Assault, and advise the subject of Miranda warnings and transport the subject to KPD to continue the investigation process.
- If the initial PBT, and subsequent BAC, readings are greater than the statutory requirements (adult and juvenile), the arresting officer should proceed with the DUI, alcohol report. No DRE request should be made on any BAC reading which meets the statutory requirement (adult and juvenile), even if drugs are found or admitted to, where the only charge is DUI or Physical Control.
    (a) **If the driver is being charged with Vehicular Homicide or Vehicular Assault, a DRE should be contacted. The Officer shall proceed directly to a Blood Search Warrant.
- If based on the totality of the circumstances and upon review of the above noted information, there is reason to believe that impairment is either caused by or contributed to, by something other than alcohol, the arresting officer should notify the duty supervisor. The supervisor will then request a DRE.

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- When a DRE signs into service, he/she should call WSP and state his/her hours of service and level of availability as set by the on duty supervisor. In the event a DRE is required, the on duty supervisor should utilize an on duty Kirkland Police Department DRE. If none is available, the supervisor should direct dispatch to request a DRE by contacting the Washington State Patrol Communications Center in Bellevue, which will maintain a log of all on duty DRE's and their availability. If no "on duty" DRE is available, a Kirkland Police Department DRE call-out is authorized. The DRE may request to speak with the arresting officer. Minimum information should include any PBT readings, odor of an alcoholic beverage, performance on SFST's, and any observations noted that conform to the drug influence indicators chart. Upon arrival, the DRE will contact the arresting officer.
- Availability to outside agencies: When approved by the on-duty supervisor, and subject to staffing levels, the on duty DRE may leave the city and assist neighboring agencies when requested.
- DRE Considerations
    (a) A DRE evaluation takes approximately 1 hour. The DRE will write a supplement to the arresting officer's case. The DRE is not taking over the primary responsibilities for the arresting officer.

    (b) DRE evaluations are voluntary on the part of the arrestee. However, a DRE's training can assist in articulating the need for a blood draw, should the subject refuse the evaluation after contact is made. It is requested that the arresting officer not make any reference to a "drug expert" making contact with the subject. The DRE will have to establish a rapport and gain consent for the evaluation upon arrival.

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Traffic Citations

505.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

505.2 RESPONSIBILITIES

The Records Section shall be responsible for obtaining from the state and accounting for all books of traffic citations issued to employees of this department.

Employees shall be responsible for the upload of all completed Sector tickets at the end of their work day.

505.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued. Any request from a recipient to dismiss a citation shall be referred to the Traffic Sergeant. Upon a review of the circumstances involving the issuance of the traffic citation, the Traffic Sergeant may request, through their chain of command to the Operations Division Captain a recommendation to dismiss 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 through their chain of command to the Operations Division Captain for review.

505.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued.

To void a written citation, officers are to retain all copies and write void across the face of the citation. A case number must be taken and a short narrative describing the reason for the void must be written completed. The citation and all copies are to be forwarded to the records division.

Officers may void tickets in Sector without drawing a case number. The reason for the void must be supplied in the narrative section.

If the defendant has received a copy of the Notice of Infraction/Citation, the City Prosecutor must void the document. If this occurs, follow the above steps. The Records Unit will forward the citation to the prosecutor's office for further action.

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505.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation can write an addendum on the notes section clarifying the error and indicating the correction.

505.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Unit.

Upon separation from employment with this department, all employees issued traffic citations books shall return any unused citations to the Records Unit.

505.7 JUVENILE CITATIONS

505.7.1 JUVENILE NON-CRIMINAL INFRACTIONS

Juveniles that are sixteen and seventeen years of age and who have committed a traffic violation will not be taken into custody, but will be issued a traffic infraction. For juveniles under age sixteen a case report shall be completed and forwarded to the King County Juvenile Prosecutor's Office.

505.7.2 JUVENILE CRIMINAL TRAFFIC CITATIONS

Juveniles that are sixteen and seventeen may be issued criminal traffic citations. For juveniles under age sixteen a case report shall be completed and forwarded to the King County Juvenile Prosecutor's Office.

Juveniles may be taken into custody for the following:

- Driving while impaired by alcohol or drugs
- Negligent homicide
- Vehicular Assault
- Reckless Driving / Racing
- Driving after revocation or suspension of license

In all cases where a juvenile is taken into custody, the officer is responsible for notifying the juvenile's parents or guardian of the circumstances as soon as possible. If the officer deems that further custody is required pending a hearing, he/she must contact the juvenile detention intake for authorization.

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Disabled Vehicles

506.1 PURPOSE AND SCOPE

This department has adopted the following policy on assisting motorists in disabled vehicles within this jurisdiction.

506.2 POLICY

It is the policy of the Kirkland Police Department to assist motorists with disabled vehicles until those vehicles are safely removed from the roadway. Members should take appropriate action to mitigate potential problems when a vehicle constitutes a traffic hazard or the safety of the motorist is a concern.

506.3 OFFICER RESPONSIBILITY

When an on-duty commissioned police officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer to respond for assistance as soon as practical.

506.4 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of departmental resources, and the vulnerability of the disabled motorist.

506.4.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

506.4.2 USE OF PUSH BUMPERS

Department vehicles will not push or tow other vehicles except in emergency situations or with a signed pushbar liability waiver.

(a) Officers will only push another vehicle utilizing a vehicle equipped with push bars.

(b) Push bars are a tool to be used only when necessary and should not take the place of a tow truck. Push bars are easily bent or damaged unless used properly. Improper use or negligence will be grounds for disciplinary action.

(c) Pushing a vehicle an extended distance is extremely dangerous and should be avoided.

(d) If there is any doubt in the officer's mind about whether they can push a disabled vehicle without damaging either the police vehicle or the disabled vehicle, do not push the vehicle.

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(e) A pushbar liability waiver must be completed and signed by the driver of the disabled vehicle prior to moving the vehicle. (KPD Form 2009-107)

1. The signed liability waiver form must be turned into the officer's supervisor who shall forward the form to the Records Unit for retention.

506.4.3 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

506.4.4 RELOCATION OF MOTORIST

The relocation of a motorist with a disabled vehicle should only occur with the person’s consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The department member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

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Unauthorized Vehicle Violations (Abandoned Vehicles)

507.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and impounding of unauthorized vehicles parked in violation of 72 hour time limitations.

507.2 MARKING VEHICLES

Vehicles suspected of being subject to removal from a highway right of way, after being left unattended for 24 hours, shall be marked as described below. A case number will be pulled at this time or the incident number will be used to create a Field Investigation Number. (RCW 46.55.010(14)).

A notification sticker shall be applied in a visible location and a visible mark should be placed on a tire to determine if the vehicle moves during the 72 hour investigative period, unless missing tires or other vehicle conditions prevent marking. A description of the markings shall be noted in the case report or field investigation report. (RCW 46.55.085(1)).

507.2.1 MARKED VEHICLE FOLLOW-UP

The assigned officer shall make a reasonable effort to contact the registered owner of the marked vehicle by telephone and provide notice that if the vehicle is not removed within 72 hours from the time the sticker was attached, the vehicle may be impounded at the owner's expense (RCW 46.55.085(2)).

The assigned officer will determine if the violation has been corrected as soon as possible after the 72 hour impound notice period has expired.

If the 72 hour impound notice period expires during the assigned officer's day off, the assigned officer shall notify their supervisor and arrangements should be made for another officer to follow up on the 72 hour notice.

The assigned officer's supervisor will monitor the abandoned vehicle case report or field investigation report through the Records Management System to ensure that a timely and proper follow up is being done on the abandoned vehicle complaint.

507.2.2 VEHICLE STORAGE

An officer may impound any vehicle not removed 72 hours after marking (RCW 46.55.085(3)).

The officer authorizing the impound of the vehicle shall complete a uniform impound authorization and inventory form. When a vehicle has been impounded, the officer will immediately notify NORCOM and they will enter the vehicle into WACIC as an impounded vehicle.

The completed form and case report or field investigation report shall be submitted to their supervisor immediately following the impound of the vehicle (RCW 46.55.075(2)).

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Vehicle Speedometer Check and Certification

508.1 PURPOSE

To certify that Patrol Car and Motorcycle speedometers are accurate for use when “pacing” a speed violator or when using “Moving Radar” for speed enforcement, and to maintain a record of the speedometer checks and certifications in the Traffic Office or other location designated by the Traffic Sergeant.

508.2 ADMINISTRATION

Speedometers and Radar/Lidar units will be checked for accuracy once every twelve (12) months. The Traffic Sergeant (or designee) will coordinate the re-certification process.

Electronic copies of the Speedometer Certifications and Radar/Lidar Units will be kept on CopNet for accessibility by Officers. Hard copies will be kept by the Traffic Sergeant, or designee.

The Traffic Sergeant, or designee, will fax copies of the Radar/Lidar and Vehicle Speedometer Certifications to the City of Kirkland Prosecutors Office and Kirkland Municipal Court upon request.

The Traffic Sergeant, or designee, will periodically check with the Prosecutors Office and Court to ascertain that their records of the above Certifications are up to date.

The Traffic Sergeant will periodically examine the speed check records required by this procedure.

508.3 PROCESS

A certified stationary radar or Lidar unit will be used to measure the speed(s) of the vehicle being tested.

- The make, model and serial number of the radar or Lidar unit, as well as the tuning fork(s) if a radar unit will be recorded.
- Speedometers shall be checked at a speed of 30 and 40 mph.
- The officer reading the radar or Lidar unit shall certify and initial on the certification card.
- The officer will also complete a log for the Traffic Unit containing the above information and date of certification.

Officers shall include in the narrative portion of a “pace” and "moving radar" speeding ticket, the most recent date that the speedometer of the Patrol Car/Motorcycle was checked and certified, and what radar/Lidar unit was used to make the certification.

Officers shall include in the narrative of the ticket affidavit that the Radar/Lidar and/or Vehicle Speedometer Certifications are on file with Kirkland Municipal Court.

Additional radar checks and certifications should be conducted whenever the following circumstances occur or as the operator deems necessary:

- Whenever any differential or transmission work is performed.

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- Whenever a different style of tire is put on a vehicle.
- Whenever a question of accuracy arises.
- Whenever a vehicle has been involved in a collision and is returned to the line.

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Central Business Distric Parking Enforcement

509.1 PURPOSE

To establish a procedure to be used by KPD's Parking Enforcement Officers (PEO's) for identifying employees working in the Downtown Central Business District and the vehicles they drive to work.

To create a Database of these identified Employee vehicles in the LPR system for future parking violation warnings and/or citations.

509.2 IDENTIFYING CENTRAL BUSINESS DISTRICT EMPLOYEES/VEHICLES

PEO's will rely on their daily observations and input from other citizens/employers/employees to determine who they believe is a Central Business District Employee and which vehicle they are driving or routinely drive to work.

PEO's will keep track of employee vehicles they have identified as potential offenders in a hand written notebook or computer spreadsheet.

509.3 ISSUING OF ONE-TIME WARNING NOTICES

PEO's will monitor the identified Central Business Employee vehicles and note how many times they are parked downtown in violation of KMC 12.45.250.

If an identified vehicle is parked in violation of the KMC three (3) days within a seven (7) day period, the vehicle will be issued a one-time warning notice with information regarding future violations (fines) and how to contact a PEO at the Police Department to discuss their employment and possible violation.

If a registered owner of an identified vehicle believes that they are not a Central Business District Employee, they must contact a PEO after the issuance of the parking warning notice as instructed, but prior to the issuance of a parking civil infraction.

509.4 USE OF LICENSE PLATE READER (LPR) TO MAINTAIN DATABASE

After a warning notice is given, PEO's will enter the license plate information of identified Central Business District Employees Vehicles into the LPR system for future monitoring of these vehicles and potential violations.

If it is determined that a warning notice or civil infraction was issued in error, then a PEO will remove that license plate information from the LPR database.

- Please see Policy 462- Automated License Plate Readers

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Chapter 6 - Investigation Operations

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Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 POLICY

It is the policy of the Kirkland Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 INITIAL INVESTIGATION

600.3.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

(a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
    1. An initial statement from any witnesses or complainants.
    2. A cursory examination for evidence.

(b) If information indicates a crime has occurred, the officer shall:
    1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
    2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
    3. If assistance is warranted, or if the incident is not routine, notify a supervisor.
    4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
    5. Collect any evidence.
    6. Take any appropriate law enforcement action.
    7. Complete and submit the appropriate reports and documentation.

(c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.3.2 CIVILIAN MEMBER RESPONSIBILITIES

A civilian member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

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600.3.3 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.

600.4 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. See the Temporary Custody of Juveniles Policy for juvenile requirements.

600.4.1 DEFINITIONS

Definitions related to this section include:

Custodial interrogation - Express questioning or other actions or words by a law enforcement officer which are reasonably likely to elicit an incriminating response from an individual and occurs when reasonable individuals in the same circumstances would consider themselves in custody.

Electronic recording - Audio recording or audio and video recording that accurately records a custodial interrogation.

Place of detention - A fixed location under the control of a law enforcement agency where individuals are questioned about alleged crimes or status offenses. The term includes a jail, police

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or sheriff's station, holding cell, correctional or detention facility, police vehicle, and, in the case of juveniles, schools.

600.4.2 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of a juvenile or an adult suspected of a felony conducted at a place of detention (as defined by RCW 10.122.020) shall be electronically recorded (audio and video). This includes any required warnings, advice of the rights of the individual being questioned, and waiver of rights. Consent to the electronic recording is not required, but the officer shall inform the suspect that they are being recorded (RCW 10.122.030).

A custodial interrogation at any place other than a place of detention shall be recorded by audio means at a minimum (RCW 10.122.030).

Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

If during an interview, the individual being interviewed reveals facts and circumstances that give the officer conducting the interview a reason to believe that an act was committed that requires an electronic recording, the continued interview shall be recorded.

No recording of a custodial interrogation should be destroyed outside of the records retention schedule. (see Records Management and Destruction policy) Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate, and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.4.3 DOCUMENTATION

If a custodial interrogation at a place of detention occurs without electronically recording it in its entirety, the officer shall prepare a written or electronic report explaining the reason and summarize the custodial interrogation process and the individual’s statements. This report shall be completed as soon as practicable after completing the interrogation (RCW 10.122.030).

If the custodial interrogation occurs outside a place of detention, the officer shall complete a report as soon as practicable explaining the decision and summarize the custodial interrogation process and the individual’s statements (RCW 10.122.030).

Supervisors shall ensure that the appropriate recordings are made in each case they are reviewing and at the very least, ensure that the required warnings are included and that the proper angle, focus and field of vision which would reasonably promote an accurate recording of the interrogation is being utilized.

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Supervisors shall ensure if a recording does not take place, that proper explanations are included in the report.

600.4.4 EXCEPTIONS

Exceptions to the recording requirements apply in the following circumstances:

(a) When spontaneous utterances or statements are made outside the course of a custodial interrogation, or a statement made in response to a question asked routinely during the processing of the arrest of an individual (RCW 10.122.030).

(b) Exigent circumstances exist that prevent an officer from electronically recording an interrogation. In those cases, the officer shall record electronically an explanation of the exigent circumstances before conducting the interrogation, if feasible, or as soon as practicable after the interrogation is completed (RCW 10.122.040).

(c) The individual indicates a refusal to participate or further participate in the electronic recording. When feasible, the agreement of the individual to participate in the interrogation without recording or further participate should be recorded electronically (RCW 10.122.060).

(d) The officer conducting an interrogation has no reason to believe the individual being interrogated committed an act that requires electronic recording of the interrogation (RCW 10.122.080).

    1.

(e) The officer or the officer's supervisor reasonably believes the electronic recording would disclose the identity of a confidential informant or jeopardize the safety of the officer, the individual being interrogated, or another person (RCW 10.122.090).

    1. If feasible and consistent with the safety of a confidential informant, an explanation of the basis for the belief that electronic recording would disclose the informant's identity must be electronically recorded at the time of the interrogation or if not feasible as soon as practicable after the interrogation is completed.

(f) The equipment malfunctions (RCW 10.122.100).

600.4.5 RECORDING PROCEDURES

There are three approved methods for electronically recording interrogations/interviews.

(a) Phone App –

    1. See Training Material for instructions

(b) Portable field recorder

    1. See Training Material for instructions

(c) Interview Rooms

    1. See Training Material for instructions.

    2. Follow KPD Policy 612 on the use of Interview Rooms.

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600.5 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

(a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.

(b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.

1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.

2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.

(c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.

(d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.

(e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.

(f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse, Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

600.6 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

600.7 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters

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information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and Criminal Organizations policies).

600.7.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.7.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

600.8 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of the Investigations Lieutenant, a Deputy Chief or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

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Investigative Funds

601.1 PURPOSE AND SCOPE

Investigative Funds are intended for use by Detectives assigned to their respective units to aid in facilitating the process of criminal investigations, or officers assigned to an investigation by the Chief of Police.

Proper use and accountability of these funds is of the utmost importance. Misuse of funds will not be tolerated, and may be the cause for discipline and/or termination.

601.2 INVESTIGATIVE FUNDS

The following sub-sections provide general guidelines for the authorized use of Investigative Funds. These guidelines are not meant to be inclusive, as situations may arise that will require a Command Officer/Supervisor to make a determination as to the reasonableness of expenditures.

601.2.1 ACCOUNTABILITY OF FUNDS

Investigative Funds

(a) The Detective Sergeant will maintain revolving Investigative Funds in their respective unit safe.

(b) A ledger will be maintained by the Detective Sergeant to account for the use and reimbursement of their unit's respective funds.

(c) The Investigations Lieutenant, or other Command Officer, will conduct a periodic audit of the Investigative Funds. This audit shall be at the discretion and convenience of the administration. The Lieutenant or other Command Officer conducting the audit shall report his/her findings in writing to the Chief of Police.

(d) An annual audit of Investigative Funds shall be conducted.

601.2.2 ISSUANCE AND REIMBURSEMENT OF FUNDS

Issuance of Investigative Funds

(a) Kirkland Detectives will obtain a cash voucher of $200.00 from the Investigations Sergeant.

(b) The cash voucher will be issued a consecutive number as reflected in the Investigative Fund ledger.

(c) Each Detective will sign for the voucher and funds.

(d) Each Detective will maintain a receipt book explaining the use of these funds.

(e) The Detective Sergeant will examine each receipt book assigned to their respective Detective and voucher monies at the beginning of each month to ensure proper use of these funds.

Reimbursement of Investigative Funds

(a) Kirkland Detectives will obtain reimbursements from their Sergeant.

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(b) Each Detective will return their receipt book, expense receipts and the remainder of the cash from the voucher.

(c) All remaining cash will be returned to the revolving fund.

(d) The receipts will be logged and retained by the Detective Sergeant. The Detective will be issued a new voucher for $200.00 by their Sergeant.

601.2.3 AUTHORIZED USE OF FUNDS

Authorized Use of Investigative Funds

(a) Payment of informants for specific information and expenses for case development.

1. Detectives must include a receipt signed by the informant, themselves, and another officer as a witness to the transaction.
2. Each receipt must include the payment date, the amount and, whenever possible, the associated case number.
3. A supervisor must pre-approve any informant payment in excess of $150.00.

(b) Purchase of contraband, stolen property, firearms, or other items necessary to document crimes and identify participants for prosecution or to establish informant reliability.

1. A Detective's expense record must specifically identify what was purchased, the cost, and relate it to a case number.
2. Reliability buys will not exceed $50.00.
3. Buy/walks will not exceed $150.00 unless supervisory approval has been approved prior to the transaction.

(c) Within reasonable limits, meals, beverages, and entertainment for undercover/ surveillance purposes.

1. Whenever practical, detectives will obtain specific receipts for such expenses.
2. All receipts shall be attached to detective expense records.

(d) Equipment purchases and maintenance expenses.

1. Specific receipts identifying the date and amount expended are required.
2. Receipts shall be attached to the Detective expense record respectively, which will detail the reason for the expense.

(e) Expended funds shall be documented to the penny, without rounding off.

Non-Authorized Use of Investigative Funds

(a) Non-authorized use of Investigative Funds by employees is specifically prohibited and may result in disciplinary action.

(b) Under no circumstances are Investigative Funds to be used by detectives for any personal expenses, with the exception of meals if associated with a specific investigation.

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(c) Investigative Funds will not be used to purchase items that could be purchased through the normal City purchasing process or department petty cash. Exigent circumstances may arise during the course of an investigation requiring purchases of such items, but supervisory approval is required.

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Investigations Unit On-Call Status and Schedule

602.1 PURPOSE AND SCOPE

Commissioned personnel applying for a Detective position in the Investigations Unit agree to assume an on-call status based on a rotational schedule. This procedure will provide guidelines for the consistent application of this on-call process.

602.2 ON-CALL STATUS

On-Call Status

(a) On-call status shall mean an employee who is assigned to be on-call and has an individual duty to respond to duty, in accordance with the Kirkland Police Guild Commissioned Staff Collective Bargaining Agreement.

(b) On-call status is considered an essential job function of investigations and therefore not subject to any additional compensation.

(c) On-call detective(s) must be at the Kirkland Police Department or other assigned location, within 60 minutes of being called out.

1. Overtime for the call out shall begin upon reaching the station or scene, whichever occurs first.

(d) Detective(s) assigned to on-call status shall be available and prepared for response, 24 hours a day during their 7 day on-call status rotation.

(e) On-call status begins on Tuesday evening at 1700 hours and ends one week later on Tuesday at 0800 hours.

(f) Two (2) Investigator(s) (Detective and/or Detective Supervisor) will be assigned to each one week rotation and will be assigned take home vehicle(s) during this time frame.

1. This is in accordance with the Kirkland Police Officer's Guild - Commissioned Staff Collective Bargaining Agreement, "Detectives who are assigned on-call status shall be provided a city take-home vehicle for each day so assigned".

2. Take home vehicle(s) policies are covered under the Vehicle Use Policy.

(g) The Detective Sergeant, or their designee, will determine the number of investigators needed.

602.3 ON-CALL SCHEDULE

On-Call Schedule

(a) The on-call rotational schedule will be completed and posted by December 20th for the following year. The Detective Sergeant or his/her designee will be responsible for updating this schedule as needed.

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(b) Detectives may trade on-call status dates with the permission of the Detective Sergeant.

1. These trades are a civil agreement between employees and must be submitted to the Detective Sergeant prior to the trade dates. A detective who agrees to a trade is subsequently bound by all responsibilities of an on-call detective on those trade dates.

(c) A current copy of the on-call schedule will be forwarded to Command Staff upon it's completion.

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Asset Forfeiture

603.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

603.1.1 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 Kirkland Police Department seizes property for forfeiture or when the Kirkland Police Department is acting as the fiscal agent pursuant to a multi-agency agreement. The Investigations Lieutenant will review all forfeiture notices and memorandums submitted by the Investigations Sergeant.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The Investigations Lieutenant is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned attorney.

Property subject to forfeiture - Generally includes, but is not limited to:

(a) Firearms that were carried, possessed or sold illegally (RCW 9.41.098).

(b) Devices, profits, proceeds, associated equipment and conveyances related to illegal gambling (RCW 9.46.231).

(c) Interests, proceeds, etc. related to organized crime (RCW 9A.82.060), criminal profiteering (RCW 9A.82.080), human trafficking (RCW 9A.40.100), commercial sexual abuse of a minor (RCW 9.68A.100) or promoting prostitution (RCW 9A.88.070) (RCW 9A.82.100).

(d) Proceeds traceable to or derived from money laundering (RCW 9A.83.020; RCW 9A.83.030).

(e) Property acquired or maintained in relation to commercial sexual abuse of a minor (RCW 9.68A.100), promoting commercial sexual abuse of a minor (RCW 9.68A.101) or promoting prostitution in the first degree (RCW 9A.88.070), and conveyances used to facilitate these offenses (RCW 9A.88.150).

(f) Personal property, money, a vehicle, etc. that was used to commit a felony or was acquired through the commission of a felony not covered under another forfeiture statute (RCW 10.105.010).

(g) Personal property, money, a vehicle, etc. that was acquired through the commission of a crime involving theft, trafficking or unlawful possession of commercial metal property, or facilitating such crimes (RCW 19.290.230).

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(h) Conveyances, including aircraft, vehicles or vessels, used for the violation of the Uniform Controlled Substances Act and proceeds from these violations (money, real property, etc.) (RCW 69.50.505).

(i) Boats, vehicles, gear, etc. used for poaching/wildlife crimes (RCW 77.15.070).

Seizure - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

603.2 POLICY

The Kirkland 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 Kirkland 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.

603.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

603.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

(a) Real or personal property subject to forfeiture identified in a court order authorizing seizure.

(b) Property subject to forfeiture without a court order when the property is lawfully seized incident to an arrest, the service of a search warrant, or the service of an administrative inspection warrant.

(c) Property subject to forfeiture can also be seized without a court order when:

1. There is probable cause to believe that the property was used or is intended to be used for illegal gambling (RCW 9.46.231).
2. There is probable cause to believe that the property was used or is intended to be used for the commercial sexual abuse of a minor (RCW 9.68A.100; RCW 9.68A.101) or promoting prostitution in the first degree (RCW 9A.88.070; RCW 9A.88.150).
3. There is probable cause to believe that the property was used or is intended to be used in the commission of any felony (RCW 10.105.010). See also separate statutes regarding seizures for felonies involving commercial metal, "bootlegging," criminal profiteering, or money laundering (RCW 19.290.230; RCW 66.32.020; RCW 9A.82.100; RCW 9A.83.030).
4. There is probable cause to believe that the property was used or is intended to be used in violation of the Uniform Controlled Substances Act (RCW 69.50.505).

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5. There is probable cause to believe that the property was used or is intended to be used for poaching/wildlife crimes (RCW 77.15.070).

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

Whenever practicable, a court order for seizure prior to making a seizure is the preferred method.

603.3.2 PROPERTY NOT SUBJECT TO SEIZURE
The following property should not be seized for forfeiture:

(a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds should not be seized.

(b) Property from an "innocent owner," or a person who had no knowledge of the offense or who did not consent to the property's use.

(c) No vehicle or other conveyance based on a misdemeanor involving cannabis (RCW 69.50.505).

(d) Vehicles/conveyances that would be subject to forfeiture if more than 10 days have elapsed since the owner's arrest and no court order has been issued (RCW 9.46.231; RCW 9A.88.150; RCW 69.50.505).

603.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS
When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

- Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.
- Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.
- Forward the original seizure forms and related reports to the Investigations Sergeant within two days of seizure.

The officer will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture."

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the Investigations Sergeant.

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Computer Check / Notifications

The seizing officer will check the status of the property and/or weapon(s), with identifiable serial numbers, in WACIC and NCIC.

Any supporting documentation of ownership should have the originals placed in the property room and copies submitted with the case report.

If the weapon(s) seized is in possible violation of State or Federal Firearms Statutes the appropriate agency will be notified. An example of this would be a sub-machine gun possessed in violation of RCW 9.41.220 and/or Title 18 and Title 27 of the U.S. Code.

Firearms

Upon the seizure of a firearm in violation of RCW 9.41.098, or any other applicable statute or ordinance, said firearm shall be rendered safe and placed in the property room.

(a) All seized firearms will be reviewed for submission to a Washington State Patrol crime lab (I.B.I.S. program). The reports generated from this will be included in the case file.

(b) An ATF Firearms Trace request form will be completed and submitted on all seized firearms.

Vehicles

Are to be inventoried prior to being stored. If requested, all articles not part of the vehicle and not having evidentiary value or not subject to separate forfeiture action shall be removed, inventoried on a property release form, and returned to the owner (upon signature) as soon as reasonably possible. Accessories, jacks, and maintenance tools are considered part of the vehicle. Installed phones, radios, tape/disc players, etc., are also part of the vehicle. Tapes/discs found loose are not part of the vehicle.

(a) The seized vehicle will be towed to and secured at either the Kirkland Justice Center's (KJC) Property Room Vehicle Storage area or to one of the KJC's vehicle storage pens.

(b) The canary copy of the notice of seizure will be turned over to the Investigations Sergeant.

(c) Keys to the vehicle will be submitted to the property room as evidence in a sealed envelope.

(d) Seized aircraft should not be moved without the assistance of a qualified pilot.

Currency

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Shall be inventoried by no less than two officers. The money shall be sealed in the white currency envelope as seized property and placed in the property room. Amounts over $5,000 will be turned over to the City of Kirkland Finance Department by the Evidence Technician when it is initially submitted to the property room. All lesser amounts will be held in the property room safe pending a disposition of the seizure/forfeiture. If forfeiture is ordered, the currency will be turned over to COK Finance with all receipts being returned to the Investigations Sergeant.

Other Property

Shall be inventoried and placed in the property room or otherwise secured (such as real estate, aircraft and vessels) by the Kirkland Police Department.

603.4.1 SEIZURE FORMS

All seized property will be logged on a Notice of Seizure and Intended Forfeiture form and will be handled as seized property until disposed.

The Notice of Seizure and Intended Forfeiture form will be filled out and submitted as follows:

- White copy (original case file)
- Canary copy (Investigations Sergeant)
- Pink copy (Suspect's copy)

The suspect may be served in person or the notification can be sent via certified mail. A copy of the form will be made and attached to the property submitted to the property room. In cases where financial proceeds, vehicles and other property are seized together, all of the seized property can be listed on the same notice of seizure form. (If service is via mail, the seizing officer will complete an Affidavit of Mailing form and have it notarized. The form will be submitted to the Investigations Sergeant.)

603.5 MAINTAINING SEIZED PROPERTY

The Evidence Unit Supervisor is responsible for ensuring compliance with the following:

(a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.

(b) All property received for forfeiture is checked to determine if the property has been stolen.

(c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized, or the property is returned to the claimant or the person with an ownership interest.

(d) Property received for forfeiture is not used unless the forfeiture action has been completed.

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603.6 FORFEITURE REVIEWER

The Investigations Lieutenant is appointed by the Chief of Police as the forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a course approved by the Department on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

(a) Remaining familiar with forfeiture laws, particularly those cited in this policy and the forfeiture policies of the forfeiture counsel.

(b) Serving as the liaison between the Department and the forfeiture counsel, and ensuring prompt legal review of all seizures.

(c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.

(d) Reviewing each seizure-related case and deciding whether the seizure is more appropriately made under state or federal seizure laws. The forfeiture reviewer should contact federal authorities when appropriate.

(e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.

(f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:

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, or Daily Training Bulletins (DTBs). 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.

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2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property.
    (a) Generally, 15 days' notice. (Gambling RCW 9.46.231; Money laundering RCW 9A.83.030; Child prostitution RCW 9A.88.150; Felonies RCW 10.105.010; Commercial metal RCW 19.290.230; Controlled substances RCW 69.50.505; Fish and wildlife enforcement RCW 77.15.070).
    (b) Generally, 10 days' notice for conveyances. (Gambling RCW 9.46.231; Child prostitution RCW 9A.88.150; Controlled substances RCW 69.50.505).
4. Property is promptly released to those entitled to its return.
5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
6. Any cash received is deposited with the fiscal agent.
7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
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 Kirkland 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 for forfeited assets or damage to property (RCW 9.46.231; RCW 69.50.505).

(m) Compensating victims of commercial metal crimes within 120 days (RCW 19.290.230).

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives.

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603.6.1 ASSET FORFEITURE LOG

A computerized inventory of all asset forfeiture cases shall be kept by the Investigations Lieutenant. The inventory shall include the following:

(a) Records of all seized property will include the following:
    1. Case number.
    2. Date of seizure.
    3. Type of seizure.
    4. Description of the property.
    5. Identity of owner if known.
    6. Approximate value of property at the time of seizure.
    7. Item number.
    8. Disposition.
    9. Disposition date.

(b) Records of all forfeited property will include the following:
    1. Case number.
    2. Date of seizure.
    3. Type of seizure
    4. Description of the property.
    5. Identity of prior owner if known.
    6. Approximate value of property at the time of seizure.
    7. Amount of proceeds realized for the disposition of the property.
    8. Disposition date.

Information maintained on the log will be provided to the Chief of Police or authorized staff, as requested.

603.6.2 FORFEITURE HEARINGS

Requested Hearing - The defendant is allowed (45) days from the date of seizure to request a hearing.

- The City Prosecutor is notified when there is a request for a hearing and the case file with seizure notice is forwarded to their office. The prosecutor will arrange for the hearing.

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Failure to request hearing - If the forty-five (45) days expire then this will result in the forfeiture of the property.

- The Investigations Sergeant will prepare a Forfeiture Notice and memo, which will be forwarded through the Investigations Lieutenant to the Evidence technician, notifying them of the suspect(s) failure to contest the seizure within 45 days and ordering the forfeiture of the property pursuant to RCW 69.50.505(g).
- If the forfeited property is currency, it is ordered turned over to COK Finance with copies of all transaction receipts being routed back to the Investigations Sergeant. All property items are ordered disposed of pursuant to current policy.

Upon satisfactory showing, vehicles shall be released to innocent registered owners or lien holders prior to initiating forfeiture proceedings. Quick release of a vehicle is merely an expeditious means of resolving seizures which, if pursued through forfeiture proceedings, would ultimately result in the release of the conveyance.

603.7 DISPOSITION OF PROPERTY

All property will be kept until there is a final disposition of the case and forfeiture request. 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.

If the court orders the forfeiture of the property to the Kirkland Police Department, the following will apply:

- A copy of the order will be placed in the case report.
- The property may be utilized, sold or destroyed by the department.
- Vehicles - Proceeds from the sale will be turned over to the City of Kirkland Finance Department.
- Money - The City of Kirkland Finance Department is notified of the forfeiture of the seized money.
- All Other Property - Proceeds from the sale of all other property is turned over to the City of Kirkland Finance Department.
- All paperwork shall be processed through the Investigations chain of command to the Evidence technician.

603.8 PROCEEDS FROM FORFEITURE

A report of forfeited property will be filed with the state by the City of Kirkland Finance Department per state guidelines.

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Asset Forfeiture

Equitable shares received from seized assets shall be maintained in separate funds and shall be subject to accounting controls and annual financial audits as determined by state guidelines and the City of Kirkland Finance Department.

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Informants

604.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

604.1.1 DEFINITIONS

Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with the Kirkland Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Kirkland Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

604.2 POLICY

The Kirkland Police Department recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

604.3 USE OF INFORMANTS

604.3.1 INITIAL APPROVAL

Before using an individual as an informant, an officer must receive approval from the Investigation Unit Supervisor. The officer shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

604.3.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

In all cases, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

(a) The juvenile’s parents or legal guardians

(b) The juvenile’s attorney, if any

(c) The court in which the juvenile’s case is being handled, if applicable

(d) The Chief of Police or the authorized designee

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604.3.3 INFORMANT AGREEMENTS
All informants are required to sign and abide by the provisions of the designated department informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

604.4 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

(a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, the Professional Standards Deputy Chief, the Investigations Section Lieutenant, the Investigation Unit supervisor or their authorized designees.
    1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.

(b) Criminal activity by informants shall not be condoned.

(c) Informants shall be told they are not acting as police officers, employees or agents of the Kirkland Police Department, and that they shall not represent themselves as such.

(d) The relationship between department members and informants shall always be ethical and professional.
    1. Members shall not become intimately involved with an informant.
    2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Investigation Unit supervisor.
    3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.

(e) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the Investigation Unit supervisor.
    1. Officers may meet informants alone in an occupied public place, such as a restaurant.

(f) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.

(g) In all instances when department funds are paid to informants, a receipt shall be completed in advance, itemizing the expenses.

(h) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

604.4.1 UNSUITABLE INFORMANTS
The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member.

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The supervisor shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file “unsuitable” when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

(a) The informant has provided untruthful or unreliable information in the past.

(b) The informant behaves in a way that may endanger the safety of an officer.

(c) The informant reveals to suspects the identity of an officer or the existence of an investigation.

(d) The informant appears to be using his/her affiliation with this department to further criminal objectives.

(e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.

(f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.

(g) The informant commits criminal acts subsequent to entering into an informant agreement.

Officers shall check the informant's criminal history (local, state, and federal) , as well as checking with any law enforcement agency that the informant may have worked for. In addition, Western States Information Network (WSIN) will be checked for any unreliability information.

604.5 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant.

Informant files shall be maintained in the Department's electronic record keeping system. . The Investigation Unit supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Chief of Police, the Professional Standards Division Captain, the Investigations Section Lieutenant, the Investigation Unit supervisor, and the assigned investigators.

The Investigations Section Lieutenant should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the Investigation Unit supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

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604.5.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

(a) Name and aliases

(b) Date of birth

(c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features

(d) Photograph

(e) Current home address and telephone numbers

(f) Current employers, positions, addresses and telephone numbers

(g) Vehicles owned and registration information

(h) Places frequented

(i) Briefs of information provided by the informant and his/her subsequent reliability

1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.

(j) Name of the officer initiating use of the informant

(k) Signed informant agreement

(l) Update on active or inactive status of informant

604.6 INFORMANT PAYMENTS

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant’s previous criminal activity
- The level of risk taken by the informant

The Investigation Unit supervisor will discuss the above factors with the Investigations Section Lieutenant and recommend the type and level of payment subject to approval by the Profressional Standards Division Captain.

604.6.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

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(a) Payments of $500 and under will be authorized by the Investigations Unit Supervisor and paid in cash from a Investigation Unit buy/expense fund.

1. The Investigation Unit supervisor shall sign the receipt for cash payouts from the buy/expense fund.

(b) Payments exceeding $500 shall be authorized by the Investigations Section Lieutenant or the Professional Standards Captain.

1. The Investigations Section Lieutenant or the Professional Standards Captain shall sign the receipt from the buy/expense fund.
2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
3. The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.

(c) To complete the payment process for any amount, the officer delivering the payment shall complete a cash receipt.

1. The cash transfer form shall include the following:
   (a) Date
   (b) Payment amount
   (c) Kirkland Police Department case number
   (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.
2. The cash receipt shall be signed by the informant, the investigator and as outlined above in (a) or (b).
3. A copy of the receipt will be kept in the informant's file.

604.6.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed $600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of officers or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as “other income” and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant’s file.

604.6.3 AUDIT OF PAYMENTS

The Investigation Unit supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

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At least once every six months, the Investigations Section Lieutenant or the Professional Standards Captain should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

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Eyewitness Identification

605.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques.

605.1.1 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.

605.2 POLICY

The Kirkland 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.

605.3 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.

605.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Investigation Unit supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide:

(a) The date, time and location of the eyewitness identification procedure.

(b) The name and identifying information of the witness.

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(c) The name of the person administering the identification procedure.

(d) If applicable, the names of all of the individuals present during the identification procedure.

(e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.

(f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.

(g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.

(h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.

(i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.

(j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

605.5 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.

605.6 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.

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605.7 PHOTOGRAPHIC AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect.

In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness. Techniques to achieve this include randomly numbering photographs, shuffling folders or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably 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.

605.8 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.

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(d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.

(e) The person who is the subject of the show-up should not be shown to the same witness more than once.

(f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.

(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.

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Brady Material Disclosure

606.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially material exculpatory evidence or impeachment evidence (so-called "*Brady* information") to a prosecuting attorney.

606.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** -Information known or possessed by the Kirkland Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

Recurring Government Witness - Recurring government witness' are those law enforcement employees/officers for whom it is reasonable to believe will or may be called to testify more than once or on a regular basis.

Exculpatory Evidence - Evidence is exculpatory if it is evidence that is favorable to the defendant, is material to the guilt, innocence, or punishment of the defendant, and impeachment evidence that may impact the credibility of a government witness, including a police officer. Exculpatory evidence must be disclosed.

Materiality -Evidence is material only if there is a reasonable probability that had the evidence been disclosed to the defense the result of the proceeding would have been different. A "reasonable probability" is established when the failure to disclose the evidence could reasonably be taken to put the whole case in such a different light as to undermine confidence in the verdict. Such evidence must have a specific, plausible connection to the case, and must demonstrate more than minor inaccuracies. Evidence is material if it is facially apparent as exculpatory.

Impeachment Evidence - Evidence that might be used to impeach a witness is exculpatory evidence and must be disclosed to the defense by the prosecutor. Impeachment evidence is evidence that demonstrates that a witness is biased or prejudiced against a party, has some other motive to fabricate testimony, has a poor reputation for truthfulness or has past specific incidents that are probative of the witness' truthfulness or untruthfulness. Prior inconsistent statements are impeachment evidence. Impeachment evidence that is merely cumulative (i.e. duplicative to evidence already provided or presented) or impeaches on a collateral issue need not be disclosed.

Admissibility of impeachment evidence is determined on a case by case basis by the courts. Therefore even evidence that is likely to be inadmissible can still be considered Brady information, and thus be required to be submitted to the prosecutor.

606.2 POLICY

The Kirkland 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 Kirkland Police Department will assist the prosecution by complying with its obligation to disclose

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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.

606.3 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.

606.4 DISCLOSURE OF PERSONNEL INFORMATION

The Chief of Police, or their designee, shall review all internal investigation files to determine if any possible *Brady* information exists on any employees who may be called as witnesses by the prosecution. If such information exists, it must be submitted to the prosecutor. The prosecution is under a continuing duty to disclose *Brady* information and therefore the Kirkland Police Department must also notify the prosecutor any time they become aware of new *Brady* information.

If the department receives a request from a prosecutor for possible *Brady* information on an employee/officer, the department shall comply with the request as soon as practicable and according to the policies and procedures below:

(a) **Substantiated/Sustained Findings of Misconduct Related to Dishonesty or False Statements -** The department shall disclose to the prosecution as Brady material information regarding any final determination by the Chief of Police of a substantiated or sustained finding related to an employee's/officer's dishonesty, false statements or untruthfulness, written or verbal, regardless of whether or not discipline was given. The department shall follow current policies regarding document retention for substantiated/sustained/founded findings and disciplinary processes.

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1. Allegations that are not substantiated, are not credible, without merit, false or have been determined to be unfounded are not Brady information.

(b) **Criminal Convictions** - The department shall disclose to the prosecution as *Brady* material information regarding criminal convictions of an employee/officer related to dishonesty or untruthfulness, if known.

(c) **Unsubstantiated Finding** There is no requirement that the department provide prosecutors with information concerning unsubstantiated findings about an employee.

(d) **In-Lieu-of Actions/Agreements** - Actions / agreements such as resignation, demotion, retirement or separation from service of an employee/officer in lieu of disciplinary action may be *Brady* information if it is relevant to the case at hand. The Chief of Police, or their designee, shall consult with the appropriate legal counsel in making a determination if information not related to substantiated findings is potential Brady information or in cases where he or she is uncertain regarding what action to take

(e) **Current or Ongoing Investigations -** Pending criminal or administrative investigations are considered preliminary in nature, and the prosecution has no obligation to communicate preliminary, challenged or speculative information to the defense counsel, U.S. v. Agurs, 427 U.S. 97, 109, fn. 16 (1976). The Chief of Police, or their designee, shall consult with the appropriate legal counsel in making a determination if information not related to substantiated findings is potential *Brady* information or in cases where he or she is uncertain regarding what action to take.

If *Brady* information is located, the department will follow the current King County Prosecuting Attorney's Office *Brady* Committee protocol and the following procedures 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) 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.

(c) 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 Chief of Police, or their designee, should examine on a continual basis 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.

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606.4.1 NOTIFICATION TO AFFECTED EMPLOYEE/OFFICER

If potential *Brady* information is found, the department shall notify the employee/officer who is the subject of the potential *Brady* information. The employee/officer notification shall include the opportunity to review the information that will be presented to the prosecutor. The notification shall comply with all policies and procedures, collective bargaining agreements and other applicable regulations. If the possible *Brady* information identifies any other individual who may have privacy rights to the information, the department shall notify that person of the department's intent to provide the information to the prosecutor and/or court.

606.5 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.

606.6 TRAINING

Department personnel should receive periodic training on the requirements of this policy.

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Surveillance Van Operations

607.1 APPROVAL FOR USE

(a) The surveillance van is available for use by investigations and patrol personnel.

(b) the surveillance van is available with a special request to outside agencies.

(c) Use of the surveillance van requires approval by the on-duty supervisor.

(d) Use by outside agencies requires approval of the on-duty or on-call Detective supervisor.

(e) All surveillance van operators shall be familiar with surveillance van policy and procedure prior to operation of the surveillance van.

607.2 CHECKOUT PROCEDURES

Check out procedures

(a) After obtaining approval to use the van, the operator shall complete a van check out log sheet. These log sheets will be available in the Investigations office in the forms area and in the van itself.

(b) A van inspection will be completed prior to taking the van out and any deficiencies shall be noted on the check-out form and brought to the attention of the Investigations Sergeant as soon as possible.

(c) The van inspection form will be turned into the Investigation Sergeant's in-basket.

(d) Keys to the van are located in the Investigations office.

Van operation

(a) The operation of the van shall be in compliance with current policies.

(b) Officer safety concerns shall be considered when positioning the van and the following shall apply when the officers are in the rear of the van on surveillance duty:

1. The parking brake shall be set.
2. The keys shall be removed from the ignition.
3. All doors to the van shall be locked.
4. Officers shall refrain from excessively moving around to prevent the van from moving.

Use of Equipment

The use of equipment in the van will be conducted as described in the procedures posted in the surveillance van.

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Computer Voice Stress Analyzer (CVSA)

608.1 PURPOSE

The CVSA (Computer Voice Stress Analyzer) is a tool used by law enforcement for the purpose of determining truthfulness, eliminating persons from suspicion and identifying and targeting those who are deceptive.

The CVSA allows investigators to obtain quick and timely intelligence, thus making for a more efficient use of time and resources. Additionally, the CVSA can be used to screen prospective employees for behaviors or characteristics that would be incompatible with our organization.

608.2 PROCEDURES

The CVSA will only be administered by a Certified CVSA Examiner.

(a) The Examiner will keep a log of all CVSA applications. This will include:

1. Date
2. Time
3. Case number
4. Examiner’s name
5. Name of subject
6. Person requesting CVSA
7. Outside agency requesting CVSA.

(b) Any investigator may authorize a CVSA examination following the guidelines established in the following procedure.

608.3 CVSA USE

(a) The CVSA is an excellent aid to law enforcement investigations. However, investigators must remember that the CVSA is a supplement to, not a substitute for, a good field investigation;

(b) The final result of a CVSA examination will be based, in great measure, upon the thoroughness of the investigation prior to having the person take the examination. The best time to use the CVSA is when the investigation has narrowed down to one or several individuals who, after preliminary interrogation, still maintain their truthfulness and innocence;

(c) In an official criminal investigation, within the statutory authority, the examination may be conducted upon;

1. Suspects
2. Victims
3. Witnesses

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4. On other matters only upon the order of the Investigations Division Supervisor.

(d) CVSA examinations will not be conducted on a person once they have been formally charged with a crime, except when a stipulation and agreement is made by the King County Prosecutor's Office or the Kirkland Prosecutor's Office. Other exceptions may be authorized and should be referred to the Certified CVSA Examiner for approval.

608.4 INVESTIGATOR'S REQUEST

Preliminary Arrangements for CVSA Examinations

(a) A CVSA examination must be administered under strictly controlled conditions; therefore, the examination will be conducted at the Kirkland Police Department in an enclosed office.

(b) When a CVSA examination is requested, the Certified CVSA Examiner will advise the requesting person or the requesting agency of the first open time and a definite appointment will be made.

1. The Certified CVSA Examiner will be the only one to make and confirm all appointments.

Necessary Case Records the Investigator will provide the Examiner

(a) Crime reports of suspected offense(s);

(b) Background information of the person to be examined;

(c) Any statements or denials made by the person;

(d) While in the CVSA session, the custody and the well-being of the person being tested will be the responsibility of the Certified CVSA Examiner. The investigator will be able to view the entire CVSA examination from an observation room, if provided.

Examination

(a) Preferably, on the day of the examination, the person should not be interrogated. Intensive interrogation should be avoided prior to the examination so an accurate determination of truthfulness or untruthfulness of the person can be accomplished. If this is unavoidable, the person should be allowed to rest and to be by himself/herself for at least thirty minutes prior to the examination. This can be accomplished while the examiner learns the case facts from the investigator;

(b) If deemed necessary, the person may be interviewed briefly prior to the examination, but only to determine opportunity to commit the crime and motive or desire. Prolonged interrogation of a person produces an exhausted or antagonistic person who may then not be a fit subject for the examination.

(c) Examinee should be in the proper condition to take the examination;

1. It is desirable that the person has a normal amount of food and sleep during the twenty-four period preceding the CVSA examination. A person's physical and mental condition should be as nearly normal as possible;

(d) Suggested information to be given or withheld from the person:

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1. Method of CVSA examination;
    (a) The CVSA examinee should not be advised of the method by which the examination is to be conducted. The person should be told that they will feel no discomfort, will not be subject to injections of any type, and that the entire procedure will be explained by the Certified CVSA Examiner.
    (b) The officer should assure the examinee of the competency of the Certified CVSA Examiner and the soundness of the CVSA technique.
2. Details of crime to be withheld;
    (a) The investigating officer should avoid disclosing to the person any details or facts established during the investigation.
    (b) Facts concerning the crime, which could only be known by the perpetrators, should never be told to the person, press, or the general public. These facts could be of vital importance to the Certified CVSA Examiner in test and question formulation.

608.5 FACTORS THAT MAY PROHIBIT EXAMINATIONS

A CVSA examination will not be conducted on any person, if the Certified CVSA Examiner feels the person to be physically or mentally unfit, or the examination may be a detriment to his/her health.

An examination will only be given to a person who has voluntarily agreed to submit to the examination in writing, except when ordered by the Court.

Consent forms for juveniles to be tested must be signed by the parent or legal guardian.

608.6 ADMINISTERING THE EXAMINATION

Both the investigator and the subject should be prepared to stay whatever length of time is necessary for the examination;

The investigator, or agency representative, will be required to be present if the examinee is potentially violent, a juvenile or is in custody.

608.7 REPORTS AND EVIDENCE PROCEDURES

Reports

(a) The CVSA Examiner will generate a report on each CVSA Examination, to include charts.
    1. Criminal Investigations – the report and charts will be submitted with the case report.
    2. Background Investigations – the report and charts should be submitted with the background file.
(b) Reports & charts for CVSA Examinations involving criminal investigations will be saved electronically and submitted to the Property Room as evidence.

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(c) Reports & charts for CVSA Examinations involving background investigations may be saved on the CVSA computer laptop.

Peer Review of Reports

(a) The CVSA Examiner is required to contact additional certified CVSA Examiners for a peer review on the reports & charts generated by a CVSA Examination.

Evidence Procedures

(a) Reports & charts from CVSA Examinations involving criminal investigations will be submitted into evidence using normal evidence procedures.

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Sexual Assault Investigations

609.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notification requirements are addressed in the Child Abuse and Adult Abuse policies.

609.1.1 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 Nurse Examiners (SANE): Registered nurses who have completed specialized education and clinical preparation in the medical forensic care of the patient who has experienced sexual assault or abuse.

609.2 POLICY

It is the policy of the Kirkland 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.

609.3 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.

609.4 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. No opinion of whether the case is unfounded should be included in a report.

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609.5 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to NORCOM, 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.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim Witness Assistance Policy.

609.5.1 VICTIM PERSONAL REPRESENTATIVE AND ADVOCATE

A victim may choose a personal representative to accompany him/her to the hospital or other health care facility and to any proceeding concerning the alleged sexual assault, including interviews. A personal representative includes a friend, relative, attorney, or employee or volunteer from a community sexual assault program or specialized treatment service provider (RCW 70.125.030; RCW 70.125.060).

The victim may also choose to consult with a sexual assault survivor's advocate throughout the investigatory process of the case. The assigned investigator should ensure the advocate has access to the victim during the process (RCW 70.125.110).

609.5.2 CVSA EXAMINATION OF VICTIM

Victims of alleged sex offenses shall not be asked or required to submit to a CVSA 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 CVSA 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).

609.6 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SANE nurse 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

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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.

609.6.1 COLLECTION AND TESTING REQUIREMENTS

Members investigating sexual assaults or handling related evidence are required to do the following:

(a) Sexual assault examination kits shall be submitted to an approved lab within 30 days with a request for testing prioritization when either of the following conditions are met (RCW 5.70.040):

1. A related report or complaint is received by the Department alleging a sexual assault or other crime has occurred and the victim has consented to the submission.
2. The victim is an unemancipated person 17 years or age or younger.

(b) Facilitate the collection of an unreported sexual assault kit from a collecting entity when this department has jurisdiction to investigate any related criminal allegations (RCW 5.70.030).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

609.6.2 STATEWIDE SEXUAL ASSAULT KIT TRACKING SYSTEM

Members investigating a sexual assault should work with department Evidence Technicians to ensure that biological evidence is tracked appropriately in the statewide sexual assault kit tracking system (RCW 35.21.195; RCW 36.28.200).

609.6.3 DNA TEST RESULTS

Members investigating sexual assault cases should notify victims of any DNA test results as soon as reasonably practicable.

A victim's advocate and/or Mental Health Provider 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.

609.7 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 Investigation Unit supervisor.

Classification of a sexual assault case as unfounded requires the Investigation Unit supervisor to determine that the facts have significant irregularities with reported information and that the

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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.

609.8 CASE REVIEW

The Investigation Unit supervisor should ensure cases are reviewed upon completion. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

It is the practice of the Kirkland Police Department that all sexual assault investigations, once completed, are sent for review by the King County Prosecutor's Office Sexual Assault Unit, with the exception of cases where the victim declines to cooperate.

609.8.1 RETENTION

The Investigation Unit supervisor should ensure evidence, investigatory reports, and records related to violent or sex offenses are appropriately marked for retention under RCW 5.70.010.

609.9 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Investigation Unit supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

609.10 CASE STATUS NOTIFICATION

The investigator assigned to the case should keep the victim informed of the status of the investigation in a timely manner. The victim should be informed of the expected and appropriate time frames for receiving a response to inquiries made regarding the status of the investigation (RCW 5.70.005; RCW 70.125.110).

The investigator should provide the victim with contact information for the assigned prosecutor, if available, to receive updates related to the prosecution of the case (RCW 70.125.110).

609.11 TRAINING

Subject to available resources, periodic training will be provided to:

(a) Members who are first responders. This includes, but is not limited to:

1. Initial response to sexual assaults

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2. Legal issues
3. Victim advocacy
4. Victim's response to trauma
5. Interviewing techniques

(b) Qualified investigators who should receive advanced training on additional topics. This includes, but is not limited to, the following:

1. Interviewing sexual assault victims
2. Medical and legal aspects of sexual assault investigations
3. Serial crimes investigations
4. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP)
5. 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
6. Proper protocol for the use of the statewide sexual assault kit tracking system (RCW 43.101.270)
7. Evidence collection

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High-Risk Warrant Service

610.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of high-risk arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of arrest or search warrants on locations, property, or persons already secured or routine field warrant arrests by investigators or patrol officers that are not deemed to be high-risk.

610.1.1 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.

610.2 POLICY

It is the policy of the Kirkland Police Department to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

610.3 OPERATIONS DIRECTOR

The Professional Standards Division Captain, or their designee, shall review all threat assessment forms that meet the criteria for a potential high-risk service with the involved supervisor to determine the risk level of the warrant service

The Professional Standards Captain, or their designee, will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing, and debriefing should follow the guidelines in the Operations Planning and Deconfliction Policy.

610.4 SEARCH WARRANTS

Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed.

If an officer reasonably believes that serving a search warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the threat assessment form and

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submit it to their appropriate supervisor. Upon reviewing the threat assessment form, if the supervisor finds that the warrant may rise to a high-risk level, they shall meet with the Operations Director, or their designee, for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, the Professional Standards Captain, or their designee, will coordinate service utilizing the appropriate resources.

610.5 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the threat assessment form and submit it to their appropriate supervisor. Upon reviewing the threat assessment form, if the supervisor finds that the warrant may rise to a high-risk level, they shall meet with the Operations Director, or their designee, for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, the Professional Standards Captain, or their designee, will coordinate service utilizing the appropriate resources.

If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

610.6 WARRANT PREPARATION

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

(a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime execution.

(b) A clear explanation of the affiant’s training, experience, and relevant education.

(c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.

(d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.

(e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.

(f) A specific description of the location to be searched, including photographs of the location, if reasonably available.

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(g) A sufficient description of the items to be seized.

(h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the Brady Material Disclosure Policy).

610.7 HIGH-RISK WARRANT SERVICE

The Professional Standards Captain, or their designee, shall coordinate the service of warrants that are categorized as high risk and in those cases that do not rise to the level of SWAT involvement, shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following as applicable:

(a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.

(b) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.

(c) Reasonable efforts are made during the search to maintain or restore the condition of the location.

(d) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.

(e) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).

(f) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.

(g) A copy of the search warrant is left at the location.

(h) The condition of the property is documented with video recording or photographs after the search.

610.8 DETENTIONS DURING WARRANT SERVICE

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

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Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

610.9 ACTIONS AFTER WARRANT SERVICE

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

610.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The Professional Standards Captain, or their designee, will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the Professional Standards Captain, or their designee. The Captain should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The Captain should ensure that members of the Kirkland Police Department are utilized appropriately. Any concerns regarding the requested use of Kirkland Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the Professional Standards Captain is unavailable, the Special Operations Unit Lieutenant should assume this role if available.

If officers intend to serve a warrant outside Kirkland Police Department jurisdiction, the Professional Standards Captain, or their designee, should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the Kirkland Police Department when assisting outside agencies or serving a warrant outside Kirkland Police Department jurisdiction.

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610.11 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

610.12 TRAINING

The Training Sergeant should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

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Operations Planning and Deconfliction

611.1 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.

611.1.1 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.

611.2 POLICY

It is the policy of the Kirkland 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.

611.3 OPERATIONAL REVIEW

The Kirkland Police Department utilizes the Threat Assessment for High Risk Operations form, as provided by North Sound Metro SWAT, to assess, plan, and coordinate operations. This form should provide a process to identify high-risk operations.

The Professional Standards Captain, or their designee, will review threat assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The captain will also have the responsibility for coordinating operations that are categorized as high risk.

611.4 THREAT ASSESSMENT

611.4.1 THREAT ASSESSMENT FORM PREPARATION

Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a threat 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:

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(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).

611.4.2 THREAT ASSESSMENT REVIEW

Officers/Investigatorswill present the threat assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor for review. Upon reviewing the threat assessment form, if the supervisor finds that the warrant may rise to a high-risk level, they shall meet with the Professional Standards Captain, or their designee, for review and classification of risk.

The supervisor and Captain 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.

611.4.3 HIGH-RISK OPERATIONS

If the Professional Standards Captain, or their designee, after consultation with the involved supervisor, determines that the operation is high risk, the captain 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. SWAT
2. Additional personnel
3. Outside agency assistance
4. Special equipment
5. Medical personnel

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6. Persons trained in negotiation
7. Additional surveillance
8. Canines
9. Evidence Unit 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.

611.5 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.

611.6 OPERATIONS PLAN

The Professional Standards Captain, or their designee, 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,

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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), 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 threat 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.

611.6.1 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.

611.7 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

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responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

(a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.

(b) All participants should be provided a copy of the operations plan 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 Professional Standards Captain, or their designee, shall ensure that all participants are visually identifiable as law enforcement officers.

1. Exceptions may be made by the Captain 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 Professional Standards Captain, or their designee, to ensure that NORCOM 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 NORCOM, 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.

611.8 SWAT PARTICIPATION

If the Professional Standards Captain, or their designee, determines that SWAT participation is appropriate, the Captain 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 SWATsupervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

611.9 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.

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611.10 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.

611.11 TRAINING

The Training Sergeant should ensure officers and SWAT team members who participate in operations subject to this policy should receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

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Interview Rooms

612.1 PURPOSE AND SCOPE

This policy provides guidelines and expected practices regarding the use of the Kirkland Police Department's interview rooms located in the Investigations Section.

612.2 DEFINITIONS

Definitions related to this policy include:

Custody – Circumstances in which a reasonable person would believe that his or her freedom of action has been curtailed such that he or she is not free to leave.

In-Custody – Persons who have been arrested for a crime, whether they have been or are to be housed at a jail or a holding cell.

Electronic Recording – The preservation by digital means through the use of audio or audio/video recording equipment.

Suspect – A person who has either been charged with a crime or a person for whom there is a reasonable basis to believe that he or she may in the future be charged with a crime. Witnesses, victims, and other involved persons who provide information to a law enforcement officer are not considered suspects.

Interrogation – When a law enforcement officer's questions, actions, or words are reasonably likely to elicit an incriminating response from a suspect.

Interview Room – One of four rooms located in the Investigations Section of the Kirkland Police Department designed for interview and/or interrogation of persons.

Juvenile – A person 17 years of age or younger.

Sight and sound separation – Locating persons to prevent physical, visual, or auditory contact with other persons.

612.3 POLICY

The Kirkland Police Department is committed to ensuring the safety of all persons who are located in an interview room. The Kirkland Police Department is also committed to upholding the constitutional rights of those being interviewed, to include refraining from questions, actions, or words that would lead a person being interviewed to feelings of duress or coercion. A person located in an interview room is not to remain there longer than is necessary or reasonable.

612.4 INTERVIEW ROOM PROCEDURES

The following procedures should be followed when using the interview rooms:

(a) Interview rooms are to be used for both custodial and non-custodial interviews. They are not to be used as temporary detention areas.

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(b) Non-Custody persons shall be patted down for weapons prior to entering the Kirkland Police Department. In-custody persons shall be searched prior to entering the Kirkland Police Department.

(c) Custody practices regarding juveniles shall be conducted in compliance with the Temporary Custody of Juveniles Policy.

(d) Two officers need to be available to accomplish an interview in an interview room. This is to ensure an officer will be available to physically monitor, or monitor via video surveillance, an adult person who is being left unattended in an interview room for any reason. Juveniles must be physically monitored at all times while in the interview room, regardless of their custody status and regardless of the availability of audio/ video surveillance.

(e) Property removed from those to be interviewed shall be stored outside the interview room.

(f) Interview rooms are to be searched for contraband before and after use.

(g) Officers will secure their firearm(s) prior to entering the interview room with a suspect, but after the person has been searched or patted down for weapons. Gun lockers are located outside the interview room hallway for use by officers.

(h) Persons being interviewed may be subject to wear restraints depending on their demeanor and the officer's discretion. The use of restraints shall be in compliance with the Use of Restraint Devices Policy.

(i) An activation alarm button is located on the wall of each interview room and two in the hallway for use by officers during an emergency. When depressed, the alarm button dispatches a private alarm company which, in-turn, notifies NORCOM.

(j) Access to food, water, restroom facilities, and comfort breaks will be made available to those being interviewed. Accommodations and needs will be provided by the officer with the intention of preventing unreasonable physical and mental hardship to the person being interviewed.

(k) Juveniles being interviewed shall be sight and sound separated from adults being interviewed.

(l) No person shall be left unattended in the interview room in excess of 15 minutes.

(m) All persons left unattended in the interview room shall be monitored by an officer via video recording at all times (adults only). Those not in-custody who express a desire to leave the interview room at any time shall be attended to immediately.

(n) When an interview room is not in use, the room's door key should remain in place in the door's locking mechanism. The officer conducting the interview shall take possession of the room's door key as they initially enter the room. Rooms should be locked when a person being interviewed is left unattended inside. An exception to this procedure is with juveniles. Juveniles should never be left unattended, even if audio and/or video surveillance is available. If the officer conducting an interview must go elsewhere, another officer must accompany the juvenile as they wait in the interview room. After use, door keys are to be replaced. Extra keys are available to Investigations Section supervisors inside the interview room hallway's wall-mounted combination lock box.

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612.5 INTERVIEW PROCEDURES

The folllowing procedures should be followed while conducting an interview:

(a) Interview practices regarding juveniles shall be conducted in compliance with the Temporary Custody of Juveniles Policy.

(b) Miranda Warnings shall be read to those in-custody who are being questioned about a crime.

1. The warnings shall be captured on audio/video recording.

(c) Those being interviewed shall not be subject to undue mental and emotional duress and interviews should allow for breaks to prevent an interview session lasting longer than is reasonable.

(d) Consular Notification, when appropriate, shall be afforded to those who have been arrested. This shall be conducted in compliance with the Consular Notification and Immigration Policy.

(e) Officers should always strive to audio and video record interviews. A person to be interviewed may refuse to be audio and video recorded. Recordings shall be conducted in compliance with the Investigation and Prosecution Policy.

(f) Officer advisements regarding audio and video recordings of interviews shall be conducted in compliance with RCW 9.73.090:

1. Begin the recording by informing the person to be interviewed that an audio and video recording is being made. Include such notice on the recording.
2. State the current date and time
3. Read Miranda rights at the beginning of the recording (optional if not in-custody).
4. End the recording with a statement of the date and time.

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Unmanned Aerial System (UAS) Operations

613.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval, and dissemination of images and data captured by the UAS, subject to the provisions of the City of Kirkland (City) Unmanned Aircraft System Policy.

613.1.1 DEFINITIONS

Definitions related to this policy include:

Blanket Certificate of Waiver or Authorization (COA) - Allows an agency to operate in uncontrolled airspace (Class G,) under 400 feet above ground, within line-of-sight between UAS and operator.

Certificate of Waiver or Authorization (COA) - An authorization issued by the Air Traffic Organization to a public operator for a specific UA activity.

Pilot in Command (PIC) - Pilot in Command means the person who:

(a) Has final authority and responsibility for the operation and safety of the flight

(b) Has been designated as pilot in command before or during the flight; and

(c) Holds the appropriate category, class, and type rating, if appropriate, for the conduct of the flight

Small Unmanned Aerial System (UAS) - An small, unmanned aircraft (under 55 pounds) and its associated elements (including communication links and the components that control the small unmanned aircraft) that are required for the safe and efficient operation of the small unmanned aircraft in the national airspace system.

Visual Observer - A person who is designated by the remote Pilot in Command to assist the remote Pilot in Command and the person manipulating the flight controls of the small UAS to see and avoid other air traffic or objects aloft or on the ground.

613.2 POLICY

A UAS may be utilized to enhance the Police department's mission of protecting lives and property when other means and resources are not available or are less effective; provided that any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

613.3 PRIVACY

A UAS potentially involves considerations related to unreasonable searches and seizures and the right to privacy. Operators and observers shall not use a UAS to conduct a search for evidence of a crime unless:

(a) The search is conducted in compliance with a search warrant or court order, or

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(b) The search is conducted in circumstances in which the law does not require a search warrant or court order.

In circumstances not involving a search for evidence of a crime, operators and observers shall protect privacy rights by not unlawfully recording or transmitting images of an individual where that person would have a reasonable expectation of privacy.

Facial recognition software shall not be used.

613.4 FAA REGULATIONS

UAS operations shall be conducted in compliance with FAA regulations.

613.5 PROGRAM COORDINATOR

The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.
- Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.
- Developing a uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require written authorization of the Chief of Police or the authorized designee.
- Developing a protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing an operational protocol governing the deployment and operation of a UAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are collected in accordance with applicable laws and accessed, maintained, stored, and retrieved in a manner that ensures their integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.

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- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.

613.6 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible when in compliance with a search warrant or court order or in circumstances under which the law does not require a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations should only be conducted in compliance with City and Police Department policies, FAA regulations, and the terms of the COA..

613.7 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

613.8 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the established records retention schedule. All such data shall be maintained in accordance with State of Washington Retention Schedules and the requirements of the Washington Public Records Act (PRA), RCW 42.56.

Specifically, UAS video recordings made by the Police Department that do not capture an incident will be retained for 90 days from the date of recording, after which the recordings may be destroyed. For UAS Police Department video recordings that do capture an incident, the recordings will be retained until the matter is resolved and the appeals process has been exhausted, after which the recordings may be destroyed.

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The Police Department will comply with the PRA and the the Records Maintenance and Release Policy regarding public records disclosure requests.

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Chapter 7 - Equipment

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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, or loss 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 and in accordance with KMC 3.86. Only the Chief of Police may sign the City's Asset Disposition Form when applicable.

(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 shall be in a written report and submitted to the employee's immediate supervisor.

The supervisor shall author a memo and direct it through their Chain of Command to the appropriate Division Captain, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

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Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police who will then forward the claim to the Finance 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 appropriate Deputy Chief.

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Personal Communication Devices

701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs) wireless capable tablets and similar wireless two-way communications and/or portable internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the internet.

701.2 POLICY

The Kirkland 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.

701.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or funded by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

701.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue a PCD for the member's use to facilitate on-duty performance. The use of Department-issued PCDs for personal business either on- or off-duty should be minimal and/or incidental and must conform with the following City of Kirkland Administrative Policies:

1. Wireless Communication Device Policy 6-1.

2. Technology Resource Usage Policy 7-1.

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3. Technology Security Policy 7-4.

Such devices and the associated telephone number, if any, shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

701.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

(a) Permission to carry a personally owned PCD may be revoked if used contrary to the provisions of this policy.

(b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.

(c) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.

(d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Members will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.

(e) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department, without the express authorization of the Chief of Police or the authorized designee.

(f) Use of a personally owned PCD for work-related business purposes constitutes consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department, which may include litigation, public records retention and release obligations, as well as internal investigations.

701.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

(a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.

(b) All PCDs in the workplace should be set to silent or vibrate mode.

(c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications in accordance with the above-referenced City of Kirkland Administrative Policies 6-1, 7-1 and 7-4. Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.

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(d) Members may use a PCD to communicate with other personnel in situations where the use of the radio is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid or in lieu of regular radio communications.

(e) Members are prohibited from taking pictures, making audio or video recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.

(f) Members will not access social networking sites for any purpose that is not official department business.

(g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

701.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.

(b) Monitoring, to the extent practicable, PCD use in the workplace and take prompt corrective action if a member is observed or reported to be improperly using a PCD.

1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Chief of Police or the authorized designee.

701.8 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Except in an emergency, members who are operating vehicles other than authorized emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use and the use complies with RCW 46.61.672. Hands-free use should be restricted to business-related calls or calls of an urgent nature.

701.9 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.

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The use of PCDs may be appropriate for, but not limited to, the following examples:

a. Calls for service in which the reporting party wishes for telephonic contact.

1. Members should utilize land line phones at Fire Stations or the Police Department as a general rule, but PCDs are authorized for brief calls to citizens.

b. Barricaded subjects.

c. Hostage situations.

d. Mobile Command Post.

e. Catastrophic disasters, such as plane crashes, earthquakes, floods, etc.

f. Major political or community events.

g. Investigative stakeouts.

h. Emergency contact with an allied agency or allied agency field unit.

i. When immediate communication is needed and the use of the radio is not available or appropriate and other means are not readily available.

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Vehicle Maintenance

702.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

702.2 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed.

702.2.1 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.

702.2.2 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.

702.2.3 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 to an outside business for maintenance, service or repair.

702.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

702.3.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and shall complete the vehicle inspection logbook to ensure that the following equipment, at a minimum, is present in the vehicle:

- Emergency road flares
- 1 Roll barricade tape
- 1 First aid kit
- 1 Fire extinguisher
- Personal Protective Equipment per the Communicable Diseases and Body Armor policies

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702.3.2 ALL OTHER DEPARTMENT VEHICLES

An employee driving any other department vehicle, to include detective, command, corrections, evidence and specialty vehicles, shall ensure that the minimum following equipment is present in the vehicle:

- Emergency road flares
- First aid kit
- Fire extinguisher

702.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not return a vehicle to the station at the end of their shift with less than a full tank of fuel. Whenever practicable, vehicles should be refueled before the level falls below one-quarter tank.

Vehicles shall only be refueled at an authorized location.

702.5 WASHING OF VEHICLES

All units shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance.

Officers in patrol shall obtain clearance from the dispatcher before responding to the car wash. Only one marked unit should be at the car wash at the same time unless otherwise approved by a supervisor.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

702.6 CIVILIAN EMPLOYEE USE

Civilian employees using marked vehicles shall ensure all weapons are removed from vehicles before leaving the station. Civilian employees shall also prominently display the “out of service” placards or light-bar covers at all times. Civilian employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

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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 Kirkland to provide assigned take-home vehicles.

703.2 POLICY

The Kirkland 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

City-owned vehicles shall only be used for official business and, when approved, for commuting to allow members to respond to department-related business outside their regular work hours.

Members shall not operate City-owned vehicles at any time when impaired by drugs and/or alcohol.

Any member operating a vehicle equipped with a two-way communications radio, MCT and/or a GPS device shall ensure the devices are on and set to an audible volume whenever the vehicle is in operation.

703.3.1 SHIFT ASSIGNED VEHICLES

The on-duty supervisor shall ensure a copy of the unit roster indicating personnel assignments and vehicle numbers is completed for each patrol shift and will forward it to NORCOM at the beginning of each patrol shift.

All uniformed personnel driving a marked Kirkland Police Department vehicle shall log onto the in-car computer, inputting the required information, prior to utilizing the vehicle and shall notify NORCOM for entry of the vehicle number on the shift roster. If the vehicle is not equipped with a working in-car computer, they shall notify NORCOM for entry of the vehicle number on the shift roster. If the employee exchanges vehicles during the shift, NORCOM shall be notified.

703.3.2 UNSCHEDULED USE OF VEHICLES

Personnel utilizing a patrol vehicle for any purpose other than their normally assigned duties shall first notify the on-duty supervisor and explain the reasons for use. Any employee utilizing a patrol car outside of their normal patrol duties must notify NORCOM of the vehicle they will be using and their call sign.This section does not apply to members permanently assigned an individual vehicle (e.g., command staff, detectives), who regularly use the vehicle on an unscheduled basis as part of their normal assignment.

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703.3.3 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents, or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this department 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. The search shall be noted in the officer's report.

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

703.3.4 INVESTIGATION UNIT VEHICLES

Investigation Unit vehicle use is restricted to investigative personnel during their assigned work hours unless approved by an Investigation Unit supervisor. After-hours use of Investigation Unit vehicles by members not assigned to the Investigation Division shall be recorded by the on-duty supervisor on the shift roster.

703.3.6 UNMARKED VEHICLES

Except for use by assigned personnel, unmarked vehicles shall not be used without first obtaining approval from the supervisor of the unit to which the vehicle is assigned.

703.3.7 PARKING

Except when responding to an emergency or other urgent official business requires otherwise, members driving City-owned vehicles should obey all parking regulations at all times.

City owned vehicles should be parked in their assigned areas while at the Police Department. Employees shall not park privately owned vehicles in any area assigned to a City owned vehicle, any area during normal business hours that is marked for visitor parking, or in any other areas of the parking lot not designated as a parking space unless authorized by a supervisor.

703.3.8 AUTHORIZED PASSENGERS

Members operating department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

703.4 INDIVIDUAL MEMBER ASSIGNMENT VEHICLE AGREEMENT

City owned take home vehicles are assigned to certain personnel for their use within their job assignment. The assignment of vehicles is per the collective bargaining agreements. Take home

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vehicles are provided for the express purpose of facilitating a prompt response to critical incidents within the City of Kirkland.

In order to expedite an emergency response to the city, employees assigned a take home vehicle may use these vehicles during their days off within a 30 mile radius of the Kirkland city limits within the limits outlined below.

Employees assigned a take home vehicle may use their vehicle to pick up family members while on the way to or from work and to conduct essential errands as long as the stops to not deviate significantly from the normal route or distance to and from work or take them outside of a 30 mile radius as previously discussed.

Any collisions resulting from the authorized use of a City vehicle will be considered "on duty" for the purposes of L&I and state collision reports.

Unauthorized use of City owned take home vehicles

(a) Any personal commercial business

(b) Out of area trips (greater than a 30 mile radius) unless specifically authorized by the employee's immediate supervisor

(c) Loans to immediate family, friends, relatives or any other non-departmental person

(d) Any form of illegal activity

(e) Political campaigns, including the use of the vehicle in parades or any other form of political sponsorship of a candidate.

703.5 KEYS AND SECURITY

Keys

All uniformed field personnel approved to operate marked patrol vehicles shall be issued their own personal key in order to unlock their assigned vehicle's keys as part of their initial equipment distribution upon hiring. Personnel assigned a permanent vehicle shall be issued keys for their respective vehicle. The loss of any assigned key shall be promptly reported in writing through the employee's chain of command.

Members assigned a permanent vehicle should be issued keys for their assigned vehicle.

Security

Employees that are authorized to take home a City owned vehicle, per the collective bargaining agreements, shall follow these provisions:

Vehicles shall be locked when not attended.

All firearms, body armor and other police sensitive equipment shall be removed from the vehicle, unless locked in a separate container in the vehicle or properly secured in the residence when the vehicle is not attended (refer to Firearms Policy regarding safe storage of firearms at home).

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When an employee is on vacation, leave, or out of the area in excess of two weeks, the vehicle shall be stored in a secure garage at the employee's residence or at the police facility.

703.6 ENFORCEMENT ACTIONS

When driving an assigned vehicle to and from work outside of the jurisdiction of the Kirkland Police Department, an officer should avoid becoming directly involved in enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions Policy and the Law Enforcement Authority Policy).

Officers may render public assistance (e.g., to a stranded motorist) when deemed prudent.

Officers shall, at all times while driving a marked City-owned vehicle, 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.

703.7 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles.

(a) Employees may use the city contracted car washes.

Members shall make daily inspections of their assigned vehicles for necessary equipment, service/maintenance requirements and damage. Those employees who share a vehicle must complete the log in the checkout book prior to using the vehicle. It is the assigned member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.

Supervisors should make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with policy.

703.7.1 ACCESSORIES AND/OR MODIFICATIONS

No modifications, additions or removal of any equipment or accessories shall be made to the vehicle without written permission from the Administrative Commander.

703.8 VEHICLE DAMAGE, ABUSE AND MISUSE

When a City-owned or leased vehicle is involved in a traffic collision or otherwise incurs damage, the involved employee shall promptly notify a supervisor and follow those steps as outlined in the Traffic Collision Reporting Policy.

When a collision involves a City vehicle or when a member of this department is an involved driver in a collision that occurs in this jurisdiction, and the collision results in serious injury or death, the supervisor should request that an outside law enforcement agency be summoned to investigate the collision.

Any damage to a vehicle that was not caused by a traffic collision shall be immediately reported, documented in memorandum format and forwarded to their supervisor.

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An administrative investigation will be conducted to determine if there is any vehicle abuse or misuse. If it is determined that misuse or abuse was a result of negligent conduct or operation, appropriate disciplinary action may result.

703.9 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). Authorized on-duty emergency vehicles equipped with the switchable Good to Go pass should have the transponder set on "HOV." The Department will provide a list of all authorized emergency vehicle license plates to WSDOT.

Members operating Department vehicles which are not authorized emergency vehicles should utilize the appropriate Good to Go setting on switchable transponders when traveling on toll roads. The setting of the transponder should correspond with the required number of occupants in the vehicle. Examples of permitted use of toll lanes and the 520 toll bridge include:

1. Travel for normal work business such as meetings and training events

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Gas Mask - Use and Maintenance

704.1 PURPOSE

To establish procedures to be used by personnel of this department relative to using and maintaining the gas mask. These procedures will be followed when utilizing a gas mask.

704.2 GENERAL INFORMAITON AND LIMITATIONS

General Information

- The MSA Millenium is the department issued gas mask/respirator, providing respiratory and eye protection against chemical agents and other irritants.
- Personnel on duty shall have their assigned gas mask immediately available and shall wear it when coming into potential contact with chemical, or any unknown or suspect agents.
- The primary use of the gas mask is for protection against substances containing CN, OC, CS or other chemical agents.
- The gas mask is not intended for use in knowingly entering an area affected by a biological agent, radiological hazards or other nuclear hazards.
    1. The gas mask shall be used during the escape from such an area.
- Personnel issued a gas mask will receive annual training on the use and care of the mask. The gas mask will be inspected monthly by the officer and during the annual training session to ensure that the gas mask is working properly.
- Personnel shall be issued canisters for immediate use and replacement. Additional canisters shall be available upon request.

Limitations

- The MSA Millenium shall not be used for fire fighting.
- Do not use where the contamination level is immediately dangerous to life or health.
- A gas mask must be properly fitted to the individual to ensure proper protection.
- Eyeglasses should not be worn while wearing a gas mask as it interferes with proper sealing. Upon request, corrective lens adapters are available to users.
- If you sense any of the following danger signals, IMMEDIATELY GET INTO FRESH AIR:
    1. You smell or taste chemicals, or if your eyes, nose or throat becomes irritated;
    2. It becomes difficult to breathe.
        (a) Your canister may be used up, or abnormal conditions may be creating vapor concentrations which are beyond the limits of your gas mask.

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704.3 PROPER USE

PREPARATIONS FOR USE

- There are five inspections points, listed below, that must be checked before donning the gas mask. Under no circumstances should a gas mask that fails inspection be used. The gas mask must be repaired or replaced.

    1. Head harness: Check to see that the head harness straps still have their elasticity. Inspect for cracks or tears and make sure all buckles are in place and working properly.
    2. Face piece: Check face piece for dirt, cracks, tears or holes. Inspect the shape of the face piece for possible distortion that may occur from improper storage and make sure the rubber is flexible, not stiff.
    3. Inhalation and exhalation valves: Check for cracks, tears, distortion, dirt or build-up of material between valve and valve seat.
    4. Face piece inlet port: Check to make sure the inlet port threads are free of damage and that the canister sealing surface of the face piece is clean and free of dirt or other foreign matter. Check that the spider gasket, inhalation valve, and deflector nose cup are installed and undamaged. Make sure the inlet port cap is in place on the side of face piece opposite the canister.
    5. Canister(s): Make sure canister(s) remain clean. Never try to clean canister(s) by washing it or using compressed air. Inspect canister(s) for dents, scratches or other damage.

ASSEMBLY

- Place canister(s) onto inlet port carefully. Hand-tighten by turning clockwise to ensure a good seal against the face piece.
- When using a single canister only, place the cap on the opposite inlet port carefully. Tighten clockwise as directed with the canister.

DONNING THE MASK

- Extend all headband straps.
- Put your chin in first.
- Grasp the two side straps in each hand, and pull the harness back over your head.
- To tighten straps, pull straight back, not out.
- Adjust straps as necessary to position face piece. Test for tightness.

FACEPIECE TEST

- THE FACEPIECE MUST BE SUBJECTED TO THE FOLLOWING TIGHTNESS TEST BEFORE EACH USE:

    (a) Test the mask face piece for tightness by lightly placing a palm over the inlet end of the canister(s).

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(b) Inhale gently so that the face piece collapses slightly and hold the breath for ten seconds.

(c) The face piece will remain collapsed while the breath is held providing the assembly is gas tight. If any leakage is detected around the facial seal, readjust head harness straps and repeat test until there is no leakage. If other than facial seal leakage is detected, the condition must be investigated and corrected before another test is made.

(d) The face piece must pass the tightness test before the user should attempt to enter any toxic atmosphere.

USE OF INLET CAP PLUG

- The design of the gas mask allows the user to wear the gas mask with a single canister on either the right side or the left side of the face piece.
- The receptacle on the side of the face piece opposite the mounted canister must be sealed off by the inlet cap plug. The inlet cap plug must be tightened by turning clockwise onto connector, creating a seal between cap and face piece.

704.4 MAINTENANCE

CLEANING AND DISINFECTING

- The face piece assembly (with canister(s) removed) may be cleaned after each use with an approved cleaning solution. The approved cleaning solution will be MSA “Confidence Plus Germicidal Cleaner” P/N 10009971.
- Immerse soiled equipment in the solution and clean gently with a soft brush until clean. Take care to clean the exhalation valve in the face piece and all other parts that exhaled air contacts.
- Rinse in plain warm water (maximum 110°) and then air dry.

USE/DURATION

- Use the canister immediately upon opening the bag. Discard the canister after each use.
- Expended canisters should be inserted into plastic bags prior to disposal.

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Cash Handling, Security and Management

705.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

705.2 POLICY

It is the policy of the Kirkland Police Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

705.3 PETTY CASH FUNDS

The Chief of Police shall designate a person as the fund manager responsible for maintaining and managing the petty cash fund.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the fund manager.

705.4 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and any other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

705.5 PETTY CASH AUDITS

The fund manager shall perform an audit no less than once every six months. This audit requires that the fund manager and at least one command staff member, selected by the Chief of Police, review the transaction ledger and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and an immediate reporting of the discrepancy to the Chief of Police.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

A separate audit of each petty cash fund should be completed on a random date, approximately once each year by the Chief of Police or the City.

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705.6 ROUTINE CASH HANDLING

Those who handle cash as part of their property or Investigation Unit supervisor duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

Members who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.

705.7 OTHER CASH HANDLING

Members of the Department who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence Policy.

Cash in excess of $1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

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Personal Protective Equipment

706.1 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.

706.1.1 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.

706.2 POLICY

The Kirkland Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

706.3 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.

706.4 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.

706.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

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The Senior Firearms Instructor shall ensure eye protection meets or exceeds the requirements provided in WAC 296-800-16050.

706.6 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.

706.7 RESPIRATORY PROTECTION

The Administrative Commander is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (WAC 296-842-12005):

(a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.

(b) Fit testing, including identification of members or contractors qualified to conduct fit testing.

(c) Medical evaluations.

(d) PPE inventory control.

(e) PPE issuance and replacement.

(f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.

(g) Regularly reviewing the PPE plan.

(h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

706.7.1 RESPIRATORY PROTECTION USE

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (WAC 296-842-18010):

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(a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.

(b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.

(c) The member needs to replace the respirator, filter, cartridge or canister.

(d) The member needs to readjust his/her respirator.

(e) The member becomes ill.

(f) The member experiences sensations of dizziness, nausea, weakness, breathing difficulty, coughing, sneezing, vomiting, fever or chills.

706.7.2 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.

706.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances:

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

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(a) They smell, taste or are irritated by a contaminant.

(b) They experience difficulty breathing due to filter loading.

(c) The cartridges or filters become wet.

(d) The expiration date on the cartridges or canisters has been reached.

706.7.4 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.

706.7.5 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.

706.7.6 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.

706.8 RECORDS

The Training Sergeant is responsible for maintaining records of all:

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(a) PPE training.

(b) Initial fit testing for respiratory protection equipment.

(c) Annual fit testing.

(d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

(e) These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the department records retention schedule and WAC 296-842-12010.

706.9 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).

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Chapter 8 - Support Services

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Crime Analysis

800.1 PURPOSE AND SCOPE

Crime analysis should provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to the Department's long range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

800.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Field Interview cards
- Parole and Probation records
- Computer Aided Dispatch / Records Management / Jail Booking System data
- Electronic Traffic Information Processing (eTRIP) data
- Investigative reports and databases
- Crime Analysis bulletins from outside agencies
- Online open source and restricted access data sources

800.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for Crime Analysis:

- Frequency by type of crime, violations and/or specific calls for service
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

800.4 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and

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tactical plans of specific line units should be sent directly to them in order to support their overall operational readiness and deployment decisions. Information relevant to the development of the Department's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.

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Property and Evidence

801.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

801.2 DEFINITIONS

Property - Includes all items of evidence, items taken for safekeeping and found property.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping - Includes the following types of property:

- Property obtained by the Department for safekeeping, such as a firearm
- 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.

801.3 PROPERTY HANDLING

Any employee who first comes into possession of any property shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room. 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 submission to the property room. The property release form must be completed to document the release of such property and the owner shall sign the form acknowledging receipt of the item(s).

801.3.1 PROPERTY BOOKING PROCEDURE

All property and evidence must be submitted to the custody of the property room prior to the employee going off-duty. Employees submitting property shall observe the following guidelines:

(a) A property record must be completed in the current records management system, describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information and markings. This must be completed by the submitting officer prior to property being received by the Evidence Technician.

(b) Mark each item of evidence with the submitting employee's initials and the date submitted across all seams using the appropriate method so as not to deface or damage the value of the property.

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(c) Depending on the type of evidence and the packaging requirements, complete an evidence/property tag and attach it to the property, completely fill out the evidence envelope or packaging and affix the corresponding barcode.

(d) Place the case number and the tag number in the designated areas of the tag, envelope or bag.

(e) When the property is too large to be placed in a locker, the item will be secured in a temporary evidence room.

801.3.2 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor. The Bellevue Bomb Squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling, and disposal of all suspected explosives.

Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The Evidence Technician is responsible for transporting to the Bellevue BombSquad, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

801.3.3 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 submission.

(b) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or frame. Bicycles will be secured in the temporary evidence room.

(c) All cash over $500 shall be counted in the presence of a supervisor and placed in a white, currency only evidence envelope. The envelope shall be initialed by the submitting officer and the supervisor.

(d) City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No RMS entry is required. In cases where no responsible person can be located, the property should be submitted for safekeeping in the normal manner.

(e) Property items that are wet when collected shall be air dried in the drying cabinet. The key to the drying cabinet shall remain with the officer who collected the evidence until the item is completely dry and can be properly packaged.

801.3.4 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 Detective Sergeant or his/her designee to ensure that the following notifications are completed.

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The owner of the property will be notified of the seizure and intended forfeiture of the seized property within 15 days following the seizure. Notification includes any person having any known right or legal interest in the seized property, including any community property interest. The notice of the seizure may be made by any method authorized by law (RCW 10.105.010).

The notification will include the legal reason for the seizure and information regarding how to appeal the pending forfeiture.

Notification procedures for property seized under Asset Forfeiture (RCW 69.50.505) are detailed in the Asset Forfeiture Policy.

801.3.5 STORAGE OF SURRENDERED FIREARMS

Officers shall accept and store a firearm from any individual who has surrendered firearms under RCW 9.41.800 (Surrender of weapons), the Extreme Risk Protection Order Act, or after being detained under RCW 71.05.150 or RCW 71.05.153. The officer receiving the firearm shall:

(a) Record the individual's name, address, and telephone number.

(b) Record the firearm's serial number.

(c) Record the date that the firearm was accepted for storage.

(d) Prepare a property receipt form and provide a copy to the individual who surrendered the firearm.

    (a) If the firearm was surrendered pursuant to the Extreme Risk Protection Order Act, the original receipt should be forwarded promptly to the Records Supervisor for timely filing with the court (RCW 7.105.340).

The Evidence Technician shall handle and store firearms surrendered pursuant to a civil protection order to prevent damage or degradation in appearance or function and document the condition of the surrendered firearms including by taking a digital photograph (RCW 7.105.340).

801.3.6 ALCOHOLIC BEVERAGES AND CONTAINERS

A. Misdemeanor Investigations:

1. Minor in Possession/Driving Under the Influence/Theft 3 (shoplift)

(a) Officers are to document the odor inside the containers in the case report and state by training and experience that the substance is an alcoholic beverage.

(b) Photograph the container(s) and download digital photographs into the case document tab.

(c) Officers will dispose of the alcoholic beverage and container by pouring out the alcohol and disposing of the container in a garbage. container.

(d) Alcohol containers and alcoholic substances for misdemeanor crimes are not to be submitted to the property room.

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(e) Per the City and County Prosecutors' Offices, the officer's testimony as stated above, along with digital photographs, is sufficient for misdemeanor prosecution.

2. Other Misdemeanor Crimes

(a) Evidence of alcoholic substances and containers for other misdemeanor crimes should be weighed as to the significance of the evidence. Discretion is allowed for the submission of alcoholic containers if necessary for prosecution.

B. Felony Investigations: Evidence in all felony crimes is to be submitted per standard procedure.

801.3.7 FOUND PROPERTY

Found property surrendered to the Department shall be handled as required by RCW 63.21.050.

801.4 PACKAGING OF PROPERTY

Certain items require special consideration and shall be submitted separately as follows:

(a) Narcotics and dangerous drugs. Weight (without packaging) or pill count shall be recorded on packaging and in RMS.

(b) Firearms (ensure they are unloaded and submitted separately from ammunition).

(c) Property with more than one known owner.

(d) Fireworks.

(e) Contraband.

(f) Sharps, such as needles or injectables, will not be submitted or accepted into the property room.

(g) No explosives, dangerous chemicals, unknown biological specimens, nuclear material or ammunition greater than.50 caliber will be submitted to the Property Room or temporary storage areas. Contact will be made by the supervisor, Property/Evidence Technician or investigating officer with the Fire Department, Environmental Protection Agency, Bellevue Bomb Squad or other specialized agency when such material is recovered. All such items are to be photographed by the officer and disposed of by the specialized agency. Any handling of the items will be accomplished by the specialized agency requested to the scene.

Officers shall refer to the Washington State Patrol Forensic Services Guide for any questions on collecting and packaging of evidence.

WSP Forensic Service Guide

801.4.1 PACKAGING CONTAINER

Employees shall package all property, except narcotics and dangerous drugs in a suitable container available for its size. Knife boxes should be used to package knives. A property tag shall be securely attached to the outside of all items or group of items packaged together.

801.4.2 PACKAGING NARCOTICS, CONTROLLED SUBSTANCES AND OTHER DRUGS

The officer seizing narcotics, dangerous drugs, controlled substances and/or any other suspected drug shall retain such property in his/her possession until it is properly

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weighed with a certified scale, packaged, tagged, and placed in the temporary evidence locker. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected narcotics, controlled substances and other drugs. If conducted, the results of this test shall be included in the officer's report.

An attempt should be made to identify all pills utilizing an online pill identifier, such as WebMD. Absent a positive identification of a pill or substance, officers should use their training and experience to indicate in their report and on the package what they suspect the pill or substance to be. This is a requirement for drug burn procedures.

Narcotics and dangerous drugs shall be packaged in an orange narcotics envelope available in the evidence packaging area. The booking officer shall seal all seams of the envelope with evidence or packing tape and initial all of the seals. Narcotics and dangerous drugs shall not be packaged with other property.

When dealing with suspected Fentanyl, appropriate personal protective equipment shall be used (per OSHA guidelines) to include:

(a) Nitrile gloves

(b) N-95 Dust Mask

(c) Eye Protection

(d) Paper/Tyvek Coveralls and Shoe Covers

Officers shall pack suspected Fentanyl in the presence of a second KPD employee in case of accidental exposure. All suspected Fentanyl shall be placed within two agency-approved evidence envelopes. Evidence Technicians shall be notified via email by the submitting officer or detective about the submission and location of the Fentanyl. All suspected Fentanyl collected during the course of an investigation shall be sent to the Washington State Crime Lab for testing when current prosecution protocols require it. KPD personnel shall not field test suspected Fentanyl.

Situations involving large-scale accidental spill or release of a Fentanyl-related substance is a public health emergency which requires law enforcement personnel to immediately vacate the area and call a HAZMAT incident response team.

801.5 RECORDING OF PROPERTY

The Evidence Technician receiving custody of evidence or property shall record his/her signature, the date and time the property was received and where the property will be stored on the property packaging.

An evidence number shall be assigned to each property item. The evidence number is the case number followed by "EV" then the officer's personnel number and the item number of the evidence (example: 1112345EV039-001). This number shall be recorded on the property packaging.

Any changes in the location of property held by the Kirkland Police Department shall be recorded in the records management system.

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801.6 PROPERTY CONTROL

Each time the Evidence Technician receives property or releases property to another person, he/she shall enter this information in the records management system. Officers desiring property for court shall contact the Evidence Technician at least one day prior to the court day.

801.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Request for analysis for items shall be completed on the appropriate forms and submitted to the Evidence Technician. This request may be filled out any time after booking of the property or evidence.

801.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

All physical evidence will be secured in the property room until it is transferred to the crime lab. Transfers to the lab are the responsibility of the Evidence Technician, usually by hand delivery.

A Washington State Patrol Crime Lab "Request for Laboratory Examination" form shall be completed by the investigator and submitted to the Evidence Technician. To maintain a record of physical evidence submitted to a lab for examination, the "Request for Laboratory Examination" form or other request form will accompany all requests to the lab and will be signed for by the person receiving the evidence at the lab.

A copy of each form will be maintained in the case file and the chain of custody will be updated in the records management system.

801.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes, or for court, shall be noted on the Evidence Request Form, stating the date, time, and to whom released.

The Evidence Technician shall obtain the signature of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded on the Evidence Request Form, indicating date, time, and the person who returned the property.

801.6.4 AUTHORITY TO RELEASE PROPERTY

Property may be released to the rightful owner once all police use of the property is satisfied and the officer who submitted the property, or the case detective, has approved the property for release.

Recovered stolen property, where a victim has been identified, will be expeditiously returned when no longer needed as evidence.

Evidence will not be released until cleared for release by the investigating officer, detective, prosecutor or court.

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In every case where property is released, the final disposition of that property will be entered into the records management system.

801.6.5 MARIJUANA AND PRESCRIPTION MEDICATION COLLECTED BY STAFF: NON-EVIDENTIARY

Marijuana and prescription medication will not be returned when they are collected as personal property unless returned pursuant to a Court order. These collections usually occur due to a subject who is in the lawful possession of marijuana and/or prescription medication at the time of arrest being subsequently transported to a jail facility or held in custody on Kirkland charges. Employees who come into possession of marijuana and/or prescription medication in this manner will need to complete an evidence entry and designate the marijuana and/or prescription medication for destruction in 90 days, unless the Kirkland Police Department receives a court order directing return of the marijuana and/or prescription medication before the expiration of 90 days.

Officers should consider advising arrestees of this policy and allow them to leave marijuana and/or prescription medication that they lawfully possess under State law at home, in their vehicle or with another person who may lawfully possess the marijuana and/or prescription medication, to avoid having to place these items in property/evidence for destruction.

801.6.6 RELEASE OF PROPERTY

The Kirkland 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 Technician shall make a reasonable attempt to identify the lawful owner and provide written notice via US Mail within 15 days after the property is authorized to be released.

If the property remains unclaimed beyond sixty days after the initial written notice to the property owner, or, in the case of property held as evidence, sixty days from the date when the case has been finally adjudicated and the property has been released as evidence by order of the court, the Department may (RCW 63.32.010; RCW 63.40.010):

(a) At any time thereafter sell the property at public auction to the highest and best bidder for cash. The disposition of all proceeds from such auctions shall be accounted for and recorded according to law. (RCW 63.32.030).

(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).

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(c) Destroy an item of personal property at the discretion of the Chief of Police, or their designee, 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, or their designee, 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, or their designee, 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, or their designee, if he/she believes that it has been, or may be used in a manner that is illegal (RCW 63.32.010).

The Evidence Technician shall release the property upon proper identification being presented by the owner, or their designee, for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the property release form. After release of all property entered on the property release form, the release form shall be scanned into the case documents tab in the records management system. Upon release, the property entry shall be documented in the chain of custody portion of the records management system.

801.6.7 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Department may wish to file an interpleader to resolve the disputed claim.

801.6.8 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

The Evidence Unit will be responsible for the storage, control, and destruction of all narcotics and dangerous drugs coming into the custody of this department. Any time narcotics and/or dangerous drugs enter or leave the evidence room, they will be weighed using a certified/calibrated scale by the Evidence Technicians.

The Evidence Technician shall complete a visual inspection to detect possible tampering for any narcotic or dangerous drug prior to destruction. The inspection shall be witnessed by another member who does not have access to the evidence room.

801.6.9 PROPERTY DEPICTING A MINOR ENGAGED IN SEXUALLY EXPLICIT CONDUCT

No property or material that depicts a minor engaged in sexually explicit conduct shall be copied, photographed, or duplicated. Such material shall remain under the control of this department or the court and shall be made reasonably available for inspection by the parties to a criminal proceeding

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involving the material. The defendant may only view these materials while in the presence of his/her attorney or an individual appointed by the court either at this department or a neutral facility as approved by the court (RCW 9.68A.170). Any request for inspecting such material should be brought to the attention of the assigned investigator or an investigation supervisor.

801.6.10 CRIME GUNS

A crime gun is defined as any firearm that is illegally possessed, used in a crime, or suspected to have been used in a crime. An abandoned firearm may also be categorized as a crime gun if it is suspected to have been used in a crime or illegally possessed.

The Evidence Technician shall ensure that all crime guns are test fired for cartridge casing submission to IBIS. The Evidence Technician or primary assigned detective shall ensure that an ATF E-Trace is completed on each recovered crime gun.

801.7 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 Technician 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).

801.7.1 BIOLOGICAL EVIDENCE

The Evidence Technician 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 Professional Standards Division Captain

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 Professional Standards Division Captain.

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.

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Biological evidence from an unsolved crime shall not be disposed of prior to expiration of the statute of limitations (RCW 5.70.010). Even after expiration of the applicable statute of limitations, the Professional Standards Captain should be consulted.

801.7.2 RETURN OF FIREARMS

Prior to the return of a privately owned firearm, the Evidence Technician 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 Technician 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.

801.7.3 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 7.105.345):

(a) Confirming through a background check that the person is currently eligible to possess the firearm under federal and state law.

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(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 the individual agrees to store the firearm in a manner that prevents the restrained person from access (RCW 7.105.340).

801.7.4 SEXUAL ASSAULT KITS

Unreported sexual assault kits shall be stored and preserved for 20 years from the date of collection (RCW 5.70.030).

In any felony case initially charged as a violent or sex offense, as defined in RCW 9.94A.030, a governmental entity shall preserve any DNA work product that has been secured in connection with the criminal case, including related investigatory reports and records, according to the guidelines found in RCW 5.70.010.

801.7.5 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).

801.8 INSPECTIONS OF THE EVIDENCE ROOM

(a) On a monthly basis, the supervisor of the Evidence Technicians 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 Deputy Chief (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 sensitive items, including money, jewelry, drugs and guns shall be made by an individual(s) not associated with the property room or its function to ensure that records are correct and all evidence/property is accounted for. A random audit of general property will also be conducted. The scope of the general property audit will be at the discretion of the CEO.

(e) The agency has procedures to clear evidence/property from the property room. The supervisor of the Evidence Technicians will provide an annual written report to the Chief of Police on the number of items cleared during the prior year.

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801.8.1 EVIDENCE UNIT SECURITY

Access to the Kirkland Police Department Evidence Unit is restricted to authorized department personnel only. It shall be the responsibility of the Evidence Technician and the Administrative Commander to control all access to the Evidence Unit.

The Evidence Technician shall maintain a log of all persons entering the secured area of the Evidence Unit. Personnel, other than those assigned to the Evidence Unit, who have legitimate business in the secured area will be required to record their name, the date, time, and purpose for entry.

801.9 BODY-WORN CAMERAS

Body-worn camera systems will be used to enhance member safety while promoting community trust and transparency. The Kirkland Police Department will provide commissioned personnel with body-worn cameras for use during the performance of their duties due to their regular interactions with members of the public. All officers who are provided with a BWC by the department shall use and wear it consistent with the policy.

The Department utilizes a digital evidence storage software system in order to store, categorize, view, and share all digital evidence, to include BWC recordings. Officers shall not copy, edit, alter, erase, or otherwise modify in any manner BWC recordings except as authorized by law or Department policy.

Any violation of this provision is considered serious misconduct and subject to disciplinary action, up to and including termination. (See Body-Worn Camera Policy for further details.)

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Records

802.1 PURPOSE AND SCOPE

The Records Supervisor shall maintain the Department Records Unit Procedures Manual and update any process changes to reflect the procedures being followed within the Records Unit. The training policy for new personnel is included at the end of this policy.

Policies and procedures that apply to all employees of this department are contained in this chapter.

802.1.1 ELECTRONIC FILING SYSTEM

Reports are stored electronically in a Records Management System (RMS). Reports are numbered commencing with the current year followed by a sequential number beginning with 00001 starting at midnight on the first day of January of each year.

802.1.2 DIGITAL MEDIA

All digital media, to include images, videos and recordings, are stored electronically in Evidence.com. All digital media will be numbered using the corresponding case number in the Records Management System.

802.1.3 NATIONAL INCIDENT BASED REPORTING SYSTEMS

The Kirkland Police Department participates in the National Incident Based Reporting System (NIBRS). The Records Supervisor is responsible for ensuring that NIBRS reports are provided to the Washington Association of Sheriffs and Police Chiefs (WASPC) on a monthly 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 Unit accessible only to authorized Records Unit personnel. Access to report files after hours or when records personnel are otherwise not available may be obtained through the on-duty supervisor.

Kirkland 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.

Violation of this policy is cause for discipline up to and including termination.

802.2.1 RECORDS CONCERNING JUVENILES

The Records Supervisor 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.

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- Upon receiving notification from the Office of the Governor that a specific juvenile has received a full and unconditional pardon, the Records Supervisor shall ensure that all records pertaining to that juvenile are destroyed within 30 days.

802.3 USE OF A CENTRAL COMPUTERIZED ENFORCEMENT SERVICE SYSTEM (ACCESS)

ACCESS is a computer-controlled communications system located at the WSP Information Technology Division. ACCESS provides service to all the state and national information systems. The Chief of the WSP is vested with the authority to administer all operating phases of ACCESS and the Washington Crime Information Center (WACIC). There are specific requirements for agencies accessing the information in the group of computer systems in ACCESS.

802.3.1 ACCESS USE REQUIREMENTS

No member of the Kirkland Police Department shall operate any of the ACCESS systems without first complying with the training requirements as listed in the ACCESS Manual Chapter 1, Section 5, Item D. WSP ACCESS Manual

802.3.2 ACCESS REQUIREMENTS

As an authorized ACCESS user, the Kirkland Police Department complies with all of the following ACCESS requirements (reference ACCESS Manual Chapter 4)

- Warrant entry
- Receiving information from outside agencies
- Recording information
- Verifying information
- Canceling information
- Providing 24 hour access to agency warrants

24/7 Hit Confirmation:

The Kirkland Police Department contracts with NORCOM for 24/7 Hit Confirmation. The 24/7 hit confirmation phone number will be entered into the Miscellaneous Field of all entries.

It is the responsibility of the Records Supervisor to ensure that all ACCESS computer and network security requirements are in place and operational (reference ACCESS Manual Chapter 1, Section 2, Item A).

802.3.3 ACCESS DISSEMINATION

All personnel who use or work on the connection to ACCESS must observe all restrictions placed on the use or dissemination of information received through ACCESS. Policies contained within the ACCESS Manual, WACIC Manual, and other related manuals must be adhered to.

Some records may be public information; however, if the information is obtained through ACCESS it must only be used for criminal justice purposes. Those records that may be considered public

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would have to be released through a formal public disclosure request. Law enforcement may provide vehicle records to tow operators as specified by Washington State Law.

Queries or messages not pertaining to law enforcement business (e.g., personal inquiries) are prohibited. Persons shall not use any information obtained through the ACCESS system, including all Department of Licensing (DOL) and Department of Corrections (DOC) information, for private business or personal reasons or furnish any information so obtained to any other person for such use.

802.3.3 ACCESS TRAINING AND CERTIFICATION

The FBI and WSP require all criminal justice personnel who use data from NCIC, WACIC, III, WASIS, etc. to receive training on available information and system security. The FBI and WSP also require reaffirmation of that training once every two years. The WSP complies with FBI standards by offering two certification levels for users:

- Level 1 - Inquiry, locates, and administrative messages
- Level 2 - Includes all abilities of Level 1 and includes entry, clearing, canceling of records within the databases

All terminal operators, including mobile data terminal users, must be certified at their appropriate level every two years. There are no grace periods to complete the recertification. If a terminal operator fails to recertify by their certification expiration date, or fails their recertification test, they must attend an ACCESS class.

802.3.4 RE-BACKGROUND INVESTIGATIONS

ACCESS requires all personnel who use or work on the connection to ACCESS to have a re-background investigation conducted every five years. This mirrors the CJIS Security Policy recommendation.

(a) The following queries must be conducted to complete the re-background:
    1. Query Wants History (QWH) – Inquire on the Name and Date of Birth
        (a) Use purpose code J
        (b) Use re-background as the reason
    2. Query Record (QR) – Inquire on the SID and/or FBI obtained from the QWH transaction
        (a) Use purpose code J
        (b) Use re-background as the reason

(b) The five year re-background dates must be documented within nexTEST for ACCESS certified users in the fingerprint date field

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(c) The TAC must notify the Washington State Patrol (WSP) ACCESS Section of any findings, including:

1. Felonies or Misdemeanors
2. Charges pending a disposition
3. Fugitives

(d) Unless otherwise determined by the ACCESS Section, it will be up to the discretion of the agency whether to limit the use of ACCESS

802.3.5 TERMINAL AGENCY COORDINATOR

The Chief of Police shall select a member of the Department to serve as Terminal Agency Coordinator (TAC) to coordinate the use of protected information. Refer to the Introduction chapter of the ACCESS Operations Manual for further clarification of TAC responsibilities. The responsibilities of this position include, but are not limited to:

- 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).
- 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.
- 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.
- Ensuring that all ACCESS computer and network security requirements are in place and operational.
- Developing procedures to ensure training and certification requirements are met.
- Resolving specific questions that arise regarding authorized recipients of protected information.
- Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.
- Ensuring proper operator performance, strict adherence to regulations and prompt notification of CJIS violations to the ACCESS Section.

802.3.6 CRIMINAL HISTORY USE AND DISSEMINATION

Criminal history information received via ACCESS terminal is specifically for use by criminal justice agencies and for official criminal justice purposes only. It is strictly protected by state and federal law. Refer to the Introduction chapter of the ACCESS Operations Manual for applicable laws. Secondary dissemination is permitted when criminal history is run for one criminal justice agency and then released to another criminal justice agency for their use.

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The criminal history inquiry must contain the following information:

(a) Identify the specific type of request (QH, QWH, QR, QI)

(b) The Attention (ATN) Field must contain the following:

1. Requestor Information

(a) First initial and last name and/or unique identifier (badge or personnel number) of the person requesting the information.

2. Criminal Justice Reason

(a) The reason can be a case number or a specific criminal justice reason. A case number should always be used if available. Generic/vague reasons (investigation, employment, QA, etc.) will be a compliance issue.

(b) If criminal history is run for the purpose of secondary dissemination the reason must include the name/badge/personnel number of the requestor, the case number or specific reason and the name/badge/personnel of the person querying the system.

(c) Specific criminal justice reasons may be abbreviated, but must be on the agency approved abbreviations list. The TAC can provide a copy of this list.

(d) Complete examples:

(a) 17-58593 625 (case number and badge)

(b) MIP 625 (abbreviated reason and badge)

i. D SATTERBERG 17-58593 625 (secondary dissemination)

(c) Proper purpose codes must be used:

1. C-Criminal justice.

2. J-Criminal justice applicant.

(d) The subject's information that you are querying:

i. Full name and date of birth

ii. State Identification (SID) number or Federal Bureau of Investigation (FBI) number

Criminal Justice Information (CJI) must be stored in a secure case file and/or disposed of according to agency required policies.

802.3.7 ACCESS MISUSE

Violations of the rules, regulations, policies, or procedures developed by NCIC and adopted by the WSP or any other misuse or abuse of the ACCESS system may result in agency disciplinary measures and/or criminal prosecution.

All allegations of ACCESS misuse will immediately be reported to the ACCESS Section Manager using the ACCESS Violation Incident Report Form.

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If the allegations are founded, the investigating agency will choose the level of discipline. The WSP may impose additional sanctions, if warranted. These may include, but are not limited to, additional training, revocation of individual certification, or termination of system access to the department.

802.4 CJIS/ACCESS PHYSICAL PROTECTION POLICY

Purpose: The purpose of this policy is to provide guidance for agency personnel, support personnel and private contractors/vendors for the physical, logical, and electronic protection of Criminal Justice Information (CJI). All physical, logical and electronic access must be properly documented, authorized and controlled on devices that store, process or transmit encrypted CJI. This Physical Protection Policy focuses on the appropriate access control methods needed to protect the full lifecycle of CJI from insider and outside threats. The intended target audience is personnel, support personnel and private contractors/vendors with access to CJI whether logically or physically.

See attachment: FBI-CJIS policy-and-operating-manual.pdf or www.fbi.gov/file-repository/policy-and-operating-manual.pdf

802.4.1 PHYSICALLY SECURE LOCATION

A physically secure location is a facility, a room, or a group of rooms within a facility with both the physical and personnel security controls sufficient to protect the CJI and associated information systems. The perimeter of the physically secure location shall be prominently posted and separated from non-secure locations by physical controls. Security perimeters shall be defined, controlled and secured. Restricted non-public areas in the agency shall be identified with a sign at the entrance.

802.4.2 VISITOR ACCESS

Visitor specifications need to be established per agency purview and approval. A visitor is defined as a person who visits the agency on a temporary basis who is not employed by the Kirkland Police Department and has no unescorted access to the physically secured location within the agency where CJI and associated information systems are located.

Visitors must:

(a) Be accompanied by an agency personnel escort at all times to include delivery or service personnel. An escort is defined as authorized personnel who accompany a visitor at all times while within a physically secure location to ensure the protection and integrity of the physically secure location and any CJI therein. The use of cameras or other electronic means used to monitor a physically secure location does not constitute an escort.

(b) Show a valid form of photo identification.

(c) Follow policy for unescorted access:

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1. Non-criminal Justice Agency (NCJA) such as city or county IT who require frequent unescorted access to restricted area(s) will be required to establish a Management Control Agreement between the Kirkland Police Department and NCJA. Each NCJA employee with CJI access will appropriately have state and national fingerprint-based records background check prior to this restricted area access being granted.
2. Private contractors/vendors who have frequent unescorted access to restricted area(s) will be required to establish Security Addendum with each private contractor personnel. Each private contractor personnel will appropriately have state and national fingerprint-based record background checks prior to this restricted access being granted.

(d) Not be allowed to view screen information.

(e) Be escorted to a public area of the facility when they do not have any legitimate business in a restricted area. Strangers in physically restricted areas without an escort should be challenged.

(f) Not be allowed to sponsor another visitor.

(g) Not enter into a secure area with electronic devices unless approved by the Information Technology point of contact, to include cameras and mobile devices. Photographs are not allowed without the permission of the Kirkland Police Department assigned personnel.

(h) Be referred to the proper agency point of contact for scheduling requests for tours. Visitor rules apply for each visitor within the group. The group leader will provide a list of names to front desk personnel for instances of emergency evacuation and accountability of each visitor while on agency premises.

802.4.3 AUTHORIZED PHYSICAL ACCESS

Only authorized personnel will have access to physically secure non-public locations. The agency will maintain and keep current a list of authorized personnel. All physical access points into the agency's secure areas will be authorized before granting access. The agency will implement access controls and monitoring of physically secure areas for protecting all transmission and display mediums of CJI. Authorized personnel will take necessary steps to prevent and protect the agency from physical, logical and electronic breaches.

All personnel who are not escorted and have CJI physical and logical access must:

1. Meet the minimum personnel screening requirements prior to CJI access:

(a) To verify identification, state of residency and national fingerprint-based records checks shall be conducted prior to contact with and within 30 days of assignment for all personnel who have direct access to CJI and those who have direct responsibility to configure and maintain computer systems and networks with direct access to CJI.

(b) Support personnel, private contractors/vendors, and custodial workers with access to physically secure locations or controlled areas (during CJI processing) shall be subject

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to state and national fingerprint-based records checks unless these individuals are escorted by authorized personnel at all times.

(c) Refer to the *CJIS Security Policy* for handling cases of felony convictions, criminal records, arrest histories, etc.

2. Complete Security Awareness Training

(a) All authorized Kirkland Police Department and NCJA personnel, such as city or county IT and private contractors/vendors, will receive Security Awareness Training within six months of being granted duties that require CJI access and every two years thereafter.

3. Be aware of who is in their secure area before accessing confidential data.

(a) Take appropriate action to protect all confidential data.

(b) Protect all terminal monitors with viewable CJI displayed on the monitor and not allow viewing by the public or escorted visitors.

4. Properly protect and not share any individually issued keys, proximity cards, computer account passwords, etc.

(a) Report loss of issued keys, proximity cards, etc., to authorized agency personnel.

(b) If the loss occurs after normal business hours, weekends, or holidays, personnel are to call the Kirkland Police Department POC to have authorized credentials, like proximity cards, de-activated and/or door locks possibly re-keyed.

(c) Safeguard and not share passwords, Personal Identification Numbers (PIN), Security Tokens (i.e. Smartcard), and all other facility and computer systems security access procedures.

5. Properly protect from viruses, worms, trojan horses, and other malicious code.

6. Web usage-allowed versus prohibited. Monitoring of user activity-allowed versus prohibited is at the agency's discretion.

7. Use of electronic media is allowed only by authorized personnel. Controls shall be in place to protect electronic media and printouts containing CJI while in transport. When CJI is physically moved from a secure location to a non-secure location, appropriate controls will prevent data compromise and/or unauthorized access.

8. If CJI is transmitted by email, the email must be encrypted and email recipient must be authorized to receive and review CJI.

9. Report any physical security incidents to the Kirkland Police Department's IT POC to include facility access violations, loss of CJI, loss of laptops, cell phones, thumb drives, CD/DVD's, other electronic devices and printouts containing CJI.

10. Properly release hard copy printouts of CJI only to authorized personnel in a secure envelope and shred or burn hard copy printouts when no longer needed. Information should be shared on a "need to know" basis.

11. Ensure data centers with CJI are physically and logically secure.

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12. Keep appropriate agency security personnel informed when CJI access is no longer needed. In the event of ended employment, the individual must surrender all property and access managed by the local agency, state and/or federal agencies.

13. Ensure the perimeter security door securely locks after entry or departure. Do not leave any perimeter door propped open and take measures to prevent piggy-backing entries.

802.4.4 PENALTIES

Violation of any of the requirements in this policy by any authorized personnel will result in suitable disciplinary action, up to, and including, loss of access privileges, civil and/or criminal prosecution and/or termination. Violation by any visitor can result in similar disciplinary action against the sponsoring employee, and can also result in termination of services with any associated consulting organization, or prosecution in the case of criminal activity.

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):

(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 Kirkland Police Department, it is the responsibility of the Records Supervisor to ensure that a copy of the supporting documentation

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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 VALIDATIONS

NCIC records are subject to validation. Validation obliges the originating agency to confirm records (vehicle, boat, wanted persons, protection orders, articles, missing persons, parts, gun entries, etc.) are complete, accurate, and still outstanding or active. On a monthly basis, the NCIC system extracts active records on file for validation purposes. This validation list is then provided to the agency by WSP at CJISValidations.com. The Terminal Agency Coordinator (TAC) or designee must review all records on the validation list.

Validation certification requirements:
For warrants and protection orders:

(a) During the initial 60-90 day validation of the record the following must be done:

i.Pull the original warrant or protection order and check all relative information or source documents such as Department of Licensing (DOL) files, criminal history, etc., regarding accuracy, completeness and timeliness of the entry

ii.Check the warrant or protection order in the Judicial Information System (JIS) for verification of validity and any changes in extradition or expiration.

(a) For each subsequent validation of the record, only the validity of the record must be verified

(b) Modify record, if necessary. Document efforts on the validation coversheet and retain in RMS.

For all other Hot Files entered into the National Crime Information Center (NCIC):

(a) During the initial 60-90 day validation of the record you must do the following:

i.Pull the original case report and check all relative information or source documents such as Department of Licensing (DOL) files, criminal history, etc., regarding accuracy, completeness and timeliness of the entry

ii.The reporting party, victim or investigating officer must be contacted to verify validity and accuracy. Contact may be made by telephone, letter, email, or personal visit and must be documented

iii.If the agency is unable to contact the reporting party, the department will use its best judgment whether to cancel the record or retain it in the system. This decision must be documented.

1.Missing persons and guns entered into the Washington Crime Information Center (WACIC)/ NCIC will not be removed from the system when the reporting party is no longer available to validate the entry. This is an agency decision and must be documented on the validation coversheet

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(a) For each subsequent validation of Gang, Missing, Unidentified, Violent Person, Supervised Person, Sex Offender, Identity Theft and License Plate Files, only the validity of the record must be verified

(b) No subsequent validation on property records (Boat, Gun, Securities, Vehicle, Vehicle/ Boat Parts and License Plates) will be required as they will not show up on the validation list after the initial 60-90 day validation

(c) Modify record, if necessary. Document efforts on the validation coversheet and retain in RMS.

The information contained in each entry must be accurate and complete. Any errors must be corrected immediately

All invalid records must be removed from WACIC/NCIC immediately. Ensure that the record has been cleared/canceled from both WACIC/NCIC

Validations must be well documented for each record. Validation efforts must include:

- Date validation occurred
- Who was contacted
- How contact was made (letter, phone call, etc.)
- Who completed the validation
- What decision was made (valid, invalid, modify, supplement, remove, etc.)

The validation letter must be completed and returned to the ACCESS Section by the due date. Return the validation form to ACCESS via email at access@wsp.wa.gov or by fax to (360) 534-2070. All completed validations and letters must be removed from the Fortress webpage.

802.7 REPORTS, INFRACTIONS & CITATIONS

The following subsections will provide guidelines for the consistent handling of reports, infractions and citations

802.7.1 IN-CUSTODY CASES (MISDEMEANORS)

Requirements

(a) All misdemeanor in-custody cases (juveniles and adults) must be processed in accordance with the following timelines:

1. Any person arrested prior to midnight will have their case processed the next morning for court.
2. Any person arrested after midnight will have their case processed the following day for court.

Review

(a) Each case is reviewed for necessary paperwork.

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1. Face page
2. Superform (Juveniles)
3. PC Affidavit
4. Initial Officer's report
5. Additional Officers' report(s)
6. Victim's statement(s)
7. Witness Statement(s)
8. Suspect Information sheet
9. Suspect Statement
10. Photos
11. Any other related documents
12. All related citations and arrest reports
    (a) This pertains only to Juvenile in-custody cases.
    (b) The King County Juvenile Prosecutor's office requires copies of all citations (if traffic related) and arrest reports involving other persons associated with the juvenile arrest case.

Processing

(a) Case paperwork is placed in the above order.

(b) In-custody Juvenile cases are then faxed or e-mailed to the King County Prosecutor Juvenile office.

(c) Regular cases are mailed to the King County Prosecutor Juvenile office.

(d) Adult cases are copied and these copies are placed in an interdepartmental envelope for delivery to Kirkland Municipal Court.
    1. The City Mail person picks up these cases at 0830 hours each morning and delivers them to Kirkland Municipal Court.

802.7.2 INFRACTIONS

Review

- Each infraction is reviewed for date of issuance. The 5 day rule is used to prioritize which citations are processed first.

Processing

- Time sensitive infractions are processed first and the remaining citations are processed throughout the rest of the day.
- Infraction information is entered into the Kirkland Police computer system.
- LEA copy is removed and kept in the Records Unit.

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- Remaining copies are placed in an interdepartmental envelope for delivery to Kirkland Municipal Court.
- Infractions are then picked up by 0830 hours by mail room personnel and delivered to Kirkland Municipal Court.

802.7.3 REPORTS AND CITATIONS

Review

(a) All other reports are reviewed for necessary paperwork. This includes reports that are not in-custody:

1. Arrested, booked & released
2. Cited & released
3. Cited through investigation
4. Non-arrest cases

Processing

(a) Report and citation information for all cases is entered into the Kirkland Police computer system.

(b) Arrested, booked & released cases

1. Citation is forwarded to the Kirkland Municipal Court.
2. Copy of the citation and case are forwarded to the Kirkland Prosecutor.

(c) Cited & released

1. Citation is forwarded to the Kirkland Municipal Court.
2. Copy of the citation and case are forwarded to the Kirkland Prosecutor.

(d) Cited through investigation

1. Citation and case are forwarded to the Kirkland Municipal Court, but it is placed in an envelope for the Kirkland Prosecutor.
2. Kirkland Municipal Court will forward these citations to the prosecutor.

(e) Non-arrest cases

1. Records is responsible for case entry into the Kirkland Police records management system.
2. Records personnel will review reports for information regarding forwarding copies as necessary to appropriate agencies or departments.
3. Reports are routed to Detectives, Family Violence Unit and other units through the records management system. This is done by the initial officer and their immediate supervisor when they complete and review the report.

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802.7.4 MISSING REPORTS AND CITATIONS

In-Custody cases must be completed and turned in before they can be processed and forwarded to the court or prosecutor.

(a) A copy of the citation and the PC Affidavit must be fowarded to the prosecutor and the court by 0700 hours each weekday morning.

1. The remaining paperwork must be processed and placed in an interoffice envelope. The envelope should be addresssed to the court and left in the corrections office by 1230 hours on Monday through Thursday, due to court arraignment being held at 1300 hours, and by 0800 hours on Friday, due to court arraingment being held at 0830 hours.

(b) When there are exceptional circumstances, the minimum required paperwork for in-custody cases will be:

1. Adult cases - A citation and PC Affidavit
2. Juvenile cases - A PC Affidavit

(c) These exceptions are only allowed with the approval of the Shift Supervisor.

802.7.5 TRACKING

All case reports and citations are entered into the electronic report writing system of the Kirkland Police after they have been forwarded to the Records Unit.

The electronic report writing system allows others to determine whether the reports/citations have been forwarded, where they have been forwarded to and when they were forwarded.

802.8 COURT ORDERS

The Records Supervisor 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 Supervisor shall see that the order is removed from the applicable system (RCW 9A.40.102; RCW 9A.40.104; RCW 9A.40.106).

802.9 RECORDS PERSONNEL FIELD TRAINING PROGRAM

802.9.1 PURPOSE AND SCOPE

The Records Unit Field Training Program is intended to provide a standardized program to educate and train all new Records Personnel to the actual performance of general Records Unit duties of the Kirkland Police Department. It is the policy of this department to assign all new Records Personnel to a structured Field Training Program that is designed to prepare the new Records Unit personnel to perform in a solo assignment possessing all skills needed to operate in a productive and professional manner.

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802.9.2 RECORDS UNIT FIELD TRAINING OFFICER SELECTION AND TRAINING

The Records Unit Field Training Officer (FTO) is an experienced Records Unit employee trained in the art of supervising, training and evaluating new Records personnel in the application of their previously acquired knowledge and skills.

SELECTION PROCESS:

FTO's will be selected based on the following requirements:

(a) Desire to be a trainer.

(b) Minimum of two years of records experience with this department.

(c) Demonstrated ability as a positive role model.

(d) Participate and pass a selection process.

(e) Evaluation by supervisors

TRAINING:

An employee selected as an FTO shall successfully complete a CJTC Certified (40-hour) Instructor Development Course as soon as possible after being assigned as an FTO in the Records Unit.

802.9.3 RECORDS UNIT FIELD TRAINING PROGRAM SUPERVISOR

The Records Unit Field Training Program supervisor will be the Records Unit Lead. The responsibilities of the Field Training Program supervisor include the following:

(a) Assignment of trainees to trainers.

(b) Conduct trainer meetings.

(c) Maintain and ensure Trainer/Trainee performance evaluations are completed.

(d) Maintain, update and issue the Training Manual to each trainee.

(e) Monitor individual trainer performance.

(f) Monitor overall Training Program.

(g) Develop ongoing training for trainers.

(h) Coordinate meeting with final trainer, Field Training Program supervisor, and the Administrative Commander near the end of the Field Training Program. The purpose of this meeting is to review the trainee's performance and to make the appropriate recommendation to the Chief of Police in regards to their transition to solo assignment.

802.9.4 FIELD TRAINING

REQUIRED TRAINING

New Records Unit personnel shall be required to successfully complete the Field Training Program, consisting of a minimum of 14 weeks. To the extent practicable, new personnel should be assigned to a variety of FTO's, shifts and responsibilities during their Training Program.

TRAINING MANUAL

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Each new employee will be issued a 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 a Records Unit employee with the Kirkland Police Department. The employee 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 Training Manual will specifically cover those policies, procedures, rules and regulations enacted by the Kirkland Police Department.

802.9.5 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below:

1. 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 program supervisor on a daily basis.
    (b) Review the Daily Trainee Performance Evaluations with the trainee each day.
    (c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.
    (d) Sign off all completed topics contained in the Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee
2. Immediate supervisor:
    (a) The immediate supervisor shall review the Trainee's performance every two weeks and forward a written evaluation to the program supervisor.
3. Field Training Program Supervisor:
    (a) The program supervisor will review and approve the Daily Trainee Performance Evaluations submitted by the FTO.
4. Trainee:
    (a) 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 Training Program.

802.9.6 DOCUMENTATION

All documentation of the Field Training Program will be retained in the employee's training files (which may be electronic) 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 training.

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Restoration of Firearm Serial Numbers

803.1 PURPOSE AND SCOPE

The primary purpose for restoring firearm serial numbers is to determine the prior owners or origin of the item from which the number has been recovered. Thus, property can be returned to rightful owners or investigations can be initiated to curb illegal trade of contraband firearms. The purpose of this plan is to develop standards, methodologies, and safety protocols for the recovery of obliterated serial numbers from firearms and other objects using procedures that are accepted as industry standards in the forensic community. All personnel who are involved in the restoration of serial numbers will observe the following guidelines.

803.2 PROCEDURE

Any firearm coming into the possession of the Kirkland Police Department as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

803.2.1 PRELIMINARY FIREARM EXAMINATION

(a) Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tubular magazine) as well as the chamber contents.

(b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.

(c) Accurately record/document the condition of the gun when received. Note the positions of the various components such as the safeties, cylinder, magazine, slide, hammer, etc. Accurately record/document cylinder chamber and magazine contents. Package the ammunition separately.

(d) If the firearm is to be processed for fingerprints or trace evidence, process before the serial number restoration is attempted. First record/document important aspects such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

803.2.2 PROPERTY BOOKING PROCEDURE

Any employee taking possession of a firearm with removed/obliterated serial numbers shall book the firearm into property following standard procedures. The employee booking the firearm shall indicate on the property form that serial numbers have been removed or obliterated.

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803.2.3 OFFICER RESPONSIBILITY

The evidence technician receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the crime lab for restoration and maintain the chain of evidence.

803.2.4 DOCUMENTATION

Case reports are prepared in order to document the chain of custody and the initial examination and handling of evidence from the time it is received/collected until it is released.

This report must include a record of the manner in which and/or from whom the firearm was received. This may appear on the request form or property form depending on the type of evidence.

803.2.5 FIREARM TRACE

After the serial number has been restored (or partially restored) by the criminalistics laboratory, the evidence technician will complete a Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center (NTC) Obliterated Serial Number Trace Request Form (ATF 3312.1-OBL) and forward the form to the NTC in Falling Waters, West Virginia or enter the data into the ATF eTrace system.

803.3 OTHER CONSIDERATIONS

Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to digitize and compare unique markings made by a firearm on bullets and cartridge casings recovered from crime scenes.

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Records Maintenance and Release

804.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of Kirkland Police Department records. Protected information is separately covered in the Protected Information Policy.

804.2 POLICY

The department is committed to providing public access to records in a manner that is consistent with the Washington Public Records Act (RCW 42.56).

804.3 RECORDS SUPERVISOR RESPONSIBILITIES

The responsibilities of the Records Supervisor include but are not limited to:

(a) Managing the Records Management System (RMS) for the Department, including the retention, archiving, releasing and destruction of department public records.

(b) Acting as the liaison with the City of Kirkland Public Records Officer, housed in the City Clerk's Office.

(c) 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).

(d) Maintaining and updating the department retention schedule including:

1. Identifying the minimum length of time the department must keep records.

2. Identifying the department responsible for the original record.

(e) Expungement:

1. Expungement orders received by the department shall be reviewed for appropriate action. The Records Supervisor shall expunge such records as ordered by the court. Records may include, but are not limited to, records of arrest, investigation, detention or conviction. Once a record is expunged, department members shall respond to any inquiry as though the record did not exist.

804.4 POLICE PUBLIC DISCLOSURE ANALYST

The Chief of Police shall designate a Public Disclosure Analyst who shall support the City of Kirkland Public Records Officer (RCW 42.56.580).. The responsibilities of the Public Disclosure Analyst include, but are not limited to:

(a) Managing the release of department public records.

(b) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.

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804.4.1 PUBLIC RECORDS OFFICER

The City of Kirkland's City Clerk position is the City's designated Public Records Officer (RCW 52.56.580). The responsibilities of the City's Public Records Officer include, but are not limited to:

(a) 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).

(b) 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.

(c) Ensuring a current list containing every law that exempts or prohibits disclosure of specific information or records of the department is available to the public (RCW 42.56.070).

(d) Establishing rules regarding the processing of subpoenas or other court documents for the production of records.

(e) 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).

(f) 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).

(g) Ensuring that the name and contact information of the City's Public Records Officer is visible to the public, including the department website and appropriate department publications (RCW 42.56.580).

804.5 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall route the request to the Public Disclosure Analyst or the authorized designee.

804.5.1 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 to evidence what was actually released and as a place to document the reasons for any withheld documents or redactions. If the record is audio or video, a copy of the withheld or 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 withheld or redacted portions.

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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 requestor notifies the department that access cannot be obtained through the internet, then copies of the record shall be provided or the requestor may, upon request, view the records on the department computer.

3. Acknowledging the receipt of the request and providing a reasonable estimate of time the department will require to respond to the request. Additional time may be required to respond based upon:

(a) Determination whether any of the information requested is exempt.

(b) Notification to third persons or agencies affected by the request.

(c) The need to locate and assemble the information requested.

(d) The need to clarify the intent of the request.

4. Acknowledging the receipt of the request and asking the requestor for clarification if the request is not clear and providing the requestor 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. The department shall keep all requests for 30 days. If no response to a department request for clarification of the original request is received within that timeframe, the request will be abandoned.

804.5.2 DENIALS

(a) A 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).

804.6 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

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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 step-sibling 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 as authorized by RCW 46.52.080 and RCW 46.52.083.

(k) Preliminary drafts, notes, recommendations, or intra-agency memorandums in which opinions are expressed, or policies formulated, or recommended (RCW 42.56.280).

(l) Records that are relevant to a controversy (threatened, actual, or completed litigation) to which the department is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts (RCW 42.56.290).

(m) Security records including but not limited to records relating to preparing and responding to criminal terrorist acts; vulnerability assessments and emergency and escape plans of secured facilities; information regarding infrastructure and security of computer and telecommunications networks; system security and emergency preparedness plans; and as further defined in RCW 42.56.420.

(n) Global positioning system data that indicates the location of a department 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).

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(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 required 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 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.

804.7 SUBPOENAS AND DISCOVERY REQUESTS

Any department member who receives a subpoena duces tecum or other discovery request for records should promptly contact a supervisor and the Public Disclosure Analyst for review and processing in conjunction with the City Public Records Officer. 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.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the City Attorney.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to the City Attorney so that a timely response can be prepared.

804.8 RELEASED RECORDS LOG

Released records are logged in WEBQA.

804.9 SECURITY BREACHES

Members who become aware that any department system containing personal information may have been breached should notify the City Public Records Officer promptly.

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:

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1. Social Security number or the last four digits of the Social Security number
2. Driver license number or Washington identification card number
3. Full account number, credit or debit card number, or any required security code, access code, or password that would permit access to an individual's financial account
4. Any data elements listed in RCW 42.56.590 (e.g., date of birth, health insurance policy number, biometric data, email address, password)

(b) Any of the data elements listed above without the individual's first and last name if the data elements would enable a person to commit identity theft or if encryption, redaction, or other methods have not safeguarded the data element (RCW 42.56.590).

If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the City's Public Records Officer should promptly notify the appropriate department member designated to oversee the security of protected information (see the Protected Information Policy).

804.10 TRAINING

The Public Disclosure Analyst shall complete a training program consistent with the Attorney General's model rules within 90 days of assuming responsibilities for public records and complete refresher training as required (RCW 42.56.152).

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Records Management and Destruction Protocol

805.1 PURPOSE AND SCOPE

Physical and electronic media shall be securely disposed of when no longer required, using formal procedures.

Formal procedures for the secure disposal or destruction of media shall minimize the risk of sensitive information being compromised by unauthorized individuals. Media in any format that is no longer required for investigations shall be destroyed by shredding, electronic purging or incineration.

For the purposes of this policy, media shall be defined as any document or electronic entry containing sensitive information for persons identified in any document or electronic entry.

805.2 AUTHORITY AND RESPONSIBILITY

It is the practice of the Kirkland Police Department to comply with the Washington State Archives Records Retention Schedule.

Records destruction shall be the responsibility of the Administrative Division of the Kirkland Police Department.

805.3 CRIMINAL JUSTICE INFORMATION (CJI)

Criminal Justice Information is the term used to refer to all of the FBI CJIS provided data necessary for law enforcement and civil agencies to perform their missions including, but not limited to, biometric data, identity history, biographic data, property data, and case/incident history data. The following categories of CJI describe the various data sets housed by the FBI CJIS architecture:

- **Biometric Data**—data derived from one or more intrinsic physical or behavioral traits of humans typically for the purpose of uniquely identifying individuals from within a population. Used to identify individuals, to include: fingerprints, palm prints, iris scans, and facial recognition data.
- **Identity History Data**—textual data that corresponds with an individual's biometric data, providing a history of criminal and/or civil events for the identified individual.
- **Biographic Data**—information about individuals associated with a unique case, and not necessarily connected to identity data. Biographic data does not provide a history of an individual, only information related to a unique case.
- **Property Data**—information about vehicles and property associated with crime when accompanied by any personally identifiable information (PII).
- **Case/Incident History**—information about the history of criminal incidents.

The following type of data are exempt from the protection levels required for CJI: transaction control type numbers (e.g., ORI, NIC, FNU, etc.) when not accompanied by information that reveals CJI or PII.

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The intent of the CJIS Security Policy is to ensure the protection of the aforementioned CJI until the information is: released to the public via authorized dissemination (e.g. within a court system, presented in crime reports data, or released in the interest of public safety); purged or destroyed in accordance with applicable record retention rules.

805.4 STORAGE OF RECORDS

Case reports and investigations often contain CJI. Active investigations requiring CJI information to substantiate a criminal charge, will retain CJI documents while the case is still active. Inactive reports will have CJI removed and destroyed by secured shredding.

Until such time records are destroyed, they will be stored in a secured area, accessible only to authorized personnel who have had a fingerprint background completed and have viewed Security Awareness Training and/or have a minimum Level 1 ACCESS certification.

If documents are transported to or from storage facilities, the records will be transported by a person authorized to do so. If the records contain CJI, the records are to be contained in a locked container and the person(s) transporting the documents must have had a fingerprint background completed and have viewed Security Awareness Training and/or have a minimum Level 1 ACCESS certification.

805.5 DESTRUCTION OF RECORDS AND CJI

Records and documents destroyed in accordance with the Washington State Retention Schedule will be documented by a memorandum. The memorandum will include the Retention Schedule series name and number, the Disposition Authority Number (DAN) and/or Common Records Retention Schedule (CORE) number, inclusive dates, date of disposal, and means of disposal. This memorandum will be entered into IAPro, the electronic tracking system used by the Kirkland Police Department.

Destruction of records shall be observed by a person authorized to see such records. CJI records must be under constant observation from the time they are removed from secured storage until destruction is complete. This person must have completed Security Awareness Training and/or have a minimum Level 1 ACCESS certification.

- **Shredding** : A contracted company will be used by the Kirkland Police Department to provide secure shredding services. Physical media (print-outs and other physical media) will be disposed of by placing media in a locked shredding bin or stored in a secured room until ready for shredding. A Department employee will escort and witness the entire shredding process.
- **Electronic Purging** : Media that is stored in the Record Management System shall be purged electronically from that system. Case reports that contain CJI shall have any CJI that has been pasted into the report removed unless required for prosecution, and then removed after prosecution is completed. It is recommended that CJI not be inserted into documents, but held as separate documents for easier purging.

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- **Destruction** : Media such as hard-drives, tape cartridge, CDs, printer and copier ribbons, flash drives, etc. shall be disposed of by destruction. Destruction of electronic media will be achieved by physically dismantling media by methods of crushing or disassembling, ensuring that the platters have been physically destroyed so that no data can be retrieved.

805.5.1 COMPLIANCE WITH SUBMISSION OF SEX OFFENSE CASE FILES

It is the practice of the Kirkland Police Department to comply with Washington State law governing the submission of sex offense case files to the WASPC Criminal Justice Information Support Department (CJIS) for archiving pursuant to RCW 40.14.070. A record shall be kept of sex offense cases submitted to WASPC.

805.6 INFORMATION TECHNOLOGY (IT)

IT systems that have been used to process, store, or transmit FBI CJI and/or sensitive and classified information shall be sanitized and all stored information destroyed per IT policy and/ or procedure.

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Protected Information

806.1 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 Kirkland 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.

806.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Kirkland Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

806.2 POLICY

Members of the Kirkland 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.

806.3 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.

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(f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

806.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Kirkland Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

806.4.1 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.

806.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know (RCW 10.97.050).

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Supervisor 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.

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Nothing in this policy is intended to prohibit broadcasting warrant information.

806.5.1 REVIEW OF CRIMINAL OFFENDER RECORD

An individual may review his/her criminal history record information held by this department after complying with established department requirements as authorized by RCW 10.97.080.

806.6 RELIGIOUS AFFILIATION DISCLOSURE

Members shall not release personal information from any agency database for the purpose of investigation or enforcement of any government program compiling data on individuals based on religious belief, practice, affiliation, national origin, or ethnicity (RCW 42.60.020).

806.7 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).

806.7.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk, in or on an unattended vehicle, in an unlocked desk drawer or file cabinet, on an unattended computer terminal).

806.8 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

806.8.1 LOGGING CHRI QUERIES

All CHRI queries that are being physically run by authorized personnel shall be logged. All queries must be done for legitimate criminal justice reasons.

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Animal Control

807.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the Kirkland Police Department when personnel are responding to animal control-related calls for service and to set procedures regarding animal control services and the handling of injured domestic and wildlife animals.

807.2 POLICY

It is the policy of the Kirkland Police Department to uphold the animal-related municipal ordinances, state statutes and federal laws. The City of Kirkland Animal Control Authority is defined and regulated in accordance with Chapter 8.09 of the Kirkland Municipal Code.

807.3 ANIMAL CONTROL RESPONSIBILITIES

The Animal Control Officer (ACO) shall be primarily responsible for responding to, and assisting patrol officers with, animal-related calls for service and customer service needs of the community. This includes, but is not limited to the following:

(a) Enforcing local, state and federal laws relating to animals.

(b) Providing proactive education.

(c) Resolving or referring animal problems as outlined in this policy.

(d) Performing duties as outlined in the ACO job description.

The ACO shall be under the operational control of the Administrative Division. The Chief of Police or his/her designee will determine the ACO's assigned working hours.

During the ACO's scheduled hours of duty, animal-related calls for service shall be assigned to the ACO and logged by NORCOM. Requests for assistance by the ACO shall be acknowledged and responded to promptly.

807.4 PATROL OFFICER RESPONSIBILITIES

The Animal Control Officer's (ACO) technical skills and abilities are intended to provide advanced service capabilities in support of the general police functions. During the hours when the ACO is off-duty or unavailable, animal-related calls for service will be handled by the appropriate on-duty patrol officer. When a patrol officer is dispatched to an animal-related call for service, he/she shall take the appropriate actions to address the situation. In situations where the assistance of the ACO is necessary, the on-duty supervisor may request a call-out of the ACO.

807.5 ANIMAL CONTROL OFFICER CALL-OUT

When a patrol officer is dispatched to an animal-related call for service and encounters a situation which requires the advanced knowledge, technical skills or other unique abilities of the Animal Control Officer (ACO), a supervisor may request a call-out of the ACO. The responding patrol officer(s) shall take appropriate actions to control the situation until the ACO arrives to assist.

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All requests call in the ACO must be approved through a field supervisor and then by the Administrative Sergeant or the Administrative Lieutenant.

807.6 ANIMAL CRUELTY COMPLAINTS

Patrol officers and/or the Animal Control Officer (ACO) shall conduct a preliminary investigation of all reports of animal cruelty. Officers shall immediately take all actions deemed necessary for the welfare of the animal and to protect them from further harm or injury.

Officers shall investigate reported crimes against animals. Whenever requested, or deemed necessary, a patrol officer shall accompany the ACO during investigations.

807.7 ANIMAL BITE REPORTS

When dispatched to a call for service regarding an animal bite, the Animal Control Officer (ACO) will obtain as much information as possible, including:

(a) Identifying all of the parties involved.

(b) An accurate description of the animal.

(c) Written statements.

(d) Digital pictures of both the animal and the bite wounds.

When on-duty, the ACO will make contact with the victim and the animal's owner, if known. The ACO will determine if a quarantine is required and where the animal(s) should be confined. The quarantine period shall be ten (10) days, beginning on the date and time of the bite. Care should be taken when handling animals involved in a bite incident. This shall include the use of gloves and thorough washing of the hands and areas that may come into direct contact with the animal involved in the bite.

Deceased animals involved in a bite incident shall be placed in a plastic bag for transport to the police department, properly marked, and placed in the freezer.

In the event the ACO is unavailable, the responding patrol officer(s) shall conduct the above-noted investigation and confer with the ACO or the Administrative Sergeant as needed. The responding officer shall conduct as much of the investigation as possible and inform the ACO of any need for follow-up. If the animal is a stray, every effort should be made to immediately confine the animal and locate the owner.

The ACO may be called out to respond to the scene once approved by the duty supervisor and the Administrative Sergeant.

807.8 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

In the event the Animal Control Officer (ACO) is unavailable, patrol officers shall respond to all in-progress animal nuisance calls. Patrol officers shall obtain and forward to the ACO as much information as possible regarding the nature of the complaint, reporting party, owner information (if

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possible), location of the problem, etc. Patrol officers will also document and forward any actions taken, to include case report numbers and citations issued if applicable.

807.9 STRAY DOGS AND CATS

If the dog or cat has a license tag, that tag number should be researched through the *PetAccess.com* portal and the Tyler New World module to obtain contact information for the animal owner/handler. If the animal does not have a license tag, or the information is no longer current, the animal should then be scanned for a microchip in order to obtain possible owner/handler contact information. If the owner is located, the animal should be released to the owner and a citation may be issued if appropriate.

If the dog or cat is taken into protective custody, it shall be transported to the holding pens located at the Kirkland Police Department where it may be held for up to 4 hours in advance of the Animal Control Officer's (ACO) arrival, or kenneled at the authorized veterinarian center or the Everett Animal Shelter. When an animal is held in the holding pens, the animal will have proper bedding and water, but should not receive food. The weather and general well-being of the animal shall be considered in such decisions.

The ACO will transport any animal in the holding pens to the Everett Animal Shelter or the authorized veterinary center as soon as he/she comes on-duty. Once the animal is in the custody of the Animal Shelter, the Animal Shelter should handle all releases back to the owner.

In cases where the ACO is not available, the duty supervisor shall designate an alternative means of transport so that the animal is not unnecessarily held in the holding pens for extended periods.

807.10 ANIMAL CARE-TAKING PROCEDURES FOR UNAVAILABLE OWNERS

Officers shall make a reasonable effort to ensure that pets under a person's care will be provided with adequate care when that person is arrested or otherwise unavailable, such as transport for medical treatment. This is required when there is no other reasonably capable person to provide care, and the arrestee, victim, or injured owner is expected to be in custody at the jail, in the hospital, or in another medical facility for a period longer than would reasonably allow him/her to provide care for the animals.

With the owner's consent, relatives or neighbors may be contacted to care for the animal(s). If no persons can be found, or the owner does not consent, the Animal Control Officer will respond to take the animals into custody. Steps taken to care for or relocate the animal(s) shall be documented.

In all situations, the animal's owner should be informed where the animal(s) is being taken.

807.11 INJURED ANIMALS

When any injured domesticated animal is brought to the attention of the Animal Control Officer (ACO), all reasonable attempts should be made to contact an owner or responsible handler. If the

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owner or responsible handler cannot be located, and the animal is not an immediate danger to the community, it should be handled in one of the methods described below:

(a) During normal business hours, the injured animal should be taken to an authorized veterinary care clinic.

(b) If after normal business hours, the injured animal should be taken to an authorized emergency veterinary clinic.

(c) The only exception to the above are when the animal is an immediate danger to the community, or the owner of the animal is identified and takes responsibility for the injured animal.

Injured wildlife should be referred to P.A.W.S wildlife, Sarvey, etc, or the Department of Fish and Wildlife as applicable.

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 to. If the ACO is off-duty, the information shall be forwarded for follow-up.

807.12 DECEASED ANIMALS

When applicable, an attempt shall be made to identify the owner of a deceased domestic animal. Deceased animals on public property may be removed and properly disposed of by the Animal Control Officer (ACO). Patrol officers may remove deceased animals when the ACO is not on duty.

(a) For health and sanitary reasons, deceased animals should be placed in a sealed plastic bag prior to being placed in the ACO truck or other vehicles. Large animals should be double-bagged when possible.

(b) Deceased animals should be placed in the ACO freezer and properly labeled as follows:

1. Domestic: Note the breed, color, sex and if it has any collars or identification. Check for license tag number and scan for a microchip. Remove the collar before placing the animal in a plastic bag.

2. Wildlife: Make a note of the type of wildlife (i.e. raccoon, possum, etc). Place the animal in a plastic bag.

Each incident shall be documented. If the ACO is off-duty, the information shall be forwarded for follow-up.

Neither the ACO nor any patrol officer will be required to climb onto or under any privately owned structure for the purpose of removing a deceased animal.

807.13 DESTRUCTION OF ANIMALS

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. Destruction of an animal requires supervisor approval, and shall be undertaken with reasonable prudence

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and, whenever possible, in consultation with a licensed veterinarian and the owner of the animal (RCW 16.52.210). The decision to euthanize a seriously injured animal will rest with the on-duty supervisor.

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Chapter 9 - Custody

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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 Kirkland 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 Kirkland Police Department prior to being released or transported to a housing or other type of facility.

900.2 POLICY

The Kirkland 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 Kirkland 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.

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(d) Individuals who are a suspected suicide risk (see the Emergency Detentions Policy).

1. If the officer taking custody of an individual believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release, or a transfer to an appropriate facility is completed.

(e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.

(f) Individuals who are under the influence of alcohol, a controlled substance, or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.

(g) Any individual who has exhibited extremely violent or continuously violent behavior.

(h) Any individual who has claimed, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk.

(i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

900.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability.

At least one female department member should be present when a female adult is in temporary custody. 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.

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(c) Any other person authorized by the Shift Sergeant.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

900.4 INITIATING TEMPORARY CUSTODY

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. The officer should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent.

The receiving officer should ask the arresting officer if there is any statement, indication or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, he/she shall be transported to the appropriate jail or the appropriate mental health facility.

The officer should promptly notify the supervisor of any conditions that may warrant immediate medical attention or other appropriate action. The supervisor 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 Corrections Supervisor of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).

(b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:

    (a) 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.

    (b) 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.

    (c) Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).

    (d) Ensure males and females are separated by sight and sound when in cells.

    (e) Ensure restrained individuals are not placed in cells with unrestrained individuals.

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(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 Operations Deputy Chief will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

(a) Inform the individual, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.

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

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may result in civil or criminal immigration enforcement, including removal from the United States (RCW 10.93.160).

900.5 SAFETY, HEALTH, AND OTHER PROVISIONS

900.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the Kirkland 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 Kirkland Police Department.

The supervisor 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 supervisor 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.

(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.

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(h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.

1. The supervisor should ensure that there is an adequate supply of clean blankets.

(i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.

(j) Adequate furnishings are available, including suitable chairs or benches.

900.5.3 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to department members. At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor should meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by an officer.

Those who require medication while in temporary custody should not be at the Kirkland 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 supervisor 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).

(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.

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1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use his/her judgment in determining the duration of the calls.

(c) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.

900.5.6 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

900.5.7 FIREARMS AND OTHER SECURITY MEASURES

Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed. They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

900.5.8 NONDISCRIMINATION

The Kirkland Police Department shall not deny services, benefits, privileges, or opportunities to individuals in custody on the basis of national origin, citizenship, or immigration status, or on the basis of the existence of an immigration detainer, hold, notification request, or civil immigration warrant, except as required by law (RCW 49.60.030; RCW 10.93.160).

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 Kirkland Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

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Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

900.6.1 PREGNANT ADULTS
Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

900.7 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (e.g., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

Upon release of an individual from temporary custody, his/her items of personal property shall be compared with the inventory, and he/she shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Department shall maintain a copy of the property receipt.

The supervisor shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The supervisor 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.

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2. All safety checks shall be logged.
3. The safety check should involve questioning the individual as to his/her well-being.
4. Individuals who are sleeping or apparently sleeping should be awakened.
5. Requests or concerns of the individual should be logged.

900.9 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

The Civilian Administrative Commander will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Kirkland Police Department. The procedures should include the following:

(a) Immediate request for emergency medical assistance if appropriate.

(b) Immediate notification of the supervisor, Chief of Police and Professional Standards Deputy Chief .

(c) Notification of the spouse, next of kin or other appropriate person.

(d) Notification of the appropriate prosecutor.

(e) Notification of the City Attorney.

(f) Notification of the [Medical Examiner].

(g) Evidence preservation.

900.10 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

(a) All proper reports, forms and logs have been completed prior to release.

(b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.

(c) It has been confirmed that the correct individual is being released or transported.

(d) All property, except evidence, contraband or dangerous weapons, has been returned to, or sent with, the individual.

(e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of his/her property, warrant copies).

(f) The individual is not permitted in any nonpublic areas of the Kirkland 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.

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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 (RCW 10.110.020; RCW 10.110.030):

(a) The medical care provider determines the individual does not need to be accompanied or secured.

(b) The officer notifies the medical care provider that the officer is leaving after reasonably determining:

1. The individual does not present an imminent and significant risk of causing physical harm to themselves or another person.

2. There is no longer sufficient evidentiary basis to maintain the individual in custody.

3. In the interest of public safety, 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 Civilian Administrative Commander will ensure any reasonably necessary supplemental procedures are in place to address the following issues:

(a) General security

(b) Key control

(c) Sanitation and maintenance

(d) Emergency medical treatment

(e) Escapes

(f) Evacuation plans

(g) Fire- and life-safety

(h) Disaster plans

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(i) Building and safety code compliance

900.12 TRAINING

Department members should be trained and familiar with this policy and any supplemental procedures.

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Custodial Searches

901.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Kirkland 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.

901.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

901.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

901.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after his/her arrest and when receiving an individual from the custody of another. An officer shall conduct a custody search of an individual before transporting the 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.

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901.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Kirkland Police Department facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

901.4.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's Kirkland Police Department identification number and information regarding how and when the property may be released.

901.4.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

901.5 STRIP SEARCHES

No individual in temporary custody at any Kirkland Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband that constitutes a threat to the facility. Probable cause is required for a strip search when there is a belief the individual is concealing on his/her body evidence not constituting a threat to the facility (RCW 10.79.130).

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Factors to be considered in determining reasonable suspicion or probable cause include, but are not limited to (RCW 10.79.140):

(a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

(b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.

1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

(c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).

(d) The individual's actions or demeanor.

(e) Criminal history (i.e., level of experience in a custody setting).

(f) The nature of the offense.

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

901.5.1 STRIP SEARCH PROCEDURES

Strip searches at Kirkland Police Department facilities shall be conducted as follows (28 CFR 115.15):

(a) Written authorization from a supervisorshall be obtained prior to the strip search.

(b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner (RCW 10.79.100).

(c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.

(d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.

(e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.

(f) The primary member conducting the search shall prepare a written report to include (RCW 10.79.150):

1. The facts that led to the decision to perform a strip search.

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2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The written authorization for the search, obtained from the Shift Sergeant.
4. The name of the individual who was searched.
5. The name, serial number of the officer and sex of the members who conducted the search.
6. The name, sex and role of any person present during the search.
7. The time and date of the search.
8. The place at which the search was conducted.
9. A list of the items, if any, that were recovered.
10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.
11. Any health condition discovered.

(g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.

(h) Except at the request of the individual, no person, other than those who are participating in the search, shall be present or able to observe the search (RCW 10.79.150).

(i) A copy of the written authorization shall be maintained in the file of the individual who was searched (RCW 10.79.150).

901.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Shift Sergeant authorization and only in exceptional circumstances, such as when:

(a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.

(b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

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These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Shift Sergeant authorization does not need to be in writing.

901.5.3 RESTRICTIONS
Strip searches should be limited to those situations where such searches are necessary. Reasonable efforts to use less intrusive methods, such as pat-downs, electronic metal detector or clothing searches shall be made prior to any strip search (RCW 10.79.060; RCW 10.79.140).

901.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following:

(a) No individual shall be subjected to a physical body cavity search without written approval of a Lieutenant or higher rank and only upon a search warrant. Authorization may be obtained electronically (RCW 10.79.080). A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

(b) A detective will be called in to obtain the required search warrant. 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)

(c) Only a qualified physician, registered nurse or physician’s assistant may conduct a physical body cavity search (RCW 10.79.100).

(d) 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.

(e) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.

(f) 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 Lieutenant's approval.
4. A copy of the search warrant.
5. The time, date, location, and description of the search.
6. The medical personnel present.
7. The names, sex, and roles of any department members present.

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8. A statement of the results of the search and a list of any contraband or weapons discovered by the search.

(g) A copy of the written authorization shall be retained and made available to the individual who was searched or other authorized representative upon request.

(h) 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).

(i) The supervisor may allow the individual to have a readily available witness, of the individual's choosing, present at the time the search is conducted. The person chosen shall not be currently in custody or present an unreasonable security risk (RCW 10.79.100).

901.7 TRAINING

The Training Sergeant shall ensure members have training that includes (28 CFR 115.115):

(a) Conducting searches of cross-gender individuals.

(b) Conducting searches of transgender and intersex individuals.

(c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs. The search must be conducted by a physician, registered nurse, or physician's assistant.

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Biological Samples

902.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from an individual in conjunction with a criminal investigation. Nor does it apply to biological samples collected from those required to register, for example, as sex offenders.

902.2 POLICY

The Kirkland Police Department will assist in the expeditious collection of required biological samples from offenders in accordance with the laws of this state and with as little reliance on force as practicable.

902.3 OFFENDERS SUBJECT TO BIOLOGICAL SAMPLE COLLECTION

The following offenders must submit a biological sample (RCW 43.43.754):

(a) An offender convicted of any felony offense.

(b) An offender convicted of assault in the fourth degree where domestic violence as defined in RCW 9.94A.030 was pleaded and proven (RCW 9A.36.041).

(c) An offender convicted of assault in the fourth degree with sexual motivation (RCW 9A.36.041; RCW 9.94A.835).

(d) An offender convicted of communication with a minor for immoral purposes (RCW 9.68A.090).

(e) An offender convicted of custodial sexual misconduct in the second degree (RCW 9A.44.170).

(f) An offender convicted of failure to register as a sex or kidnap offender (RCW 9A.44.040 et seq.).

(g) An offender convicted of harassment (RCW 9A.46.020).

(h) An offender convicted of patronizing a prostitute (RCW 9A.88.110).

(i) An offender convicted of sexual misconduct with a minor in the second degree (RCW 9A.44.096).

(j) An offender convicted of stalking (RCW 9A.46.110).

(k) An offender who violates a sexual assault protection order granted under RCW 7.105.050 et seq. (Civil Protection Orders).

(l) An offender convicted of indecent exposure (RCW 9A.88.010).

(m) An offender convicted of a sex or kidnapping offense and required to register under RCW 9A.44.130.

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902.3.1 OPTIONAL SUBMISSION OF BIOLOGICAL SAMPLES
The Department may submit biological samples to the forensic laboratory services of the Washington State Patrol of an offender who is deceased and who was previously convicted of a qualifying offense regardless of the date of conviction (RCW 43.43.754).

902.4 PROCEDURE
When an offender is required to provide a biological sample, a trained member shall attempt to obtain the sample in accordance with this policy.

902.4.1 COLLECTION
The following steps should be taken to collect a sample:

(a) Verify that the offender is required to provide a sample pursuant to RCW 43.43.754.

(b) Verify that a biological sample has not been previously collected from the offender by querying the person's Washington State criminal history records. There is no need to obtain a biological sample if one has been previously obtained (RCW 43.43.754).

(c) Use the designated collection kit provided by the Washington State Patrol to perform the collection and take steps to avoid cross contamination.

902.5 USE OF FORCE TO OBTAIN SAMPLES
If an offender refuses to cooperate with the sample collection process, members should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order or approval of legal counsel, and only with the approval of a supervisor.

Methods to consider when seeking voluntary compliance include contacting:

(a) The individual's parole or probation officer, when applicable.

(b) The prosecuting attorney to seek additional charges against the individual for failure to comply or to otherwise bring the refusal before a judge.

(c) The judge at the individual's next court appearance.

(d) The individual's attorney.

(e) A chaplain.

(f) Another custody facility with additional resources, where the individual can be transferred to better facilitate sample collection.

(g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available. The supervisor shall review and approve any plan to use force and be present to document the process.

The supervisor shall review and approve any plan to use force and be present to document the process.

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902.5.1 VIDEO RECORDING

A video recording should be made any time force is used to obtain a biological sample. The recording should document all persons participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the established records retention schedule.

902.6 LEGAL MANDATES AND RELEVANT LAWS

Washington law provides for the following:

902.6.1 AVAILABLE INFORMATION AND TRAINING

The Corrections Lieutenant should maintain relevant informational material from the Washington State Patrol in the booking area of the Kirkland Police Department for training and guidance purposes. This should include the protocols for the collection, preservation and shipment of biological samples prepared by the Washington State Patrol (WAC 446-75-060).

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Chapter 10 - Personnel

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Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Kirkland Police Department and that are promulgated and maintained by the Department of Human Resources.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the Kirkland Police Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected class by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 RECRUITMENT

The Administrative Lieutenant should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

(a) Identification of racially and culturally diverse target markets.

(b) Use of marketing strategies to target diverse applicant pools.

(c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.

(d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.

(e) Employee referral and recruitment incentive programs.

(f) Consideration of shared or collaborative regional testing processes.

The Administrative Lieutenant shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

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1000.4 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following, but not limited to:

(a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)

(b) Driving record

(c) Reference checks

(d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.

(e) Information obtained from public internet sites

(f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)

(g) Local, state, and federal criminal history record checks

(h) Polygraph or similar assessment administered by an experienced professional with appropriate training and in compliance with standards established in rules of the commission. (RCW 43.101.095; WAC 139-07-040)

(i) Medical and psychological examination, including drug screening (may only be given after a conditional offer of employment)

(j) Review board or selection committee assessment

(k) Any other mandatory processes as defined in RCW 43.101.095

1000.4.1 PERSONAL APPEARANCE

The following shall be disqualifying as it relates to personal appearance:

(a) Visible tattoos which cannot be covered by the uniform of the day that are in violation of the provisions of Policy 1023.3: Tattoos.

1000.4.2 VETERAN PREFERENCE

The Human Resources Department will provide veteran preference percentages as required (RCW 41.04.010).

1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of

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the candidate's unsuitability to perform duties relevant to the operation of the Kirkland Police Department (RCW 43.101.095).

1000.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

1000.5.2 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private or protected information, the Administrative Lieutenant shall not require candidates to provide passwords to social media accounts (RCW 49.44.200).

The Administrative Lieutenant should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

(a) The legal rights of candidates are protected.

(b) Material and information to be considered are verified, accurate and validated.

(c) The Department fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Administration Deputy Chief should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.5.3 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file. These files shall be stored in a secured manner and made available only to those who are authorized to participate in the selection process or otherwise authorized by law.

1000.5.4 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule and SB 5051.

1000.5.5 BACKGROUND CERTIFICATION

Upon completion of the background investigation of a candidate who has received a conditional offer of employment with the Kirkland Police Department, the Chief of Police shall certify to the Criminal Justice Training Commission (CJTC) that the background check has been completed and there was no information found that would disqualify the candidate from certification, and that the candidate is suitable for employment as an officer (RCW 43.101.095).

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1000.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (RCW 43.101.095; RCW 43.101.200). Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR OFFICERS

Candidates shall meet the following minimum standards established by the CJTC. as provided in RCW 43.101.095, including but not limited to:

(a) Be eligible for CJTC certification

(b) Submit to a psychological evaluation

(c) Submit to a polygraph examination

(d) Submit to a criminal history check

(e) Not been convicted of a felony offense

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Evaluation of Employees

1001.1 PURPOSE AND SCOPE

The Department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

1001.2 POLICY

The Kirkland Police Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to promotion, reassignment, discipline, demotion, and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

1001.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and civilian 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.

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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.

1001.4 PROBATIONARY PERSONNEL

Civilian personnel are on probation for 12 months before being eligible for certification as permanent employees.

Special commissioned personnel are on probation for 12 months plus the period of time spent to complete the academy before being eligible for certification as permanent employees.

Civilian and special commissioned personnel are subject to probation extensions as outlined in Policy 1010.14.

Entry level commissioned personnel hired before June 1, 2019 are on probation for 17 months before being eligible for certification as permanent employees.

Entry level commissioned personnel hired on or after June 1, 2019 will have a probationary period that will be completed 12 months after assignment to solo patrol before being eligible for certification as permanent employees.

Lateral entry commissioned personnel hired before June 1, 2019 are on probation for 12 months before being eligible for certification as permanent employees.

Lateral entry commissioned personnel hired on or after June 1, 2019 will have a probationary period that will be completed 12 months after assignment to solo patrol before being eligible for certification as permanent employees.

When a probationary commissioned employee hired on or after June 1, 2019 misses more than 30 days in a row, including modified duty time, his or her probationary period shall be extended the same number of days he or she was absent. These employees are not subject to the probation extensions as outlined in Policy 1010.14.

Commissioned employees hired prior to June 1, 2019 are subject to probation extensions as outlined in Policy 1010.14.

All promoted employees will serve a probationary period of 12 months from the effective date of the promotion.

Probationary personnel are evaluated, in writing, on a monthly basis by their immediate supervisors, beginning after the completion of all applicable formal training (i.e. PTO, FTO). These monthly evaluations are to be forwarded to their respective Section Lieutenants.

1001.5 FULL-TIME PERMANENT STATUS PERSONNEL

Permanent employees will receive an annual performance evaluation:

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.

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Promotion / Transfer - If an employee is promoted, or transferred from one assignment to another in the middle of an evaluation period, the yearly evaluation shall be completed by the current supervisor at the time of the evaluation being due unless an agreement with the prior supervisor is in place due to the timing of the promotion and/or transfer. In either case, both supervisors will provide input for the employee's annual evaluation. .

1001.5.1 RATINGS CRITERIA

When completing the Employee Performance Evaluation, the rater will use a three level scale, which outlines three specific performance behaviors that best describes the employee's performance. The definition of each rating category is as follows:

- Exceeds Performance Standards and Expectations: This employee's performance exceeds expectations throughout the majority of the period, with minimum of guidance, consistently performs well above average.
- Meets Performance Standards: This employee consistently meets the requirements of the position; normal guidance and supervision are required.
- Below Performance Standards: This employee requires improvement to meet the expectations of the Department. Considerable guidance and supervision are required

Raters will assign a single rating for each component. Rater comments should illustrate and explain the rating.

The overall rating for the evaluation will be completed by the rater. The rater will complete a required narrative at the end of the evaluation form. This will summarize the overall performance of the employee during the rating period. Any rating under any job dimension marked below performance standards or exceeds performance standards and expectations shall be substantiated in the rater comments section.

1001.6 EVALUATION INTERVIEW

When the supervisor has completed the preliminary evaluation, it shall be forwarded to the rater's supervisor. The rater's supervisor shall review the evaluation for fairness, impartiality, uniformity, and consistency. The rater's supervisor shall evaluate the supervisor on the quality of ratings given.

Upon receiving the evaluation back, the supervisor shall make arrangements 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.

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1001.7 EVALUATION REVIEW

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the rater's supervisor. All evaluations will be forwarded to the Chief of Police through the chain of command.

1001.8 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Chief of Police for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to the City of Kirkland's Department of Human Resources.

The City of Kirkland's Department of Human Resources shall retain a copy of all performance evaluations for a minimum period of six years following the termination of employee status with the Kirkland Police Department.

1001.9 REMEDIAL TRAINING

When an employee fails to perform a job function at the level prescribed in this policy manual, remedial training may be necessary to ensure that employee has the knowledge and skills necessary to perform at an acceptable level.

Whenever an employee receives an evaluation rating of needs improvement or unacceptable, 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 Performance Improvement Plan (PIP):

1. The remedial training being provided.
2. The time line for providing the training.
3. The time line 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 should work in a collaborative manner with the employee to design the most effective PIP.

(c) All PIP's shall be forwarded through the appropriate chain of command to the Chief of Police. The Chief of Police, or their designee, shall sign off on all PIP's prior to implementation.

(d) The remedial training process is for use with all employees. It is not limited to use with probationary employees.

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Special Assignments and Promotions

1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making special assignments within the Kirkland Police Department.

1002.2 POLICY

The Kirkland Police Department determines assignments and promotions in a nondiscriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments and promotions are made by the Chief of Police.

1002.3 EVALUATION CRITERIA

The following considerations will be used in evaluating employees for promotion or transfer to a specialty or temporary assignment:

(a) Present a professional, neat appearance.

(b) Maintains a physical condition that aids in his/her performance.

(c) Expresses an interest in the assignment.

(d) Demonstrate the following traits:

1. Emotional stability and maturity
2. Stress tolerance.
3. Sound judgment and decision making
4. Personal integrity and ethical conduct
5. Leadership
6. Initiative
7. Adaptability and flexibility
8. Ability to conform to organizational goals and objectives in a positive manner.

1002.4 SPECIAL ASSIGNMENT POSITIONS

The following positions are considered transfers and are not considered promotions:

(a) Special Assignments:

(a) Detective

(b) K9 Officer

(c) Traffic Officer

(d) ProAct Officer

(e) Training Officer

(f) Police Training/Field TrainingOfficer (PTO/FTO)

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(g) Neighborhood Resource Officer

(h) School Resource Officer

1002.4.1 DESIRABLE QUALIFICATIONS

The following qualifications apply to consideration for transfer to a specialty or temporary position:

(a) Off probation.

(b) Necessary experience (as applicable):

1. Two years experience as a fully commissioned police officer.

2. Two years experience as a corrections officer.

(c) Has shown an expressed interest in the position applied for.

(d) Education, training and demonstrated abilities in related areas such as enforcement activities, investigative techniques, report writing, public relations, etc.

(e) Complete any training required by CJTC or law.

(f) Any other qualifications as listed in the announcement for the specialty or temporary position opening.

1002.4.2 SELECTION PROCESS

The selection process for special assignments will be in accordance to all applicable Collective Bargaining Agreements and may include the following criteria:

(a) Administrative evaluation as determined by the Chief of Police. This may include any or all of the following:

1. A review of the employee's current supervisor's recommendations and assessment.

2. A resume.

3. A written and/or oral examination.

4. A practical exercise.

5. A review of the employee's past work performance.

6. Other criteria deemed applicable to the specific job requirements.

1002.5 PROMOTIONAL REQUIREMENTS

The City of Kirkland Human Resources Department is responsible for coordinating and administering the testing of candidates in the promotion process. The Chief of Police will provide input on the various stages of the promotional process in accordance with Washington State civil service law and applicable CBA's. This input will include providing resource material if a written test is given.

The Chief of Police retains the rule of three for all candidates for promotion.

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Promotion within the Kirkland Police Department is governed by the Kirkland Civil Service Commission for commissioned personnel, and in all cases, the respective Collective Bargaining Agreements.

Administration of written tests and evaluating the promotional potential of candidates is governed by the Kirkland Civil Service Commission for commissioned personnel, and in all cases, the respective Collective Bargaining Agreements.

If an Assessment Center is utilized, the Assessment Center is a comprehensive, standardized program in which participants are systematically observed over one or two days and evaluated for promotional purposes. The Administrative Commander will identify an assessment center provider which is subject to review by the Chief of Police.

All elements used to evaluate candidates in the promotional process will be job related and nondiscriminatory, to ensure that candidates are evaluated by a promotion process that measures traits and characteristics that are a significant part of the job.

1002.5.1 TIME-IN-GRADE REQUIREMENTS FOR PROMOTION

Time-in-grade for Promotions: Commissioned

(a) Time-in-grade for promotion to Corporal is three years full time police experience as a commissioned police officer with two years of service with the Kirkland Police Department.

(b) Time-in-grade for promotion to Sergeant is five years full time police experience as a commissioned police officer with four years of service with the Kirkland Police Department.

(c) Time-in-grade for promotion to Lieutenant will be two years as a Sergeant with the Kirkland Police Department.

(d) Time-in-grade for promotion to Deputy Chief will be two years as a Lieutenant with the Kirkland Police Department or equivalent if from an outside agency.

Time-in-grade for Promotion: Non-commissioned

(a) Time-in-grade for promotion to Police Support Associate Supervisor is two years experience.

(b) Time-in-grade for Corrections Corporal is three years full time experience as correctional officer with two years of service with the Kirkland Police Department.

(c) Time-in-grade for Corrections Sergeant: Internal: Three years full time experience as correctional officer with two years of service with the Kirkland Police Department. External: Associates Degree with major course work in criminal justice management, or related fields, and five years of progressively responsible corrections center experience or seven years of on-the-job experience in corrections.

(d) Time-in-grade for Jail Manager, rank of Lieutenant, is five years of progressively responsible corrections center experience or 7 years of on the job experience.

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(e) Time-in-grade for promotion to Police Administrative Supervisor is five years total without a Bachelor's degree; with at least three years in a lead, supervisory or management capacity, or three years public finance experience in budgeting or accounting, preferably in a local government setting. There is no time-in-grade requirement for persons with a Bachelor's degree in Public or Business Administration.

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Grievance Procedure

1003.1 PURPOSE AND SCOPE

It is the policy of this department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance whether or not there is a basis for the grievance. Our Department's philosophy is to promote a free verbal communication between employees and supervisors.

1003.1.1 GRIEVANCE DEFINED

Grievance - Is any dispute involving the interpretation or application of any of the following documents by the person affected:

- The employee bargaining agreement (Memorandum of Understanding).
- This Policy Manual.
- City rules and regulations covering personnel practices or working conditions.

Grievances may be brought by an individual affected employee or by a group representative.

Specifically outside the category of grievance are complaints related to allegations of discrimination or harassment subject to the Discriminatory Harassment Policy. Also outside the category of grievances are personnel complaints regarding any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy or federal, state, or local law set forth in the Personnel Complaints Policy.

1003.2 PROCEDURE

The department's grievance process is outlined in the employee's current collective bargaining agreement and the City of Kirkland's administrative policy (Chapter 4-20) and will be the procedures that are followed.

1003.3 EMPLOYEE REPRESENTATION

Employees are entitled to have representation during the grievance process. The representative may be selected by the employee from the appropriate employee bargaining group.

1003.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to the Investigations Lieutenant for inclusion into a secure file for all written grievances.

1003.5 GRIEVANCE AUDITS

The Investigations Lieutenant 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 Investigations Lieutenant shall record these

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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 Investigations Lieutenant should promptly notify the Chief of Police.

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Anti-Retaliation

1004.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance, or collective bargaining agreement or memorandum of understanding.

1004.2 POLICY

The Kirkland 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.

This policy is in support of City of Kirkland Resolution #R-3776.

See attachment: City Administrative Policy 4-43 Reporting Improper Governmental Actions.pdf (revised November 7, 2016)

1004.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.

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- 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.

1004.3.1 RETALIATION PROHIBITED FOR INTERVENING OR REPORTING
No member may retaliate in any way against any person for intervening in good faith to end or prevent excessive use of force by another law enforcement officer or for reporting in good faith any wrongdoing by another law enforcement officer. Wrongdoing means conduct that is contrary to law or policies of this department (Chapter 321 § 1,2021 Laws).

1004.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the Human Resource 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.

1004.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.

(b) Receiving all complaints in a fair and impartial manner.

(c) Documenting the complaint and any steps taken to resolve the problem.

(d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.

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(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.

1004.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

(a) Communicating to all members the prohibition against retaliation.

(b) The timely review of complaint investigations.

(c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.

(d) The timely communication of the outcome to the complainant.

1004.7 WHISTLE-BLOWING

Washington law protects employees who make good faith reports of improper government actions. Improper government actions include violations of Washington law or policies of this department, 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 Investigations Lieutenant for investigation pursuant to the Personnel Complaints Policy.

1004.7.1 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).

1004.8 RECORDS RETENTION AND RELEASE

The Investigations Lieutenant shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

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1004.9 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

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Reporting of Arrests, Convictions, and Court Orders

1005.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures that members must follow when certain arrests, convictions, and court orders restrict their ability to perform the official duties and responsibilities of the Kirkland Police Department. This policy will also describe the notification requirements and procedures that certain retired officers must follow when an arrest, conviction, or court order disqualifies them from possessing a firearm (RCW 43.101.135).

1005.2 POLICY

The Kirkland Police Department requires disclosure of member arrests, convictions, and certain court orders to maintain the high standards, ethics, and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the Department

1005.3 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

Washington and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; RCW 9.41.040; RCW 9.41.801).

All members and retired officers with identification cards issued by the Department are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1005.4 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Washington law prohibits the possession of a firearm under the provisions of RCW 9.41.040 (unlawful possession of firearms).

While legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust, and shall be reported as provided in this policy.

1005.5 REPORTING

All members of this department and all retired officers with an identification card issued by the Department shall immediately notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal detention, arrest, charge, plea, or conviction in any state or foreign country, regardless of whether the matter was dropped or rejected, is currently pending or is on appeal, and regardless of the penalty or sentence, if any.

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All members and all retired officers with an identification card issued by the Department shall immediately notify their supervisors (retired officers should immediately notify the Shift Sergeant or the Chief of Police) in writing if they become the subject of a domestic violence-related order or any court order that prevents the member or retired officer from possessing a firearm or requires suspension or revocation of applicable Criminal Justice Training Commission (CJTC) certification.

Any member whose criminal arrest, conviction, or court order restricts or prohibits that member from fully and properly performing his/her duties, including carrying a firearm or that otherwise violates the standards of conduct, may be disciplined. This includes but is not limited to being placed on administrative leave, reassignment, and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member, on his/her own time and at his/her own expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline, up to and including termination.

Retired officers may have their identification cards rescinded or modified, as may be appropriate (see the Retiree Concealed Firearms Policy).

1005.5.1 NOTIFICATION TO CRIMINAL JUSTICE TRAINING COMMISSION

The Professional Standards Deputy Chief shall ensure that notification has been made to CJTC within 15 days of learning that an officer has been charged with a crime (RCW 43.101.135).

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Drug- and Alcohol-Free Workplace

1006.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

1006.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1006.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Shift Sergeant or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

1006.3.1 USE OF MEDICATIONS

Members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair his/her abilities, without a written release from his/her physician.

Possession 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).

1006.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

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Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1006.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1006.6 WORK RESTRICTIONS

The City shall not require an employee to undergo a drug and/or alcohol test unless there is reasonable suspicion to indicate the employee is under the influence of a substance which causes the employee to pose a hazard to the safety of the employee, the public, or other employees.

(a) When the employee is found to be exhibiting objective symptoms of intoxication or drug influence while on duty in accordance with Appendix "B" of the current collective bargaining agreement; Substance Abuse Policy.

(b) The use of compelled testing results shall be restricted to the internal administrative investigation.

If the supervisor reasonably believes that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and follow the procedures for alcohol and/or drug testing and treatment for employees as covered in the City of Kirkland Administrative Policy - Chapter 4, Policy 4-28 and Appendix B of the current Collective Bargaining Agreement.

1006.7 REQUESTING SCREENING TESTS

A supervisor may request an employee to submit to a screening test as outlined in City of Kirkland Administrative Policy - Chapter 4, Policy 4-28 and Appendix B of the current Collective Bargaining Agreement.

1006.7.1 SCREENING TEST REFUSAL

An employee may be subject to disciplinary action if he/she refuses to submit to a screening test as outlined in the City of Kirkland Administrative Policy- Chapter 4, Policy 4-28 and in Appendix B of the current Collective Bargaining Agreement.

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1006.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1006.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's confidential medical file in accordance with the Personnel Records Policy.

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Sick Leave

1007.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual or applicable labor agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) or the Washington Paid Family and Medical Leave program (PFML) (29 USC § 2601 et seq.; RCW 50.04.010 et seq.).

1007.2 POLICY

It is the policy of the Kirkland Police Department to provide eligible employees with a sick leave benefit.

1007.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences (RCW 49.46.210). Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both (WAC 296-128-750).

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity, or other activity that may impede recovery from the injury or illness (see the Outside Employment Policy).

Qualified appointments should be scheduled during a member’s non-working hours when it is reasonable to do so.

1007.3.1 NOTIFICATION

All members should notify the Shift Sergeant or appropriate supervisor as soon as they are aware that they will not be able to report to work and within one hour before the start of their scheduled shifts, unless it is not practicable to do so. If it is impracticable and a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor (WAC 296-128-650).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Department with no less than 10 days' notice of the impending absence (WAC 296-128-650).

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

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1007.4 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish verification supporting the need to be absent and/or the ability to return to work (RCW 49.46.210; WAC 296-128-660). Members on an extended absence shall, if possible, contact their supervisors at specified intervals to provide an update on their absence and expected date of return.

1007.5 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

(a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.

(b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Department of Human Resources as appropriate.

(c) When appropriate, counseling members regarding inappropriate use of sick leave.

(d) Referring eligible members to an available employee assistance program when appropriate.

1007.6 DEPARTMENT OF HUMAN RESOURCES

The Human Resources Director shall ensure:

(a) Written or electronic notice is provided to each employee regarding applicable paid sick leave provisions as required by WAC 296-128-760.

(b) This Sick Leave Policy is readily available to all employees.

(c) Employee records are retained and preserved regarding paid sick leave information and data as required by WAC 296-128-010.

1007.7 RETALIATION

No employee shall be retaliated against for using qualifying sick leave (WAC 296-128-770).

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Communicable Diseases

1008.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1008.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Kirkland Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1008.2 POLICY

The Kirkland Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

1008.3 EXPOSURE CONTROL OFFICER

The Training Sergeant will act as the Department's Exposure Control Officer (ECO). The ECO will work with the City's Safety/Risk Analyst to develop an exposure control plan that includes (WAC 296-823.100 et seq.):

(a) Exposure-prevention and decontamination procedures.

(b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.

(c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks, shoe covers) for each member's position and risk of exposure.

(d) Evaluation of persons in custody for any exposure risk and measures to separate them.

(e) Compliance with all relevant laws or regulations related to communicable diseases.

1. Bloodborne pathogen mandates including but not limited to (WAC 296-823-110 et seq.):

(a) Maintenance of training and medical records.

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(b) Confidentiality requirements and medical protocols.

(c) Rules regarding waste.

(d) Rules regarding worksite maintenance.

(e) Directions for appropriate labeling of contaminated items.

(f) A plan for the distribution and use of personal protective equipment (PPE) related to communicable diseases.

(g) Measures to eliminate or minimize occupational exposure and how members will be informed of those measures.

(h) The identification of positions with the potential for exposure.

2. The Washington Industrial Safety and Health Act (RCW 49.17.010 et seq.; WAC 296-800-110 et seq.).

3. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).

The ECO should, with the assistance of the City's Safety/Risk Analyst, annually review and update the exposure control plan and review implementation of the plan (WAC 296-823-11010).

1008.3.1 BIO-HAZARD CLEANING SERVICES

The Kirkland Police Department contracts for cleaning services with local companies. These companies are available to respond to the Police Department 24 hours a day, 7 days a week and are generally available to respond within 2 hours.

Any supervisor may call a cleaning company out when needed for an emergent type bio-hazard clean up. The normal practice that should be followed is to isolate the area, vehicle, etc and alert the Exposure Control Officer (ECO) of the situation. The ECO will coordinate with the cleaning company during normal work hours.

These companies are available to clean up a wide variety of scenes, to include holding cells, police vehicles, as well as personal equipment, to include clothing.

It is this Department's preference to have bio-hazard scenes cleaned up by one of these professional companies, rather than have officers undertake the cleaning effort themselves.

1008.4 EXPOSURE PREVENTION AND MITIGATION

1008.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to:

(a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.

(b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.

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(c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.

(d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.

(e) Using an appropriate barrier device when providing CPR.

(f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.

(g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.

1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/ decontaminated appropriately.

(h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.

(i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.

(j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1008.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (WAC 296-823-130).

1008.5 POST EXPOSURE

1008.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

(a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).

(b) Obtain medical attention as appropriate.

(c) Notify a supervisor as soon as practicable.

1008.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure that the City's exposure packet is completed and that the following information is documented (WAC 296-823-16005):

(a) Name and Social Security number of the member exposed

(b) Date and time of the incident

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(c) Location of the incident

(d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)

(e) Work being done during exposure

(f) How the incident occurred or was caused

(g) PPE in use at the time of the incident

(h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the On-Duty Injuries Policy) and the City's exposure packet.

1008.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (WAC 296-823-16005).

The City's Safety/Risk Analyst or the ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

(a) Whether the member has been informed of the results of the evaluation.

(b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the City's Safety/Risk Analyst or the ECO.

1008.5.4 COUNSELING

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (WAC 296-823-16005).

1008.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the ECO (WAC 296-823-16010). If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member’s supervisor to ensure testing is sought.

Source testing may be achieved by:

(a) Obtaining consent from the individual.

(b) In the event that consent cannot be obtained, by contacting the local health authority who may pursue testing of the source individual for HIV or other communicable diseases (RCW 70.24.340; WAC 246-100-205).

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Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult both the City's Safety/ Risk Analyst and the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1008.6 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1008.7 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training shall include the mandates provided in WAC 296-823-12005 et seq. and:

(a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.

(b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.

(c) Shall provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

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Smoking and Tobacco Use

1009.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Kirkland Police Department facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1009.2 POLICY

Employees may not smoke or chew tobacco while in contact with the public. No smoking is permitted in police facilities or police vehicles. Smoking is permitted at designated smoking areas in the immediate area outside the Police Department and Kirkland City Hall. Chewing tobacco is prohibited unless in a private work area where such practice is not objectionable. Objectionable activity shall be defined as noticeable chewing tobacco in the mouth, visible chew tobacco containers in uniforms and/or work areas, spitting and/or visible "chew cups".

Employees in uniform are also prohibited from smoking or using tobacco products while in public view.

1009.3 ADDITIONAL PROHIBITIONS

No person shall smoke tobacco products within 25 feet of a main entrance, exit or operable window of any building (RCW 70.160.075).

1009.3.1 NOTICE

The Chief of Police or the authorized designee shall ensure that proper signage prohibiting smoking is conspicuously posted at each entrance to the department facilities (RCW 70.160.050).

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Personnel Complaints

1010.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Kirkland Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1010.2 POLICY

The Kirkland Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any memorandum of understanding or collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1010.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

1010.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Minor Complaints - A matter in which the complaining party alleges minor violations of department policy related to job performance, competence, or safety and the complainant is satisfied that appropriate action has been taken by a department supervisor of rank greater than the accused employee.

Minor complaints will be documented in the department's electronic tracking system and the responsible supervisor shall include the appropriate complaint disposition in their narrative, as well as any proposed supervisory actions. The completed minor complaint will be forwarded, in the electronic tracking system, through the chain of command to the appropriate Section Lieutenant for review and finding.

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Serious Complaints - A matter in which the complaining party alleges serious violations of department policy or law; or which a department supervisor determines that further action is warranted. Types of serious violations which may require further action or an internal administrative investigation include but are not limited to allegations of; a crime, excessive force, improper/unlawful arrest, improper/unlawful entry, improper/unlawful searches, harassment, unbecoming conduct, insubordination, drunkenness on duty, and dereliction of duty.

Serious complaints shall be documented by the supervisor in the department's electronic tracking system with all accompanying information and the supervisor's narrative. The completed serious complaint will be forwarded, in the electronic tracking system, through the chain of command to the appropriate Section Lieutenant. The Section Lieutenant will review the complaint and notify the Division Deputy Chief or Commander if they believe an internal investigation may be warranted.

1010.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

(a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.

(b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.

(c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.

(d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

(e) Tort claims and lawsuits may generate a personnel complaint.

1010.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1010.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website. Forms may also be available at other City facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1010.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit an entry into the Department's electronic tracking system as appropriate.

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Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

1010.5 DOCUMENTATION

Supervisors shall ensure that all complaints are documented in the Department's electronic tracking system,which records and tracks complaints. The entry shall include the nature of the complaint and the actions taken to address the complaint.

Complaints which are received on a personnel complaint form, written by the complainant, will be entered into the electronic reporting system by the supervisor and the original personnel complaint form will be scanned into the system as an attachment.

1010.6 INVESTIGATIONS

Allegations of misconduct will be investigated as follows.

1010.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police, or the authorized designee, may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

(a) Upon receiving a serious complaint involving allegations of a potentially serious nature, the supervisor shall ensure that a command level officer, in the accused officer's chain of command, is notified as soon as practicable.

(b) A supervisor receiving or initiating any minor complaint shall ensure that an entry into the department's electronic tracking system has been completed as fully as possible. The original complaint form will be scanned and attached to the tracking system entry. The supervisor shall include the appropriate complaint disposition in their narrative, as well as any proposed supervisory actions. The completed minor complaint will be forwarded, in the electronic tracking system, through the chain of command to the appropriate Section Lieutenant for review of the supervisors finding and disposition. In all incidents that constitute an minor complaint, the supervisor shall notify the complainant of the disposition of their complaint after a review has been completed by the Section Lieutenant.

(c) A supervisor receiving or initiating any serious complaint shall ensure that an entry into the department's electronic tracking system has been completed as fully as possible. The original complaint form will be scanned and attached to the tracking system entry. The entry shall then be directed to the appropriate Section Lieutenant of the accused employee, via the chain of command, who will either take the appropriate action or

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forward the complaint to their Division Deputy Chief or Commander with a request for further investigation by the Investigations Lieutenant.

(a) In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Division Deputy Chief or Commander or the Chief of Police, who will initiate appropriate action.

(d) Responding to all complaints in a courteous and professional manner.

(e) 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 in the electronic tracking system and forward the form to their immediate supervisor.

(f) Promptly contacting the Chief of Police for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.

(g) Forwarding unresolved personnel complaints to their Section Lieutenant, who will determine whether to contact the complainant or assign the complaint for investigation.

(h) Informing the complainant of the investigator’s name and the complaint number within three days after assignment.

(i) Investigating a complaint as follows:

(a) Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.

(b) When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.

(j) Ensuring that the procedural rights of the accused member are followed.

(k) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1010.6.2 INTERNAL ADMINISTRATIVE INVESTIGATION PROCEDURES

On all internal administrative investigations, the following procedures shall be followed with regard to the accused employee(s):

(a) Internal administrative investigations must be authorized by the Chief of Police.

(b) For all non-criminal internal administrative investigations, employees shall be informed in writing of the nature of the investigation, the right to request Guild representation and whether they are a witness or a subject of the investigation before any interview of the employee commences. In investigations other than criminal, this will include the name, address, and other information necessary to reasonably apprise them of the allegations of such complaint. (See CBA 7.7 Bill of Rights.)

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(c) An employee who is identified as a subject of the investigation shall be advised in writing a minimum of forty eight (48) hours prior to the time of the interview, if the interviewer either knows or reasonably should know that the questioning concerns a matter that could lead to criminal charges or misconduct that could be grounds for termination. Employees who are given a forty eight (48) hour notification may waive that delay by signing a waiver form, provided that the employee either has Guild representation or waives the right to such representation in writing.

(d) 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.

(e) Unless waived by the employee, interviews of an accused employee shall be at the Kirkland Police Department or other reasonable and appropriate place.

(f) No more than two interviewers should ask questions of an accused employee.

(g) Prior to any interview, an employee should be informed of the nature of the investigation.

(h) All interviews should be for a reasonable period and the employee's personal needs should be accommodated.

(i) No employee should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers. Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.

(j) 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 as authorized by the Chief of Police. 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). No information or evidence administratively coerced from an employee may be provided to anyone involved in conducting the criminal investigation or to any prosecutor

(k) 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.

(l) 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.

(m) All employees shall provide complete and truthful responses to questions posed during interviews.

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(n) 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.

(o) An employee covered by civil service shall be provided a written statement of all accusations with a duplicate statement filed with the civil service commission (RCW 41.12.090; RCW 41.14.120).

1010.6.3 INVESTIGATION RESULTS FORMAT

Investigations of personnel complaints shall be detailed, complete and written as a departmental memorandum following the below format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

1010.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

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1010.6.5 COMPLETION OF INTERNAL ADMINISTRATIVE INVESTIGATIONS

Every investigator assigned to investigate an internal administrative investigation shall proceed with due diligence. Recognizing those factors such as witness availability and the complexity of allegations will affect each case, every effort should be made to complete the investigation within 45 days of being assigned an investigation.

In cases where extenuating circumstances exist, the time limit may be extended by the Chief of Police. In these instances, the assigned investigator shall notify the affected employee in writing of the extension.

If either party is charged with a criminal offense associated with an investigation, then the investigation may be suspended until the completion of the criminal trial.

Upon completion, the report should be forwarded through the Professional Standards Division chain of command to the Chief of Police.

1010.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1010.7 ADMINISTRATIVE SEARCHES

Employees shall have no expectation of privacy when using telephones, computers, radios or other communications provided by the Department.

Assigned lockers and storage spaces may only be administratively searched in the employee's presence, with the employee's consent, with a valid search warrant or where the employee has been given reasonable notice that the search will take place.

All other departmentally assigned areas (e.g., desks, office space, assigned vehicles) may be administratively searched by a supervisor, in the presence of an uninvolved witness, for non-investigative purposes. (e.g., obtaining a needed report or radio). An investigative search of such areas shall only be conducted upon a reasonable suspicion that official misconduct is involved.

1010.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

(a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.

(b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.

(c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

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1010.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police will request a criminal investigation by an outside law enforcement agency, absent exigent circumstances.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

The Kirkland 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.

1010.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review and include their comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

1010.10.1 DIVISION DEPUTY OR COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Division Deputy Chief or Commander of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Division Deputy Chief or Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief of Police, the Division Deputy Chief or Commander may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police, the Division Deputy Chief or Commander shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

1010.10.2 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Division Deputy Chief or Commander for further investigation or action.

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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 (except for an oral or written reprimand), the Chief of Police shall provide the member with a written (Loudermill) 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.

    (a) 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.

    (b) If the member elects to respond orally, the presentation may be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall render a timely written decision to the member and specify 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.

Within 30 days of the final review by the Chief of Police, written notice of the findings shall be sent to the complaining party if applicable. This notice shall indicate the findings, however, will not disclose the amount of discipline, if any imposed.

1010.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT
The Chief of Police or the authorized designee shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint.

1010.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline (except oral and written reprimands). 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.

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(d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.

(e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

1010.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline (RCW 43.101.135).

1010.13 POST-DISCIPLINE APPEAL RIGHTS

In situations in which the imposed discipline amounts to a written reprimand, the employee's right to formally respond shall be limited to the aforementioned Loudermill process and the grievance procedure outlined in the current collective bargaining agreement.

In situations resulting in the imposition of a disciplinary transfer, suspension with or without pay, demotion, or 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 current Civil Service rules, KMC 3.54, the collective bargaining agreement, the Grievance Procedure Policy, and RCW 41.12.090 and RCW 41.14.120.

1010.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and members other than non-probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

Any probationary period may be extended at the discretion of the Chief of Police in cases where the individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate.

1010.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

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1010.16 NOTIFICATION TO CRIMINAL JUSTICE TRAINING COMMISSION (CJTC) CERTIFICATION BOARD

Upon separation of a peace officer for any reason, the Department shall, within 15 days of the separation, notify the CJTC on a personnel action report form provided by the commission. When a resignation or retirement is accepted or made in lieu of termination or in anticipation of discipline, the reasons and rationale shall be included in the information provided to the CJTC, including the findings from any internal or external investigations into alleged misconduct (RCW 43.101.135).

The CJTC shall be notified within 15 days of learning of the occurrence of any death or serious injury caused by the use of force by an officer or any time an officer has been charged with a crime or when an initial disciplinary decision made by the Department for alleged behavior or conduct by an officer that is noncriminal and may result in revocation of certification (RCW 43.101.135).

The CJTC shall also be notified regarding any decision to discipline an officer for failure to intervene or for failure to report an incident of excessive force or any wrongdoing by another peace officer for determination of suspension or revocation of certification (RCW 10.93.190).

The Department shall, upon request of the CJTC, provide such additional documentation or information as the commission deems necessary to determine whether the separation or event provides grounds for suspension or revocation of the peace officer's certification (RCW 43.101.135).

1010.17 ANNUAL MANAGEMENT REVIEW AND ANALYSIS OF COMPLAINTS AND INTERNAL ADMINISTRATIVE INVESTIGATIONS

The Investigations Lieutenant will compile annual year end reports, based upon electronic tracking system records, of complaints and internal administrative investigations. These reports shall be forwarded to the Chief of Police at the end of every calendar year.

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Seat Belts

1011.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles.

1011.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and regulations set forth in 49 CFR 571.213 and RCW 46.61.687(6).

1011.2 POLICY

It is the policy of the Kirkland Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

1011.3 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including those who are not members of the Department, are properly restrained (RCW 46.61.688; RCW 46.61.687).

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the department member or the public. Members must be prepared to justify any deviation from this requirement.

1011.4 TRANSPORTING CHILDREN

A child restraint system shall be used for all children of an age, height or weight for which such restraints are required by law (RCW 46.61.687).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer’s design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side air bag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

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1011.5 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any patrol 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).

If, due to officer safety concerns and/or prisoner actions, the officer deems it unsafe to seatbelt the prisoner, they will document their reasons in a written report. This section applies to department vehicles that are equipped with a security partition, which serves to separate the front and rear seats.

If the need arises to transport a prisoner in a department vehicle that is not equipped with a security partition, the following protocol shall be followed. Prisoners should be secured with a seatbelt on the passenger side of the rear seat of these department vehicles while the vehicle is in motion. The vehicle's seatbelt is not intended to be a substitute for handcuffs or other appendage restraints. A second officer shall always be used in these types of transports. The second officer shall be seated in the rear seat and on the driver side.

This section does not apply to prisoners being transported by correctional transport vehicles.

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1011.6 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.

1011.7 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.

1011.8 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.

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Body Armor

1012.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1012.2 POLICY

It is the policy of the Kirkland Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1012.2.1 DEFINITIONS

Field Activities:

Duty assignments and/or tasks that place, or could reasonably be expected to place, officers in situations where they would be required to act in an enforcement, rather than administrative or support, capacities.

1012.3 ISSUANCE OF BODY ARMOR

The Administrative Lieutenant shall ensure that body armor is issued to all commissioned officers and all corrections officers when they begin service at the Kirkland Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administrative Lieutenant, or their designee, shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1012.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

(a) Officers shall only wear agency-approved body armor.

(b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.

(c) Officers shall wear body armor when engaged in high risk situations or when taking part in Department range training whether in uniform or not.

(d) 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.

(e) Officers that are assigned to a uniformed function and non-uniformed sworn officers are required to wear body armor while engaged in field activities both on duty and during off duty employment unless exempt as follows:

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1. When the officer is involved in undercover or plain clothes work that his/her supervisor determines could be compromised by wearing body armor.

1012.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections.

1012.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule and/or the guidelines and protocols established by the National Institue of Justice.

Summary

(a) Officers shall routinely inspect their soft body armor for signs of damage and for general cleanliness

(b) As dirt and perspiration may erode ballistic panels, each officer shall be responsible for cleaning their soft body armor in accordance with the manufacturer's instructions

(c) Officers are responsible for the proper storage, maintenance and care of the their soft body armor in accordance with manufacturer's instructions.

(d) Officers are responsible for reporting damage or excessive wear to the ballistic panels

(e) Body armor will be replaced in accordance with guidelines and protocols established by the National Institute of Justice.

1012.3.4 PREGNANT OR NURSING MOTHERS

If a pregnant or nursing officer has issues related to wearing soft body armor, the officer may raise the issue with her immediate supervisor and upon receipt of a physician's estimate of physical capacities form from the officer's doctor, the officer may apply to their Division Captain via the Chain of Command for a modified duty assignment. All modified duty assignments are subject to the approval of the Chief of Police or their designee.

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If an officer receives a temporary exemption from wearing soft body armor due to pregnancy or nursing, that employee shall be temporarily ineligible to perform patrol functions, and will work with her immediate supervisor regarding a modified duty position following Department and City policy. A temporary protective vest exemption due to nursing will be granted for up to three (3) months from the date of being released to full time regular duty.

1012.4 SENIOR FIREARMS INSTRUCTOR RESPONSIBILITIES

The Senior 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.

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Personnel Records

1013.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1013.2 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of Washington.

1013.3 DEPARTMENT FILE

The department file shall be maintained as a record of a person’s employment/appointment with this department. The department file should contain, at a minimum:

(a) Personal data, including photographs, marital status, names of family members, educational and employment history or similar information. A photograph of the member should be permanently retained.

(b) Election of employee benefits.

(c) Personnel action reports reflecting assignments, promotions and other changes in employment/appointment status. These should be permanently retained.

(d) Original performance evaluations. These should be permanently maintained.

(e) Any formal discipline records.

(f) Commendations and awards.

(g) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

1013.4 SUPERVISOR LOG

Supervisor Logs may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Supervisor Log may contain supervisor comments, notes, notices to correct (documented coaching and counseling) and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

(a) Documented coaching and counseling memos may be retained in the department file after the member has had the opportunity to read and initial the comment.

    (a) Once a member has had an opportunity to read and initial the memo, the member shall be given the opportunity to respond in writing.

    (b) Any member response shall be attached to and retained with the original memo.

    (c) If a member refuses to initial or sign a memo, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal,

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however, shall not be deemed insubordination, nor shall it prohibit the entry of the memo into the Supervisor's Log.

(b) Once the permanent performance evaluation has been made final, the Supervisor's Log shall be printed out and attached to the performance evaluation to be placed in the employee's personnel file. Unless there is an on-going performance based issue, a new Supervisor's Log should be started for the next evaluation period.

1013.5 TRAINING FILE

An individual training file shall be maintained by the Training Sergeant for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

(a) The involved member is responsible for providing the Training Sergeant or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Training Sergeant or supervisor shall ensure that copies of such training records are placed in the member’s training file.

1013.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Investigations 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 Investigations 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 for the duration of an officer or corrections officer's employment and a minimum of 10 years thereafter:

(a) Not sustained

(b) Unfounded

(c) Exonerated

(d) Sustained without formal discipline

1013.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records by the Department of Human Resources 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.

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(c) Psychological and physical examinations, follow-up inquiries and related documents.

(d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.

(e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

(f) Fitness-for-duty records will be kept separately by the Chief of Police in a locked file.

1013.8 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the City Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

1013.8.1 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.

1013.8.2 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.

1013.8.3 NOTICE TO MEMBER

Upon receipt of a request for information located exclusively in a member's personnel record, the Public Records Officer is responsible for providing notice to the member, the union representing the member, command staff and to the requestor, that includes the following information (RCW 42.56.250):

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(a) The date of the request

(b) The nature of the requested record relating to the member

(c) That information in the record will be released if not exempt from disclosure at least 10 days from the date the notice is made

(d) That the member may seek to enjoin release of the records under RCW 42.56.540 (court protection of public records).

1013.9 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.

1013.10 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule and SB 5051:

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(a) Personnel records for any peace officer or corrections officer must be retained for the duration of the officer's employment and a minimum of 10 years thereafter. Such records include all misconduct and equal employment opportunity complaints, progressive discipline imposed including written reprimands, supervisor coaching, suspensions, involuntary transfers, other disciplinary appeals and litigation records, and any other records needed to comply with the requirements set forth in RCW 43.101.095 and 43.101.135.

(b) 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.

(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 and SB 5051.

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Commendations and Awards

1014.1 PURPOSE AND SCOPE

The recognition of personal excellence is an important aspect of this department's activities. Presenting departmental awards for exceptional service provides that recognition, thereby enhancing departmental morale, reinforcing the department's commitment to the maintenance of a high standard of performance by its members, and motivating personnel to perform their duties at the highest possible level. Therefore, it is the policy of this department to recognize and reward exceptional service through an awards program to be administered under the established procedures. This policy provides a uniform means of recognizing actions or performances by members of the Police Department and citizens.

1014.2 AWARDS AND RECOGNITION

Medal of Honor

Awarded to departmental members killed in the line of duty, or displaying exemplary meritorious conduct. This award is established as this State's highest award for law enforcement, in accordance with RCW 41.72.020. All nominations shall be forwarded to the Washington State Law Enforcement Medal of Honor Committee and shall be in accordance with all policies and procedures set forth. This award will be presented at an annual ceremony, and presented in the form of a medal with ribbon, a ribbon bar, and a certificate.

Medal of Valor

Awarded to departmental members for conspicuous gallantry while acting in the line of duty, not falling within the guidelines for the Medal of Honor. Presented to officers for acts of exceptional bravery performed at very high risk to their own lives with full awareness of the danger involved. This award will be presented in the form of a medal, a ribbon bar and a certificate.

Distinguished Service Award

Awarded to departmental members who distinguish themselves by acts of personal bravery, not falling within the guidelines for the Medal of Valor. This award will be presented in the form of a ribbon bar and a certificate.

Lifesaving Award

Awarded to departmental members who, while acting in an official capacity, perform an active, distinctive and successful lifesaving act on another human being. This award will be presented in the form of a certificate. The criteria are as follows:

- the member was aware of the seriousness of the situation;
- the act was purposefully done;
- the events leading up to the act were not recklessly caused by the member; and

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- there must have been a strong possibility the person would have died if the action were not taken.

Meritorious Service Award

Awarded to any member of the department for outstanding job accomplishment that has contributed to a more effective and efficient police department. This may involve improved administration, improved operations, substantial cost savings, or other benefits to the department that have materially facilitated the effective performance of the department's mission. This award is presented in the form of a certificate.

The Chief's Award for Excellence in Teamwork

Presented to departmental units, squads, teams or work groups that delivered or performed an extraordinary service for the agency, the community or the law enforcement profession. This may include any group that collectively performed their duties in a manner that demonstrates excellence, professionalism, selflessness, devotion to duty, and dedication to the performance of the departmental mission. This award is presented in the form of a certificate.

Certificate of Commendation

Presented in recognition of a high degree of competence and professionalism in the performance of departmental duties. This includes exemplary conduct during a field incident or operation, outstanding administrative work, the effective handling of a criminal investigation, the organization of a new and beneficial departmental program, designing and conducting a course of training, and commendable participation in any other activity that improves the department's functioning or brings credit upon the department in any way. It may also be presented to any employee who has demonstrated long-term excellence in service to the agency. This award is presented in the form of a certificate.

Letter of Recognition

Presented to departmental members who perform their duties in a manner that demonstrates professionalism, devotion to duty, and dedication to the performance of the departmental mission. This award may also be presented for the submission of any suggestion subsequently adopted by the department that materially improves the efficiency of the department. This award is presented in the form of a letter to the employee signed by the Chief of Police. Line supervisors may make presentations of these awards to officers under their command as approved by the Chief of Police.

Citizen Commendation

This award may be presented to any person who is not a member of the department but who has materially aided the department or its officers in some way. This includes assistance in the solution of crime or the apprehension of criminals, aiding an officer in the field in a critical situation, and cooperation with or assistance to the department as a whole in any aspect of the department's

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administration or operations. This award to be presented in the form of a letter signed by the Chief of Police.

Other Awards

The department may establish other awards as deemed desirable and as designated by the Chief of Police. Any such additional awards shall be considered and presented in accordance with this policy.

Certificate of Promotion

A Certificate of Promotion is presented to employees who have been promoted within the department. This is not classified as an award and does not require any action by the Awards Board. The Chief of Police shall present the Certificate of Promotion award. A Certificate of Promotion shall be presented in the form of a mounted certificate.

1014.3 AWARDS BOARD

The Awards Board shall receive and evaluate all nominations for awards. The Administrative Lieutenant shall serve as the chairperson of the Awards Board.

This Board shall determine whether an award should be recommended and, if so, which award.

The Board shall consist of three members, to include the Administrative Lieutenant, and shall represent a cross-section of departmental ranks and duty assignments. The other two Board members shall be chosen by the chairperson of the Awards Board.

If a member of the Awards Board is under consideration for receipt of any award, that member shall be excused from the Board for the period when this award is under consideration. A temporary member of the Board will be chosen to serve on the Board in place of the officer/employee being considered for the award.

1014.4 AWARD PROCESS

1014.4.1 AWARD NOMINATION PROCESS

Who May Make Nominations

Any departmental member may nominate another departmental member or citizen for any award.

Nomination Form

Award nominations shall be submitted utilizing the department's awards nomination form, which will be routed through their supervisor. The form shall be neatly typed and all appropriate areas completed. The nomination must identify the person or persons making the nomination and be signed by that person or those persons.

Supporting Documentation

The nomination form must be accompanied by a supporting memorandum setting forth, in detail, the circumstances upon which the award is recommended. The memorandum shall be addressed

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to the Awards Board and routed through their supervisor. The nomination packet may also include such supporting documentation as is deemed desirable by the person or persons initiating the nomination. This documentation may include such items as witness statements, photographs, incident reports, statements from civilians familiar with the incident, newspaper articles, and any other evidence that will assist the Awards Board in determining the merits of the nomination.

Forwarding of Nomination

Unless otherwise noted, all nominations shall be forwarded to the Awards Board via the chain of command.

Nomination of Private Citizens for Awards

Any member of the department who is given significant assistance by a citizen, or any member of the department who is aware that such assistance has been given to another employee, may nominate that citizen for a Citizen Commendation. Such nominations shall be prepared and forwarded in the manner prescribed for recommendations of departmental personnel.

Letters from Citizens Commending a Departmental Employee

Letters from citizens commending a departmental employee shall be forwarded to the employee's supervisor for review. A copy of the letter shall also be forwarded to the Chief of Police. If the supervisor concludes that in addition to the citizen's letter, an award to the employee may be justified, he or she shall prepare and forward to the Awards Board a recommendation for award in accordance with the procedures set forth in this policy.

1014.4.2 DETERMINATION OF AWARDS

All nominations for departmental awards are to be forward to the Administrative Lieutenant by the respective division's captain where the nomination originated.

The Administrative Lieutenant shall facilitate the review of the nomination by all members of the Awards Board. The Awards Board review may include the hearing of witnesses, the examination of supporting documents submitted with the recommendation, the examination of any other reports prepared in connection with the incident, and, if necessary, field investigation to determine the accuracy of the testimony and documentation submitted.

Where the nomination is for an award to be presented posthumously, or for an award to a departmental member who has been seriously injured in an incident that is the subject of the nomination, the Board shall review the nomination as soon as possible following receipt of the nomination.

Upon completion of the review process, the Board shall make a recommendation to the Chief of Police. A majority of the Board members who have reviewed the nomination shall be sufficient to determine the Board's recommendation. The Board may make any one of the following findings:

(a) That the case meets the standards for the award that is the subject of the nomination, and that the award is therefore approved

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(b) That the circumstances justify recognition, but that it has been determined that the presentation should be for an award other than that specified in the initial nomination

(c) That the facts as currently known do not justify an award at this time.

Following the Board's review and findings, a written report shall be forwarded to the Chief of Police setting forth the Board's findings. Upon receipt of the Board's report, the Chief of Police may approve, disapprove, or modify the Board's findings.

Only one award shall be made to an individual for any one act, achievement, or period of meritorious service. However, there is no limit to the number of medals, certificates, or letters of recognition that may be awarded to an individual for separate acts.

The Administrative Lieutenant shall maintain an Awards Case File. This file shall contain copies of each report of the Board's recommendations upon each nomination received.

1014.4.3 NOTIFICATIONS OF AWARDS

Personnel who have been approved to receive the Washington State Law Enforcement Medal of Honor will be notified verbally, followed up by written correspondence, only after the Chief of Police has been notified in the same manner by the Secretary of the Washington State Law Enforcement Medal of Honor Committee.

Personnel for whom departmental awards have been approved shall be notified immediately of the award through their chain of command. In exceptional cases, the notifications may be made directly by the Chief of Police or his/her designee.

Notices of all departmental awards may be noted in appropriate departmental documents and publications.

All departmental awards shall be made a matter of record in the employee's personnel file. A photocopy of the certificate of award shall be included in the file. All awards may be considered in connection with future personnel decisions, such as promotion or assignment to a particular duty or location.

Where appropriate, press releases regarding departmental awards should be made available to local media representatives.

A copy of the citizen's letter of commendation shall be forwarded to the employee and a copy shall be placed in the employee's personnel file.

Citizens who have received departmental commendations for assistance to the department should be notified in a similar manner.

1014.4.4 PRESENTATION OF AWARDS

All Medal of Honor recipients, or family designees, in accordance with RCW 41.72.020, shall receive their medal at a formal ceremony, held annually, at a site designated by the Washington State Law Enforcement Medal of Honor Committee.

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All Medals of Valor and Distinguished Service Award recipients shall receive their awards during a public meeting, ceremony or event deemed appropriate by the Chief of Police.

Presentation of all other departmental awards may be made at a formal ceremony deemed appropriate by the Chief of Police.

During awards ceremonies, presentations of awards shall be made whenever possible by the Chief or another ranking departmental member as designated by the Chief.

All personnel not otherwise engaged in duty assignments shall be encouraged to attend the presentation. The recipient's supervisors should be present, and the ceremony should be scheduled to make this possible. All personnel attending such ceremonies should be properly attired under guidelines established by the department.

Members of the recipient's family may be invited to attend the ceremony.

Members of the local press may be invited to attend presentations of awards.

Normally, the individual who has earned the award will accept the award in person at the presentation ceremony. Posthumous awards shall be received by the next of kin. "Next of kin" normally is construed to mean one of the following:

(a) Widow or widower

(b) Eldest son or daughter

(c) Parent

(d) Eldest brother or sister

This order of preference may be modified as circumstances dictate in individual cases. Posthumous awards may be presented at the memorial or funeral service for that individual or at such other time as is deemed appropriate by the next of kin.

Letters of recognition not presented at a formal ceremony shall be placed in the employee's personnel file.

Commendations to civilians may be presented at a formal ceremony at the discretion of the Chief of Police, but only with the prior approval of the citizen concerned.

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Fitness for Duty

1015.1 PURPOSE AND SCOPE

All employees are required to be free from any physical, emotional, or mental condition which might adversely affect their ability to perform their job. The purpose of this policy is to ensure that all employees of this department remain fit for duty and able to perform their job functions in a safe and effective manner.

If appropriate, anyone determined to not be fit for duty shall become the subject of a plan to expedite their recovery and hopeful return to duty.

1015.2 EMPLOYEE RESPONSIBILITIES

(a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform the essential duties of their job position.

(b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.

(c) During working hours, all employees are required to be alert, attentive, and capable of performing their assigned responsibilities.

(d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1015.3 SUPERVISOR RESPONSIBILITIES

(a) A supervisor observing an employee or receiving a report of an employee who is perceived to be unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to address the situation.

(b) Whenever feasible, the supervisor should make a preliminary determination of the level of inability of the employee to perform the essential duties required of the job.

(c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to obtain sufficient information regarding the nature of the concern to enable the Department to assess options and react responsibly to assure the safety of the employee, other members of the Department and the public, while complying with the employee's legal rights.

(d) In conjunction with the supervisor and the employee's chain of command, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.

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1. If the employee is a danger to themselves or others, then the supervisor may immediately:
    (a) Relieve an officer of his/her firearm(s), badge, identification card, key, and access card.
    (b) Consider involuntary commitment.
    (c) Make every effort to ensure the employee's immediate conduct and activity is monitored.

(e) The Chief of Police shall be promptly notified, in writing, in the event that any employee is relieved from duty. This memorandum will be completed by the end of the supervisor's shift.

1015.4 RELIEF FROM DUTY

Any employee suffering from a work or non-work related condition which warrants a temporary relief from duty may be entitled to be placed on family medical leave under state and/or federal law. Consult with Human Resources to assure proper notification and compliance with family medical leave rights. Employees who are relieved from duty for medical reasons may be eligible for workers compensation payments or may be required to use sick leave or other paid time off consistent with applicable policies.

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

1015.5 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

Based on the language of the current collective bargaining agreements (CBA's), if there is a belief that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Department of Human Resources in order to determine the level of the employee's fitness for duty.

(a) The order shall indicate the date, time and place for the examination. The department shall bear all costs associated with this examination.

(b) The examination may also be a requirement for determining physical/emotional stability in light of performance standards. The examination is a means of determining a prognosis, and a plan of treatment, if necessary.

(c) Prior to the examination, the employee will be required to sign the department's fitness for duty waiver form. This waiver will be initiated by the Chief of Police, or their designee, and will serve as a reminder to the employee that the provider represents the department and reports their assessment to the department.

(d) 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

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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.

(e) 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.

(f) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.

(g) 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.

(h) 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.

(i) 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.

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Meal Periods and Breaks

1016.1 PURPOSE AND SCOPE

This policy regarding meals and breaks shall conform with language outlined in the current collective bargaining agreement (Article 6.3), applicable City of Kirkland Administrative Policies and all other State and Federal laws.

1016.1.1 MEAL PERIODS

All employees shall take their breaks within the City limits unless on assignment outside of the City. Unless prior supervisory approval is granted, no more than two uniformed officers may be in the same establishment at a time.

The time spent for the meal period shall not exceed the authorized time allowed.

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Lactation Break Policy

1017.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child.

1017.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing child for up to two years after the child's birth (29 USC § 207; RCW 43.10.005).

1017.3 LACTATION BREAK TIME

A rest period shall be permitted each time the employee has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Lactation breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Employees desiring to take a lactation break shall notify NORCOM or a supervisor prior to taking such a break and such breaks may be reasonably delayed if they would seriously disrupt department operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1017.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be sanitary, shielded from view, and free from intrusion from co-workers and the public (29 USC § 207; RCW 43.70.640; RCW 43.10.005).

Employees occupying such private areas shall either secure the door or otherwise make it clear that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

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1017.5 STORAGE OF EXPRESSED MILK

Any employee storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the employee ends her shift.

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Payroll Records

1018.1 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.

1018.2 POLICY

The Kirkland Police Department maintains timely and accurate payroll records.

1018.3 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their commands.

Supervisor approval is required for all overtime.

1018.4 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to Administration as established by the City payroll procedures.

1018.5 RECORDS

The Administrative Supervisor 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).

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Overtime Compensation Requests

1019.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Collective Bargaining Agreement, or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit a Request for Overtime Payment as soon as practical after overtime is worked.

1019.1.1 DEPARTMENT POLICY

Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed 60 hours of compensatory time.

1019.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practicable for verification and forwarding to the Administration Division. Failure to submit a request for overtime compensation in a timely manner may result in discipline.

1019.2.1 EMPLOYEES RESPONSIBILITY

Employees shall complete their requests immediately after working the overtime and submit them to their immediate supervisor or the on-duty supervisor utilizing the scheduling software.

1019.2.2 SUPERVISORS RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

After the entry has been made, it is the supervisor's responsibility to either approve and/or deny this request prior to the payroll cutoff date.

1019.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, the Collective Bargaining Agreement provides that a minimum number of hours will be paid, (e.g., three hours for Court).

1019.3.1 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:

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TIME WORKED	INDICATE ON ENTRY
1 to 15 minutes	¼ hour
16 to 30 minutes	½ hour
31 to 45 minutes	¾ hour
46 to 60 minutes	1 hour

1019.3.2 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 employee's supervisor, or other approving supervisor, may require each employee to include the reason for the variation in the notes section of the overtime entry.

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Outside Employment

1020.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for departmental employees engaging in outside employment, all employees shall obtain written approval from the Chief of Police prior to engaging in any outside employment, to include both police and non-police related employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

1020.1.1 DEFINITIONS

Outside Employment (Non-Police related) - 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. Employees who are volunteering their time are not covered by this section. For purposes of this section, the definition of outside employment includes those employees who are self-employed to the extent that they are required to obtain a business license and are not affiliated directly with this department for services, product(s) or benefits rendered.

Outside Employment (Police related) - Any member of this department who performs duties or services on behalf of an outside organization, company, or individual within this jurisdiction. Such outside employment opportunities shall be authorized by the Chief of Police, or their designee, and administered with the assistance of the Kirkland Police Officer's Guild.

1020.2 OBTAINING APPROVAL (NON-POLICE RELATED)

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 be off probation and complete an Outside Employment Application (KPD Master Form) which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through their chain of command to the Chief of Police for consideration.

If approved, the employee will be provided with a copy of the approved application. Unless otherwise indicated in writing on the approved application, an application will be valid through the end of the calendar year in which the application is approved. Any employee seeking to renew an outside employment application shall submit a new Outside Employment Application in a timely manner and prior to continuing to work any outside employment.

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.

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1020.2.1 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS
Any outside employment application may be revoked or suspended under the following circumstances:

(a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at his/her discretion, revoke any previously approved outside employment application(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment application.

(b) If, at any time during the term of a valid outside employment application, an employee's conduct or outside employment conflicts with the provisions of department policy, the application may be suspended or revoked.

(c) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment application may be subjected to similar restrictions as those applicable to the employee's regularly assigned duties until the employee has been cleared to return to full duty status.

1020.3 PROHIBITED OUTSIDE EMPLOYMENT (NON-POLICE RELATED)

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.

(e) Interfere with the efficiency of law enforcement and public safety.

(f) Detract from the image of the police profession.

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(g) Involve work in a law enforcement or security capacity outside the corporate limits of the City of Kirkland.

(h) Involve work in conjunction with or in any capacity with a tow company, taxicab or ambulance company.

(i) Involve work upon any commercial premises where intoxicants are served for public consumption.

1020.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Because it would further create a potential conflict of interest, no member of this Department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

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 employment will be administered with the assistance of the Kirkland Police Officer's Guild.

(a) 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. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

1020.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside employment assignment shall be considered on-duty at that time and will 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 employment assignment and should be reported as time worked on employee time records.

1020.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Division Captain, 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.

1020.4 DEPARTMENT RESOURCES

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment, unless expressly approved by the Chief of Police or

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their designee. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

1020.5 MATERIAL CHANGES OR TERMINATION OF OUTSIDE EMPLOYMENT

If an employee terminates his/her outside employment during the period of a valid application, the employee shall promptly submit written notification of such termination to the Chief of Police through their chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees are also required to disclose material changes in outside employment that occur after approval of outside employment has been granted to the Chief of Police in writing. For the purpose of this policy, such changes include any material change in the number of hours, type of duties or demands of outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

1020.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave, modified duty status or on FMLA shall inform the Chief of Police, through their chain of command, in writing and within five days whether or not they intend to continue to engage in such outside employment while on such leave or modified 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. If the decision is made by the Chief of Police that the outside employment may continue, no outside employment should take place during the normal working hours/shifts of the affected employee.

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 application, a notice of revocation of the member's application will be forwarded to the involved employee, and a copy attached to the original application.

Criteria for revoking the outside employment application 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 advisers.

(b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.

(c) The employee's failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the Kirkland Police Department, a request (in writing) may be made to the Chief of Police to restore the application.

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No department member who has called in sick for a regularly scheduled work shift may work during those hours for their approved outside employer.

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Occupational Disease and Work-Related Injury Reporting

1021.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, post-traumatic stress disorder (PTSD), and work-related injuries.

1021.1.1 DEFINITIONS

Definitions related to this policy include:

Occupational disease or work-related injury - An injury, disease, PTSD, or infection while acting in the course of employment (RCW 51.08.013; RCW 51.08.100; RCW 51.08.140; RCW 51.08.142).

1021.2 POLICY

The Kirkland Police Department will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (RCW 51.28.010 et seq.).

1021.3 RESPONSIBILITIES

1021.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate. As soon as practicable, the member will forward an officer's report through their chain of command which outlines the circumstances of the work-related injury, illness or accident.

Any member observing or learning of a potentially hazardous condition is to promptly report the condition to his/her immediate supervisor.

Any employee sustaining a work-related injury or illness that requires relief from duty is also required to comply with Departmental policies and directives relating to the duty to periodically call in during absences, as well as notify the Department of any change in condition or anticipated duration of absence.

Modified duty may be available for employees whose injuries prevent resumption of regular duties. Refer to Temporary Modified-Duty Assignments (Policy 1029)

The City requires that an injured member, or a member who has suffered a work-related injury/ illness provide the medical findings concerning the injury/illness and the extent and duration of any work restrictions if they are known. In addition, such members are required to promptly submit all medical releases, whether partial or full releases, to Human Resources.

All members are required to fully cooperate with accident investigations.

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1021.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease, work-related injury or accident shall promptly ensure that the appropriate reports, as outlined in this policy manual, are completed and turned in to City of Kirkland's Safety/Risk Management Analyst. This includes an officer's report by the involved member outlining the circumstances of the work-related injury, illness or accident.

Supervisors shall ensure that the member receives medical care as appropriate.When the injured member goes to the physician of their choice, there are two things that the member should tell the doctor:

1) It is a work-related injury.

2) The City of Kirkland has their workers compensation through L&I.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly to the City of Kirkland's Safety/Risk Management Analyst. The officer's report will be forwarded to that supervisor's Lieutenant and to the Risk Management Lieutenant. Any related City-wide disease- or injury-reporting protocol shall also be followed. Supervisors shall determine whether the Major Incident Notification policy applies and take additional action as required.

1021.3.3 DEPUTY CHIEF RESPONSIBILITIES

The Deputy Chief 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 and the Administration Deputy Chief to ensure any required Department of Labor and Industries reporting is made.

1021.4 OTHER DISEASE OR INJURY

Diseases and injuries caused or occurring on-duty that do not qualify for workers’ compensation reporting shall be documented in a memo which shall be forwarded through the employee's chain of command to the appropriate Division Captain and a copy sent to the Administration Deputy Chiefand to the Risk Management Lieutenant.

Unless the injury is extremely minor, this memo shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

1021.5 SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

1021.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide

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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.

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Departmental Response to Serious Injury or Death of a Member

1022.1 PURPOSE AND SCOPE

The purpose of this policy is to outline the Department's response to the serious injury or death of a Department member or other law enforcement member. Notification responsibility, assignments and funeral protocol is included.

The department recognizes that this a very difficult time for the family and the Department as a whole. Every effort will be made to assist the family as much as possible. The extent of our participation will depend on the wishes of the family and the resources available.

1022.1.1 DEFINITIONS

Definitions related to this policy include:

Serious Injury or Death in the Line-of-Duty: A member of the Department who is actively employed, who suffers a serious or fatal injury while taking any action that the member is authorized or obligated to perform by law, rule, regulation, or condition of employment or service.

Serious Injury or Death not in the Line-of-Duty: A member of the Department who is actively employed, who suffers a serious or fatal injury while off-duty and which is non-police related.

1022.2 SERIOUS INJURY OR DEATH NOTIFICATION WITHIN THE DEPARTMENT

When a member of this department is seriously injured or dies while working, the on-duty supervisor will:

- Immediately notify the Chief of Police and Command Staff;
- Notify members of the Peer Support Team as identified by the Chief of Police,

When a member of this department is seriously injured or dies while off duty, and the death is not duty related, the on-duty supervisor will:

- Immediately notify the Chief of Police and members of the Command Staff;
- Notify members of the Peer Support Team as identified by the Chief of Police.

When a member of this department dies, whether on or off duty, the Division Captain:

- Will be responsible for having the member's police issued equipment and personal belongings collected and inventoried;
- Will insure that the member's personal belongings are delivered to the spouse, significant other, parents, nearest responsible relative or executor of the estate.

When a member dies while working, NORCOM, with the Chief's approval, will send a Teletype concerning the incident to the other law enforcement agencies. When funeral arrangements are set, this information will also be transmitted.

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1022.2.1 SERIOUS INJURY OR DEATH OF ANOTHER LAW ENFORCEMENT AGENCY MEMBER

When a member of an outside law enforcement agency is seriously injured or dies while taking any action that the member is authorized or obligated to perform by law, rule, regulation, or condition of employment or service, whether on or off duty within the City of Kirkland. The on-duty supervisor will:

- Immediately notify the Chief of Police and Command Staff.
- The Chief of Police, or their designee, will be responsible for contacting the involved employee's law enforcement agency in order to make official notification.
- The Chief of Police, or their designee, will then provide direction to our Department's staff based on the request of the other Chief.

1022.3 NOTIFICATION OF FAMILY MEMBERS

The following are the general procedures regarding notification of deaths and serious injuries. In all situations where a member of the Department is seriously or fatally injured, the family members and their needs should be given primary consideration.

The name of the seriously or fatally injured member shall not be released to the media before the family members are notified.

If the family members live outside the area, and having a Kirkland Police representative make the personal notification would cause an unreasonable delay, the Chief of Police, or their designee, shall request a prompt and personal notification from the jurisdictional law enforcement agency in the area in which the family lives.

If the Department is requested by another law enforcement agency to perform a personal notification of a serious injury or death of one of their members to a family member living in Kirkland, the same courtesy and procedures shall be afforded to the agency as that which would be done for our own Department.

1022.3.1 NOTIFICATION TEAM MAKE-UP AND RESPONSIBILITIES

Notification WILL ALWAYS be made in person and will never be made alone.The notification team should be made up of the Chief of Police, the employee's immediate supervisor, and an officer known by the injured employee's family (if possible).

If the above-suggested persons are not readily accessible, notification should not be delayed until these people can assemble. If the agency member has not yet died, all attempts will be made to get the family to the hospital prior to the member's death. DO NOT wait for the appropriate delegation to gather. If the deceased officer has not been transported to a hospital, do not allow the family to go to the scene, due to evidentiary concerns.

The department should find out if there are any young children in the home. Consideration should be given to arranging for childcare in the event the spouse or significant other will be going to the hospital. If the family wants to go to the hospital, they should be transported via a non-marked

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department vehicle. It is highly recommended that the family NOT drive themselves to the hospital. Should there be serious resistance and the family insists on driving, an officer should attempt to accompany them in the car.

Employees outside the official notification team are prohibited from making contact with family members prior to official notification. Employees should also caution their family members against using any forms of social media and/or directly contacting the family members prior to the official notification.

Prior to arrival of the notification team, accurate and up-to-date information should be secured. The notification team's goal should be to make a timely notification before family members learn through other means.

When most public safety families see an agency representative at the home or place of work, they will know something is wrong. Ask to be admitted to the home or place of work. NEVER make a death notification on the doorstep. Gather everyone in the home and ask them to sit down. Inform them slowly and clearly of the information you have on the incident. Make sure you use the employee's first name during the notification. If the employee has already died, relay that information. NEVER give the family a false sense of hope. Use words like "dead" and "died" rather than "gone away" or "passed away." Because of the nature of possible radio transmissions, the officer transporting the family should notify the police personnel or hospital liaison at the hospital by phone that the family is en route.

1022.4 RESPONSE TO A SERIOUS INJURY OR DEATH SUFFERED IN THE LINE OF DUTY

When a member of the Department suffers a serious injury or is killed in the line of duty, the following will be provided for the Family members:

- Personal notification of family members residing nearby.
- Notification by local jurisdiction if the family member lives outside the area.
- Transportation to the medical facility or other location for local family members.
- Security for the family member and/or their home if deemed necessary by the Chief of Police.
- Security at the hospital.
    - This will be coordinated with the hospital or the Law Enforcement Agency in which the hospital is located.
- Family Support Team members available 24 hours per day.
- Any other requests for additional support for the family (transportation, lodging, financial) must be made through the Family Support Team and approved by the Chief.

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- These supportive measures will be provided from the time of the serious injury until the member's life is no longer threatened, or, in the event of death, 24 hours after the committal services.
- The above-listed supportive measures will also apply to situations where the injured employee is hospitalized outside the area. The Chief of Police will determine what supportive measures are appropriate.
- In the event an employee is killed in the line of duty outside the area, the Family Support Team member or their designee will go to the location where the employee was killed to handle the logistical details and provide an escort for the remains.

1022.4.1 RESPONSE TO A SERIOUS INJURY OR DEATH NOT SUFFERED IN THE LINE OF DUTY

When a member of the Department suffers a serious injury or is killed NOT in the line of duty, some or all of the above supportive measures may be provided at the request of the family and with the approval of the Chief of Police.

1022.5 POLICE FAMILY SUPPORT TEAM

The Police Family Support Team will be activated at the direction of the Chief of Police. Upon activation, a notice will be communicated Department wide listing the names of the Team and their responsibilities. The Police Family Support Team will also provide the Department with any needed communication regarding the funeral operation. When activated, the members of the Police Family Support Team will contact the Executive Liaison on a daily basis to provide an update. The Police Family Support Team will consist of the following personnel:

- **Executive Liaison:** The Captain of the Division the member was assigned to. The Executive Liaison will keep all agency personnel up to date on the plans and arrangements as he/she receives that information from the Family Liaison Officer.
- **Family Liaison Officer(s):** One or more officer(s) designated by the Chief of Police and agreed upon by the family, who coordinates the wishes of the family and the activities of the Family Support Team. This includes making arrangements for travel and lodging for family members. These officers will be responsible for attending to the needs of the family of the agency member killed or seriously injured. This position will be the coordinating point for planning of any visitation at the funeral home, the actual funeral and follow-up care for the family. Personnel assigned to this task will be accessible to the family at all times from the time they are notified through the end of the funeral, and following, as necessary. This assignment is responsible for assuring that the wishes of the family are followed closely throughout the funeral planning process and funeral. The family liaison representative(s) will work closely with the Executive Liaison during the process to obtain necessary approval for any expenditures.
- **Benefits Coordinator:** The Risk Management Lieutenant will be responsible for coordinating all benefits for which the member and his/her family are eligible. These

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benefits will be maintained in a handbook that will be reviewed and updated on an annual basis. The benefit explanation booklet available through Concerns of Police Survivors shall be a part of this handbook. The Benefits Coordinator will work in conjunction with Human Resources to assemble this information as soon as possible upon the death of a member and coordinate with the Family Liaison Officer to provide this information to the survivors. The Benefits Coordinator will also coordinate the preparation and filing of the necessary paperwork for these benefits on behalf of the family, as well as check the status of the claims until the benefits are paid to the survivor.

- **Press Information Officer:** The Chief of Police will designate the PIO. The PIO will coordinate all press releases and arrange for media coverage of any funeral services. Absolutely no information regarding the death of an employee shall be released to the media prior to the deceased personnel's family being notified. In addition, all subsequent media releases, reports, etc., shall be provided to the family of the employee prior to their release to the public.
- **Traffic Coordinator:** The Lieutenant in charge of the Traffic Division will be responsible for coordinating and conducting any and all movements of vehicles involved in a funeral operation. This includes arranging for traffic control at intersections.
- **Honor Guard Coordinator:** A Department representative will be in charge of either assembling an Honor Guard comprised of officers closest to the deceased or request for assistance from an outside agency.

1022.5.1 OUTSIDE ASSISTANCE

The Chief of Police may request assistance from outside agencies and organizations in order to assist the Police Family Support Team and assist with the funeral planning. These may include, but are not limited to, the following organizations that assist agencies and families when an officer is killed in the line of duty .

- **Behind the Badge Foundation:** This organization exists in order to provide comprehensive support to Washington State's law enforcement agencies, families and communities after a line of duty death or when an officer suffers a serious injury.
- **Concerns of Police Survivors, Inc.:** This organization exists in order to provide resources to assist in the rebuilding of the lives of surviving families and affected co-workers of law enforcement officers killed in the line of duty as determined by Federal criteria. Furthermore, C.O.P.S. provides training to law enforcement agencies on survivor victimization issues and educates the public of the need to support the law enforcement profession and its survivors.

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1022.6 FULL DEPARTMENT HONORS

Full Departmental Honors are the rendering of honors at the funeral of a member of the Department who died in the line-of-duty. Upon approval of the family, Full Departmental Honors may include, but are not limited to:

- Request will be made to the City Manager for the City of Kirkland flag to be flown at half-staff from the time of death to the day after the funeral.
- All members of the Department with badges will place a black sash or ribbon on it. The sash is to be worn horizontally across the badge from the time of death to the day after the funeral.
- An Honor Guard representative may be assigned to the funeral parlor during viewing times at the discretion of the Chief of Police.
- A United States burial flag or a Law Enforcement Line of Duty Death flag will be provided to drape the casket.
- Colors will be posted by the Honor Guard at the committal service.
- Flag folding ceremonies may be conducted by the Honor Guard at the committal service.
- The flag will be presented to the family by the Chief of Police or his/her designate.
- A 21-gun salute or a 21-bell tribute may be performed by the Honor Guard at the committal service if appropriate.
- "Taps" may be played at the committal service.
- A bagpiper may play at the committal service.
- A police motorcycle escort will be provided for the funeral procession.
- Other Law Enforcement honors as deemed appropriate.

1022.6.1 DEPARTMENT HONORS

Department Honors are the rendering of the honors at the funeral of a member of the Department where the cause of death was not in the course or scope of the member's employment. The following Departmental Honors may be rendered, upon request of the family:

- All members of the Department with badges will place a black sash or ribbon on it. The sash is to be worn horizontally across the badge from the time of death until after the funeral, unless deemed otherwise by the Chief of Police.
- A United States flag or a Law Enforcement flag will be provided to drape the casket.
- Flag folding ceremonies may be conducted by the Honor Guard.
- The flag may be presented to the family by the Chief of Police or his/her designate.

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- A police motorcycle escort may be provided for the funeral procession at the direction of the Chief of Police.

1022.7 FUNERAL PROTOCOL

Memorial and Funeral Services:

- The word chapel is interpreted to include the church, funeral home, or other inside location where a memorial or funeral service is held, other than the committal service.
- The word casket is interpreted to include any receptacle containing the remains of the deceased, including cremated remains.
- The words cover and uncover are interpreted to be the placing of a hat and the removing of a hat from one's head

When inside the chapel, the following will apply:

- Honor Guard members posted at the casket will remain covered.
- All other personnel with hats will remain uncovered and will carry the hat under the non-gun side when not seated.
- When outside the chapel, all personnel wearing hats will remain covered at all times.

Committal Services: At a law enforcement funeral, persons in uniform will come to ATTENTION and will execute a hand salute at the command, PRESENT ARMS. All other personnel, not in uniform, will place their right hand over the heart at the command, PRESENT ARMS, which will be given:

- Any time the flag is being moved;
- When the casket is moved from the site of the funeral/memorial service to the hearse, or from the hearse to the site of the committal service;
- During the firing of volleys;
- While "Taps" is being played;
- Or as otherwise ordered by the Ceremonial Commander

The hand salute or the right hand over the heart will be held until the command, ORDER ARMS, is given. In accordance with military custom, hats will not be removed outside for prayers, but all personnel will bow their heads, as a sign of respect. Uniformed personnel, when not at ATTENTION, will remain in the position of PARADE REST during the outside committal service.

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Personal Appearance Standards

1023.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the department, employees shall maintain their personal hygiene and appearance in a manner that projects a professional image appropriate for this department and for their assignment.

The Chief of Police shall have final authority and judgment on all matters affected by this policy and may grant waivers solely at his/her discretion.

1023.2 GROOMING STANDARDS

Unless otherwise stated, and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

1023.2.1 HAIR

Hairstyles of all members shall be neat in appearance. If tints, dyes, or bleach applications are used on hair, the resulting coloration must be natural in appearance. Exaggerated or bizarre hair styles are not permitted. If a wig or hairpiece is worn, it must conform to the below standards.

Male personnel of the Department will limit the length of their hair to no longer than the top of their shirt collar, measured when standing at attention with a level, horizontal gaze. The hair may not touch the collar. The hair shall be kept groomed in a manner that does not obstruct their vision and will be neatly trimmed above the ear.

Commissioned and Special Commissioned female personnel in uniform shall wear their hair in a manner that is professional in appearance, will not interfere with the normal wearing of their issued gas mask, and will not interfere with the safe performance of duties or pose an undue officer safety risk. Hair shall be kept groomed in a manner that does not obstruct their vision. Hair may not be longer than the bottom of the shirt collar, measured when standing at attention with a level, horizontal gaze, unless it is secured in a tightly wrapped braid or ponytail.

Commissioned and Special Commissioned female personnel who are not in uniform, as well as non-sworn female employees, may wear their hair down, but in a professional, businesslike manner.

1023.2.2 FACIAL HAIR

Personnel shall be clean shaven, except that short and neatly trimmed mustaches, goatees and beards are permitted. Mustaches shall not exceed below a horizontal point extending from the corners of the mouth, nor extend more than one-quarter inch beyond a vertical line drawn at the corner of the mouth. Beards shall be well-groomed, not to exceed one-quarter inch in length or below the jawline. Goatees shall be well-groomed, not to exceed one-quarter inch in length or below the jawline, and shall consist both of a mustache and a full bearded chin, not to exceed one-quarter inch past the outer edge of the mouth.

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Personnel shall be clean-shaven except for a short and neatly trimmed mustache at the order of the Chief of Police, and when participating in either a Superior Court trial or a Federal Court trial.

1023.2.3 SIDEBURNS

Neatly trimmed sideburns are permitted. Sideburns shall not exceed 1" in width and shall not extend below the bottom of the outer ear opening (the top of the earlobes).

1023.2.4 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.

1023.2.5 JEWELRY AND ACCESSORIES

No jewelry or personal ornaments shall be worn by officers on any part of the uniform or equipment, except those authorized within this manual.

Commissioned and Special Commissioned personnel are limited to the wearing of one ring on each hand, a medical bracelet and a wristwatch. A wedding set shall be defined as one ring. Rings may not be of a size, design, or style that interferes with the employee's normal operational duties, with specific emphasis on safe handling and operation of firearms and other equipment. Non-sworn police personnel may wear finger rings of a size, design, or style that does not pose a safety risk, nor interfere with the member's normal operational duties.

Commissioned and Special Commissioned personnel may wear up to two pairs of earrings while on duty (simple stud or post-type earrings). Non-sworn police personnel may wear up to two pairs of earrings while on duty. The earrings must be consistent with a professional businesslike appearance. Earrings may be worn in the ear lobe only.

No other jewelry, to include visible body piercings will be allowed while on duty, unless specifically authorized by the Chief of Police, or his/her designee.

Commissioned and Special Commissioned female personnel - If the hair is worn up, no hairpins or bobby pins may be worn due to the potential officer safety risk. Elastic hair ties, combs, barrettes and headbands may be used as long as they are neutral in color.

Non-sworn female personnel - Hairpins, combs, barrettes, hair ties, headbands and bobby pins may be worn, but must be professional in appearance, neutral in color and not pose a safety risk.

All other accessories, such as sun glasses, nail polish, eye glasses, etc., shall be conservative in nature and professional in appearance. Mirrored sunglasses will not be worn with any uniform.

Medical and religious necklaces may be worn under the uniform shirt. Necklaces shall not be visible above the collar and shall not pose a safety risk, nor interfere with the employee's normal operational duties.

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1023.3 TATTOOS

Definitions:

Tattoo: The act or practice of marking the skin with indelible or semi-permanent designs, forms, figures, art, etc., by making punctures in the skin and inserting pigment, or applying substances to the skin.

Unauthorized tattoo: Unauthorized is defined as any tattoo that is considered inappropriate, unprofessional or offensive.

Approved tattoo: A tattoo that: a) Was pre-existing on, approved and grandfathered in for an employee with a hire date prior to November 1, 2007; b) Has been submitted to and approved by the Tattoo Approval Committee; or 3) Has been expressly granted a waiver by the Chief of Police.

Unapproved tattoo: An unapproved tattoo is a visible tattoo that: a) Was not pre-existing on, approved, and grandfathered in for an employee with a hire date prior to November 1, 2007; b) Has not been submitted for approval to the Tattoo Approval Committee; or c) Has been denied by the Tattoo Approval Committee.

1023.3.1 TATTOOS-GENERAL RULES AND REGULATIONS

Unapproved tattoos shall not be visible on any member of the Department while on-duty or representing the Department in any official capacity.

The display of any unauthorized tattoo considered inappropriate, unprofessional or offensive, regardless of its location, by any member of the Department while on-duty or representing the Department in any capacity is prohibited.

1023.3.2 TATTOOS VISIBLE WHILE ON DUTY

Approved tattoos are allowed to be visible on any member of the Department while on duty.

1023.3.3 PROHIBITED TATTOOS

Tattoos and body art on the head, face, neck, scalp or hands, except for those listed in "EXCEPTIONS/SPECIAL EXEMPTIONS" section below are prohibited.

Tattoos and body art elsewhere on the body that are prejudicial to good order, discipline and morale, or are of a nature to bring discredit upon the Department are prohibited.

Tattoos and body art that advocate or symbolize gang affiliation, violence, supremacist or extremist groups, or drug use are prohibited.

Authorization for any approved visible tattoo and/or body art may be rescinded at any time by the Chief of Police if any element of the tattoo or body art is later determined to advocate or symbolize gang affiliation, violence, supremacist or extremist groups, or drug use. If authorization for a tattoo or body art is rescinded, that tattoo or body art shall be covered while on-duty or when representing the Department in any official capacity.

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1023.3.4 APPROVAL PROCESS FOR VISIBLE TATTOOS (EXISTING OR NEW)

1. Any member of the Department wishing to display a visible tattoo may submit a "Tattoo Approval Form" (located on the H: drive in KPD Master Forms) with a digital photograph of either an existing tattoo or the artwork of a proposed tattoo for approval. Each existing or proposed tattoo must be submitted separately for approval. Large tattoos should be submitted as one piece, but more than one photograph may be required to capture the entire tattoo. All forms and photos shall be submitted to the Risk Management Lieutenant for subsequent review by the Tattoo Approval Committee.

2. The Tattoo Approval Committee should review a submission and issue either an approval or denial letter within 30 days. The Department member submitting the approval form may be required to meet with a Committee member to discuss any details of the tattoo(s) during the approval process.

3. Upon approval by the Committee, tattoos may be visibly displayed (within policy guidelines) while on duty. Only approved tattoos may be displayed if there is more than one tattoo on the arm or leg. Submitting every tattoo for approval at the same time is encouraged.

4. All tattoo submissions, whether approved or denied, will be retained and stored in a limited access folder on the H: drive.

1023.3.5 EXCEPTIONS/SPECIAL EXEMPTIONS

1. Department members hired prior to November 1, 2007, who had visible tattoo(s) already approved are exempt from the Tattoo Approval Committee process unless they wish to add additional tattoos that were not inked prior to that date.

2. A single ring tattoo may be visible in conjunction with, or in place of, a wedding band or wedding ring set on the ring finger of the left hand. The width of the ring tattoo is not to exceed 1/2 inch. This tattoo is still subject to the tattoo approval process.

1023.3.6 TATTOO APPROVAL COMMITTEE

A Tattoo Approval Committee will convene and review all submissions. The Committee's purpose is to ensure compliance with this policy and to make a recommendation to the Chief of Police.

Responsibilities, Membership and Authority of the Tattoo Approval Committee:

(a) The Tattoo Approval Committee reviews all documentation submitted for visible tattoo approval.

(b) The Tattoo Approval Committee shall consist of the following members:

1. A member of Command Staff, usually the Risk Management Lieutenant, appointed by the Chief of Police, or his/her designee, who will be designated as chairperson.
2. A Guild Executive Board member.
3. An employee who has authorized tattoo(s) who will be appointed by the designated chairperson. Persons wishing to be considered to serve on the

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Committee should contact the Risk Management Lieutenant who will maintain a pool from which Committee members will be selected. There will be no permanent members of the Committee.

4. One other member of the same rank and/or job classification as the employee requesting tattoo approval who will be appointed by the designated chairperson.

(c) In the event any of the above personnel are unavailable due to illness, vacation, or for other reasons, the Chief of Police, or his/her designee, will appoint an alternate to fill the vacancy until a response to the request, in the form of an approval or denial, has been completed.

1023.4 BODY MODIFICATION, SCARIFICATION, BRANDING, MUTILATION, ALTERATION OR PIERCING

Definitions:

Scarification: The act of intentional cutting of the skin for the purpose of creating a design, form, figure or art.

Branding: The act of intentional burning of the skin for the purpose of creating a design, form, figure or art.

Modification, Mutilation, Alteration: Any intentional, unnecessary procedure that deliberately changes the body for aesthetic or personal reasons and causes deviation from normal anatomical features which is not medically required.

Piercing: The act of creating a hole in any part of the body for the purpose of inserting an object, jewelry or ornamentation.

1023.4.1 GENERAL RULES AND REGULATIONS

Body modification, alteration, scarification, branding or mutilation which is visible while on duty or representing the Department in any official capacity is prohibited. With the exception of up to two sets of stud-type earrings in the earlobes only, no ornaments, body jewelry, appliances, etc., shall be worn in any visible pierced body part while on duty. Any part of the body including, but not limited to, the face, nose, eyebrows, tongue, lips, chin or cheeks, which is pierced and visible while on duty is prohibited. 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 also prohibited. Such body alteration includes, but is not limited to:

(a) Tongue splitting or piercing.

(b) The transdermal implantation of any material other than hair replacement.

(c) Abnormal shaping of the ears, eyes, nose or teeth.

(d) Branding or scarification.

(e) Ear gauging

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Uniform Regulations

1024.1 PURPOSE AND SCOPE

The uniform policy of the Kirkland Police Department is established to ensure that uniformed officers will be reasonably identifiable to the public through the proper use and wearing of department uniforms. (See attachment: Appendix A revised 11-20.pdf) (RCW 10.116.050).

Employees should also refer to the following associated policies:

- Department Owned and Personal Property.
- Body Armor.
- Personal Appearance Standards.

The Uniform and Equipment Specifications is maintained and periodically updated by the Chief of Police or his/her designee. Appendix A should be consulted regarding authorized equipment and uniform specifications.

The Kirkland 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.

The Administrative Lieutenant, or their designee, is responsible for obtaining bids for all issued items, managing uniform/equipment stock, determining serviceability, and issuing or returning items.

Employees will only utilize department uniforms and equipment for its intended purpose in accordance with established departmental procedures and will not abuse, damage, or lose that equipment. They will maintain all department uniforms and equipment assigned to them in good condition. Employees will not convert department equipment to their own use.

Employees will turn in all department uniforms and equipment assigned to them as directed.

Upon termination of employment, all department-owned property in an employee's possession must be promptly returned.

Upon retirement, commissioned employees in good standing may request, in writing, authorization from the Chief of Police to retain their Command Dress uniform and/or Class A uniform and certain equipment. A list of the uniform pieces and allowed equipment can be found in Appendix A.

The Chief of Police is the final arbitrator on what is allowed to be worn by on-duty personnel.

1024.1.1 DEFINITIONS

Reasonably identifiable – The officer’s uniform clearly displays the officer’s name or other information that members of the public can see and the department can use to identify the officer (RCW 10.116.050).

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1024.2 POLICY

The Kirkland Police Department will provide uniforms for all employees who are required to wear them in the manner, quantity, and frequency agreed upon in the respective employee group's collective bargaining agreement. The Department may provide other department members with uniforms at the direction of the Chief of Police.

All uniforms and equipment issued to department members shall be returned to the Department upon termination or resignation unless granted permission as outlined in this policy.

1024.3 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 this Policy and in Appendix A.

(e) The uniform is to be worn in a manner that clearly displays the officer's nameplate or name tag, such that members of the public can see the name displayed in order to readily identify the officer.

(f) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.

(g) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.

(h) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official department functions or events.

(i) 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.

(j) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.

(k) Eyeglasses and sunglasses shall be conservative in nature and professional in appearance. Mirrored sunglasses will not be worn with any Department uniform.

(l) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or his/her designee.

1. Wrist watch.

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2. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand. A wedding set shall be defined as one ring. Rings may not be of a size, design or style that interferes with the employee's normal operational duties, with specific emphasis on safe handling of firearms and other equipment.
3. Medical alert bracelet.
4. Up to two pairs of simple stud or post-type earrings.
5. Medical and religious necklaces may be worn under the uniform shirt and shall not be visible, pose a safety risk or interfere with the employee's normal operational duties.

1024.3.1 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. All commissioned officers are required to be in possession of their department issued identification card while off duty, if they are choosing to carry a concealed weapon under the commissioned officer RCW exemption. (RCW 9.41.060)

(a) Whenever on duty or acting in an official capacity representing the department, employees shall display their department issued identification in a courteous manner to any person upon request and as soon as practical.

(b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Division Deputy Chief.

(c) No person shall possess an identification card not specifically issued to them.

(d) Identification cards shall be surrendered to the Chief of Police or his designee upon promotion, suspension, retirement or separation from service.

1024.4 UNIFORM CLASSES

1024.4.1 DRESS UNIFORM

The Dress uniform is to be worn by members of the command staff. It may be worn on special occasions such as funerals, graduations, ceremonies, or as directed by the Chief of Police. See Appendix A for what is included in the dress uniform.

1024.4.2 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 commissioned and special commissioned officers. See Appendix A for the Class A uniform specifications.

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1024.4.3 CLASS B UNIFORM
All commissioned and special commissioned officers will possess and maintain a serviceable Class B uniform at all times. See Appendix A for the Class B uniform specifications.

1024.4.4 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.

1024.4.5 POLICE SUPPORT ASSOCIATES, PARKING ENFORCEMENT OFFICER AND EVIDENCE TECHNICIANS UNIFORMS
All Police Support Associates, Parking Enforcement Officers and Evidence Technicians shall be issued an authorized uniform to wear on a daily basis. See Appendix A for the uniform specifications.

1024.4.6 OUTERWEAR
The department shall provide all uniform personnel with a uniform jacket and a high visibility reversible rain coat, which shall be the only authorized jackets worn with a uniform. See Appendix A for uniform jacket specifications.

The department shall provide all plain clothes sworn personnel with an appropriate jacket for inclement weather that that has a concealable cloth badge and police identification placards on the back and front.

The department shall provide Evidence Techs and Parking Enforcement Officers an appropriate jacket for inclement weather.

1024.5 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

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middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.

(d) When a jacket is worn, the nameplate or an authorized sewn on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.

(e) Assignment Insignias - Assignment insignias, (SWAT, FTO, etc.) may be worn as designated by the Chief of Police.

(f) Flag Pin - A flag pin may be worn, centered above the nameplate.

(g) Badge - The department-issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform.

(h) Rank Insignia - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Police may authorize exceptions.

1024.5.1 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.

1024.6 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. All personnel that are issued a uniform are required to have a complete and proper uniform available in their Department locker in case circumstances dictate that they wear their uniform on short notice.

(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, at a minimum, button down style shirts with a collar and dress pants. "Polo" style shirts and cargo pocket type pants are not approved for wear except on Business Casual Fridays.

(c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, dress pants, shirts, blouses, or suits which

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are moderate in style. Cargo pocket type pants are not approved to wear except on Business Casual Fridays.

(d) The following items shall not be worn on duty:

1. T-shirt alone.
2. Tennis shoes or flip-flops.
3. Sandals (applies only to commissioned personnel, all other personnel are allowed to wear dress sandals unless specifically prohibited in Appendix A).
4. Swimsuit, tube tops, or halter-tops.
5. Spandex type pants or see-through clothing.
6. Distasteful printed slogans, buttons or pins.

(e) Variations from this order are allowed at the discretion of the Chief of Police or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.

(f) No item of civilian attire may be worn on duty that would adversely affect the reputation of the Kirkland Police Department or the morale of the employees.

Business Casual Apparel

The following guidelines relating to Business Casual Apparel shall apply to non-uniformed employees of the Police Department on Fridays. For scheduling purposes, Business Casual Friday shall be defined as when the majority of your shift falls on the calendar Friday.

(a) Business Casual Apparel is described as professional apparel that is at least equivalent to, or better than, the existing Department issued pants and "Polo" shirts worn by Police Support Associates. The items listed under "d" above are not considered Business Casual Apparel and shall not be worn.

(b) Cargo pocket type pants are only allowed to be worn on Business Casual Fridays.

The Chief of Police is the final arbritrator in what is allowed to be worn by on-duty personnel.

1024.7 POLITICAL ACTIVITIES, 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 or purport to represent the Kirkland 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.

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(d) Appear in any commercial, social or non-profit 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 representing this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Kirkland 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 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).

1024.8 EQUIPMENT - MAINTENANCE, AND REPLACEMENT

If any of the items listed in the Uniform and Equipment Specifications are lost, stolen, or damaged in the line of duty and require repair/replacement, the employee shall immediately report the loss, theft or damage of any department issue uniform or equipment item in writing to their immediate supervisor.

Should any item need repair/replacement through routine wear, the employee shall request repair/ replacement in writing to their supervisor, by using the Supplies / Equipment / Repair / Request form.

Losing, damaging or wasting department property or equipment through negligence, carelessness, or improper use may be grounds for disciplinary action. The employee responsible for such a loss, damage, or waste may be charged for the property in question.

Optional Equipment:

(a) Any of the items listed in Appendix A 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:

(d) When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.

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2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (See the Department Owned and Personal Property Policy).

1024.8.1 PREGNANT EMPLOYEES

Pregnant uniformed employees and employees returning from maternity leave who usually wear uniforms on a day-to-day basis will be provided with maternity uniforms, if requested.

When a pregnant Department employee notifies her immediate supervisor of her pregnancy, the employee will be provided with an equipment/supply/repair request form to apply for a maternity uniform at a later date.

A pregnant Department employee may utilize her discretion as to when to begin wearing a maternity uniform.

Consistent with a pregnant Department employee's doctor's advice, a pregnant employee may wear a maternity uniform until a modified duty position is requested and approved. The maternity uniform is also available following return to full time regular duty.

1024.9 UNAUTHORIZED UNIFORMS, EQUIPMENT, APPAREL AND ACCESSORIES

Kirkland Police Department employees may not wear any uniform item, piece of equipment, apparel item or accessory unless specifically authorized in this Policy Manual, Appendix A or by the Chief of Police or designee.

Kirkland Police Department employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in this Policy Manual, Appendix A or by the Chief of Police or designee.

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Police Explorer Program

1025.1 PURPOSE AND SCOPE

Law Enforcement Exploring is a career orientation and experience program for young people contemplating a career in the field of criminal justice. Its mission is to offer young adults, ages 14-21, interested in a career in law enforcement, a personal awareness of the criminal justice system through training, practical experiences and other activities.

Unless otherwise stated in this policy, Exlorers shall be governed by the Kirkland Police Explorer Manual.

1025.2 ELIGIBILITY REQUIREMENTS

Explorers must meet the following minimum eligibility requirements:

(a) The candidate must be at least fourteen years of age and out of the eighth grade, or fifteen to twenty one years of age.

(b) The candidate must apply to the Explorer Post using an Explorer Post application. The candidate must then pass a background examination, including, but not limited to, a criminal records check.

(c) The candidate must receive parental approval and signatures on those sections of the application requiring them.

(d) The applicant must be of sound moral character and possess good habits, including good driving habits.

(e) The applicant must have a grade point average of 2.5 or above. Explorers must maintain this GPA while they are members of the post.

(f) All appointees must complete the Washington State Law Enforcement Explorer Academy, as soon as possible, upon being accepted into the Post.

(g) The candidate must successfully complete a six-month probationary period.

1025.3 SUPERVISORY RESPONSIBILITY

The Kirkland Police Explorer Post falls under the Professional Standards Division and the Risk Management Section for organizational purposes.The Training Sergeant will ordinarily be responsible for the overall coordination of the Explorer Post.

Supervisory responsibility for the Post shall be assigned to a commissioned officer who shall act as the Post's head advisor. They will report to the Training Sergeant.

The Chief of Police shall approve all Explorer advisor's.

1025.3.1 EXPECTATIONS

(a) Explorers are not commissioned or special commissioned officers

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(b) Explorers shall be assigned tasks by the Kirkland Police Department, but are not given duties requiring sworn officer status. Examples of these tasks may include, but are not limited to, the following:

1. Assist with monitoring traffic at private and municipal parking lots during community functions.
2. Assist with community events such as charity functions and city events.
3. Provide assistance as role players for training events with the Kirkland Police Department.

(c) Explorers have no property interest in their positions, and serve at the pleasure of the Chief of Police. The services of a Explorer may be terminated as necessary.

(d) Explorers are required to abide by all Kirkland Police Department General Orders, SOP's, Canons of Ethics, or otherwise directed.

(e) Explorers are responsible for maintaining confidentiality of all information to which they are exposed while accessing department records. Failure to maintain confidentiality will result in termination of the relationship with the department.

(f) Each Explorer who is accepted to a position with the department shall have a clearly identified supervisor who is responsible for direct management of that Explorer. This supervisor shall be responsible for day-to-day management and guidance of the work of the Explorer, and shall be available to the Explorer for consultation and assistance.

1025.4 ORIENTATION AND TRAINING

Newly appointed Explorers will receive an orientation of the organization on the nature and purpose of the Department and an orientation on the nature and operation of the program.

Explorers will receive training to provide them with the information and skills necessary to perform their assignment. The timing and methods of delivery of such training should be appropriate to the complexity and demands of the position and the capabilities of the Explorer.

Explorers will be instructed in Department rules and regulations that apply to them.

The Explorer Post Advisors shall be responsible for providing training opportunities for the Explorer Post and assuring that Post members comply with the guidelines stated in the Explorer Post Manual.

1025.5 EXPLORER UNIFORMS

Explorer uniform dress code is described in the Kirkland Police Explorer Manual under sections 050.05.15, and Explorer uniforms are clearly distinguishable from the commissioned officer uniforms. Explorers are expected to maintain an acceptable appearance consistent with a professional organization. Uniforms and equipment shall be clean and well maintained.

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Kirkland Police Explorers are restricted from carrying any equipment other than what is authorized by the department. This equipment authorization is restricted to that which relates directly to the activities with which the explorers are involved.

1025.6 RIDE-ALONG PROCEDURES

All explorers are authorized to participate in the Ride-Along Program as approved by their immediate supervisor and the appropriate Patrol Sergeant. Applicable waivers must be signed in advance of the ride-along. See Ride-Along Policy.

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Nepotism and Conflicting Relationships

1026.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination, or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

1026.1.1 DEFINITIONS

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder or investor in an outside business, company, partnership, corporation, venture or other transaction where the Department employee's annual interest, compensation, investment or obligation is greater than $250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Nepotism - The practice of showing favoritism to relatives in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee who is vested with authority by law, rule or regulation, or to whom authority has been delegated.

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

1026.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department does not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply:

(a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

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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, PTOs and other trainers will not be assigned to train relatives. PTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.

(d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.

(e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive, or registered sex offender, or who engages in serious violations of state or federal laws.

1026.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

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1026.2.2 SUPERVISORS RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations, whenever possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations through the chain of command.

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Domestic Violence Involving Law Enforcement Employees

1027.1 PURPOSE AND SCOPE

This policy establishes procedures, protocols and actions for investigating and reporting domestic violence involving employees of this and other law enforcement agencies. The intent of this policy is to ensure that law enforcement employees are held to the standards of the law regarding domestic violence (RCW 10.99.090).

1027.1.1 DEFINITIONS

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

Employee - Means any person currently employed with an agency.

Sworn Employee - Means a general authority Washington peace officer, limited authority Washington peace officer or a specially commissioned 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. This includes the position of Corrections Officer.

1027.2 DEPARTMENT RESPONSIBILITIES

The Kirkland Police Department has the following obligations (RCW 10.99.030; RCW 10.99.090):

(a) Provide pre-hire screening procedures reasonably calculated to disclose whether an applicant for a sworn employee position has a history of domestic violence, child abuse allegations, or has been subject to protective order.

(b) Maintain ongoing and meaningful relationships with victim advocacy groups and other domestic violence professionals in the community.

(c) Provide education to Kirkland Police Department employees on the dynamics of interpersonal violence.

(d) In response to observed behavior or at the request of the employee, the Kirkland Police Department may offer or recommend intervention services to employees. If domestic violence is suspected, the referral should be to a domestic violence specialist.

(e) Any employee who becomes aware of domestic violence committed by a sworn employee must immediately report that allegation to the employee's supervisor.

(f) Recognize that employees who disclose that they have personally engaged in criminal acts of domestic violence are not entitled to confidentiality. Such acts shall be investigated administratively and criminally as appropriate.

(g) Provide information to employing law enforcement agencies within 24 hours of a domestic violence or domestic dispute report involving a sworn officer.

(h) Provide information on this domestic violence policy and programs under RCW 43.20A.735 to employees and make it available to employee families and the public.

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(i) Provide victims of domestic violence by Kirkland 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 Kirkland 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 Kirkland Police Department employees who are alleged victims of violence at the hands of sworn employees of the Kirkland 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 Kirkland Police Department or through agreements with other law enforcement agencies.

(m) Consider whether to relieve a sworn employee of Department-issued weapons and suspend law enforcement powers pending resolution of an investigation.

1027.2.1 SUPERVISOR RESPONSIBILITIES

Supervisors are required to:

(a) Be aware of behaviors in their subordinates that could be indicative of domestic violence and properly process observations of such behavior.

(b) Ensure that domestic violence incidents are properly recorded and processed according to this policy.

1027.2.2 COMMAND DUTY OFFICER RESPONSIBILITIES

A command duty officer notified of an incident covered by this policy shall notify the Chief of Police promptly of such incident and:

(a) If a Kirkland Police Department employee is involved, the command duty officer shall:

1. Determine if the involved employee's law enforcement powers shall be suspended and if a duty weapon and other department-owned equipment shall be removed pending investigation outcome and possible prosecutorial charging decision.
2. Issue an administrative order prohibiting contact with the victim if appropriate.
3. Forwarded information on the incident to the Investigations Lieutenant and/or the Chief of Police for review and further action.
4. Respond or designate a command officer to respond to a scene if the involved employee is a sergeant or above or if the situation dictates command presence.

(b) If an employee of another law enforcement agency is involved, the command duty officer shall:

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1. Verify command notification of the employing agency.
2. Verify the supervisor has offered assistance with removing weapons, police powers, or other applicable issues.
3. Ensure that the Kirkland Police Department provides appropriate reports and any other requested documentation to the employing agency.

1027.2.3 DOMESTIC VIOLENCE SPECIALIST RESPONSIBILITIES

(a) In all instances of law enforcement domestic violence, the Domestic Violence Specialist or the Domestic Violence Unit Supervisor shall:
   1. Review the report and assign the criminal investigation or coordinate with the agency of jurisdiction.
   2. Coordinate with the appropriate prosecutor's office regarding charging and prosecution.
   3. Coordinate with the appropriate domestic violence advocacy organization to assist with victim safety concerns. Victim notification of each step of the administrative process is critical to victim safety.

(b) All completed investigations of domestic violence that reveal probable cause of a crime committed by any agency sworn employees or the agency head shall be promptly forwarded to the appropriate prosecuting authority for a charging decision.

(c) For all situations involving an employee of this department, the Domestic Violence Specialist or Domestic Violence Unit Supervisor shall:
   1. Contact the victim.
   2. Introduce the point of contact.
   3. Provide an update regarding the administrative process.

1027.3 EMPLOYEE ACTIONS

Law enforcement employees have the following obligations or entitlements (RCW 10.99.090):

(a) Employees are entitled to seek assistance through the employee assistance program, employee peer counselors, chaplains, or psychological professionals, however, in situations where family violence is indicated a referral to a domestic violence specialist is critical.

(b) Employees with knowledge or information about any sworn employee in violation of this policy must report in writing to their supervisor or the Investigations 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 Investigations Lieutenant within 24 hours.

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(e) Employees are expected to fully cooperate with the investigation of allegations under this policy but only as requested by a supervisor, the Investigations 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 the employee's supervisor. A written report must follow within 24 hours, subject to the agency's internal investigatory process.

(g) When an employee becomes the subject of an investigation for child abuse or neglect, or becomes subject to an order under RCW 26.44.063 or an order of protection under RCW 7.105.100 et seq. or any equivalent order issued by another state or tribal court, that employee must immediately report the fact to the employee's supervisor. A written report must follow within 24 hours to include a copy of any order and any notices of court dates, appearances, and proceedings received by the employee.

1027.4 INCIDENT RESPONSE

Any notification of any incident of domestic violence involving any law enforcement officer requires a prompt response, full investigation, and a complete written report by this department (RCW 10.99.030). These incidents additionally require:

(a) On-scene supervisory presence.

(b) Notification through the chain of command to the Chief of Police of this department; and if the incident involves employees of another agency, notification of the agency head of the employing agency.

(c) The Chief of Police may delegate responsibility for receiving such reports to a specialized unit and/or specific person. Anyone so designated the Domestic Violence Specialist or Domestic Violence Unit should have specialized training regarding the dynamics of violent relationships, victim safety and the role of advocacy. The point of contact or unit supervisor should review each referral for any potential conflict of interest

(d) In the event of a report of domestic violence alleged to have been committed by the Chief of Police, prompt notification will be made to the employing entity's chief executive officer, or, in the case of an elected Sheriff, the County's Prosecutor.

1027.4.1 RADIO RESPONSE

Employees of NORCOM will ensure the following actions are taken:

(a) Enter a call for service.

(b) Notify the Shift Sergeant or appropriate supervisor. If no supervisor is available to respond to the scene, communications will notify an on-call supervisor or supervisor from another agency.

(c) Prepare and preserve documentation of the facts of the call, including the 9-1-1 tape.

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1027.4.2 PATROL RESPONSE

A patrol officer responding to an incident described as domestic violence involving a law enforcement officer should, whenever possible, request a supervisory response.

(a) The primary unit will conduct a thorough investigation, including, but not limited to:

1. Photographs of the crime scene and any injuries identified.
2. Statements from all witnesses, including children, if any.
3. The Domestic Violence Supplemental Report Form.
4. Seizure of any weapons used or referred to in the crime.
5. Signed medical releases.
6. Copies of dispatch (CAD) records.
7. 9-1-1 call recording preserved.
8. Statement of the victim; statement of the suspect.
9. Determine if the victim requests any guns or specific weapons be removed for safekeeping and accommodate removal or explain the process for seeking a court order for removal.
10. Complete the report as soon as possible, but prior to the completion of their shift.

(b) Patrol units responding to suspicious circumstances, compelling third-party accounts of incidents, unexplained property damage, or other troubling events involving law enforcement officers will complete written reports of the incident.

(c) A copy of all reports of the incident should be forwarded to the Domestic Violence Unit or Specialist. Access to the report should then be restricted to some form of "read only" version or physically secured.

1027.4.3 PATROL SUPERVISOR RESPONSE

A patrol supervisor shall:

(a) Respond whenever practical to the scene of any domestic violence incident involving sworn employees of this department regardless of jurisdiction. Supervisors will coordinate information and offer assistance to the agency of jurisdiction to provide a complete investigation.

(b) Respond to the scene of all domestic violence incidents within the jurisdiction of the Kirkland Police Department involving any law enforcement officer.

(c) Coordinate the investigation, applying appropriate resources and special units such as forensics, photography, domestic violence specialists, advocates and ensuring command notification.

(d) Write a report on all incidents, whether deemed criminal or not and route it through the chain of command.

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(e) In the event of the arrest of a sworn employee of the Kirkland Police Department, contact the Chief of Police who will order the surrender of the officer's Department-issued weapons and identification. Consideration should be given to other agency equipment and inquiries made about voluntary surrender of personal weapons that may be secured for safekeeping.

(f) In the event of the arrest of a sworn employee of another agency, contact that agency prior to custody transport and request authorization to seize that employee's agency-issued weapons or arrange for the employing agency to obtain them.

(g) Endeavor to make a good faith effort to locate the suspect if there is probable cause for an arrest.

(h) Explain the process to the victim, including the opportunity for applicable emergency protection orders, administrative no-contact orders, and confidentiality statutes and policies.

(i) Provide the victim with a copy of this policy and KPD contact information, acting as the point of contact until another assignment is made.

1027.5 VICTIM SAFETY ASSISTANCE AND NOTIFICATION

The Kirkland Police Department will work with community resources and domestic violence advocacy agencies and shall make available to the victim (RCW 10.99.090):

(a) Information on how to obtain protective orders and/or removal of weapons from the victim's home.

(b) Assistance with obtaining such orders in coordination with domestic violence victim advocates.

(c) A copy of this policy and any agency confidentiality policy.

(d) Information about public and private domestic violence advocacy resources to include the Washington State Domestic Violence Hotline.

(e) Information related to relevant confidentiality policies related to the victim's information and public disclosure as provide by law.

(f) The Kirkland Police Department will coordinate victim notification regarding criminal and administrative investigative processes through the designated agency liaison in order to assist with victim safety.

1027.6 ADMINISTRATIVE PROCESS

The Kirkland Police Department will observe all other appropriate policies and procedures generally applicable to investigation of alleged officer misconduct. The Kirkland Police Department will respect rights of the accused employee under applicable collective bargaining agreements and case law.

Administrative investigations will be conducted through the Internal Investigations function or by an outside agency as directed by the Chief of Police.

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Where sufficient information exists, the Kirkland Police Department will make appropriate restrictions to assignments, law enforcement powers, building and records access and consider administrative reassignment and/or leave.

In determining the proper course of administrative action, the Chief of Police or designee may consider consulting with treatment professionals and reviewing such factors as the employee's past conduct and history of complying with agency rules.

Agency employees may be ordered to undergo fitness for duty evaluation or assessment by a domestic violence treatment provider prior to any disposition, depending on circumstances and in accordance with administrative policy, applicable collective bargaining agreements and civil service standards.

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Department Badges

1028.1 PURPOSE AND SCOPE

The Kirkland Police Department badge and uniform patch as well as the likeness of these items and the name of the Kirkland Police Department are the property of the Department and their use shall be restricted as set forth in this policy.

1028.2 POLICY

The appropriate style uniform badge shall be issued to commissioned officers and special commissioned officers (corrections) 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.

Noncommisioned Records Division personnel shall be issued the appropriate style uniform badge. This badge is to be displayed only on duty, upon the appropriate issued uniform.

1028.2.1 FLAT BADGE

A flat badge shall be issued to commissioned officers 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.

1028.2.2 COMMISSIONED IDENTIFICATION CARDS

Kirkland POLICE identification cards are issued only to commissioned and special commissioned personnel.

All other department personnel are issued Kirkland Police Support identification cards.

1028.3 UNAUTHORIZED USE

Except as required for on-duty use by current special commissioned officers, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than current commissioned officers.

Department badges are issued to commissioned police officers, special commissioned corrections officers and noncommisioned Records Division personnel 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.

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1028.4 RETIREMENT BADGES

Upon retirement, commissioned employees in good standing, upon authorization of the Chief of Police, may purchase:

(a) A "RETIRED" flat badge at the actual cost to the city. "RETIRED" will appear on the bottom rocker of the badge.

(b) A "RETIRED" uniform badge at the actual cost to the city, if the employee is also requesting to retain their Command dress uniform and/or Class A uniform. "RETIRED" will appear on the bottom rocker of the badge.

Employees should make badge requests in writing to the Chief of Police.

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Temporary Modified-Duty Assignments

1029.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules or current collective bargaining agreements or memorandums of understanding. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

1029.2 POLICY

Subject to operational considerations, the Kirkland Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

1029.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the Washington Law Against Discrimination shall be treated equally, without regard to any preference for a work-related injury.

No position in the Kirkland Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

(a) If an employee cannot adequately perform in a temporary 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 temporary modified-duty assignment.

(c) The Department may place conditions as deemed appropriate upon any temporary modified-duty assignment.

Employees on a temporary modified-duty assignment will not wear their uniform, drive a marked patrol car or perform any arrest function or suspect contact. The ability to carry a firearm will be determined by their assigned Lieutenant upon review of the restrictions and limitations as determined by their health care provider.

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Employees who transition from Labor and Industries (L&I) leave status, to temporary modified-duty, must notify their L&I claims manager of this change in work status. While on temporary modified-duty, employees will receive their regular compensation from the City. If the temporary modified-duty assignment ends, and the employee is not able to return to regular duty, they will return to their previous L&I status. The employee must then contact their L&I claims manager to report this change and complete Workers Verification to continue time loss payments. These forms are available from the noted Claims Manager.

1029.4 PROCEDURE

Employees with work-related injuries or illnesses may be offered a temporary modified-duty assignment as outlined in the City's Return to Work Program (City of Kirkland Administrative Policy Chapter 4, Policy 4-40).

Employees with non work-related injuries or illnesses may request a temporary modified-duty assignment for short-term injuries or illnesses.

Employees seeking a temporary modified-duty assignment should submit a written request to their Division Deputy Chief or Commander via their Chain of Command. The request should, as applicable, include a certification from the treating medical professional containing:

(a) An assessment of the nature and probable duration of the illness or injury.

(b) The prognosis of a return to full duty of 90 days or less from the date identified in the employee's request for the start of a temporary modified-duty assignment.

(c) The nature and scope of limitations and/or work restrictions.

(d) A statement regarding any required workplace accommodations, mobility aids or medical devices.

(e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Division Deputy Chief or Commander will make a recommendation to the Chief of Police regarding temporary modified-duty assignments that may be available based on the needs of the Department, the limitations of the employee and the suitability of the employee to work a particular assignment.

1029.5 ACCOUNTABILITY

A Lieutenant shall be assigned to oversee any employee who is on a temporary modified-duty assignment. The assigned Lieutenant is responsible for monitoring the employee on temporary modified-duty, maintaining necessary records, coordinating with other city departments, such as Risk Management and Human Resources, ensuring the employee has appropriate supervision and is performing the assigned duty in an acceptable manner.

Any employee assigned to a temporary modified-duty assignment, and their assigned Lieutenant, should be informed in writing of the assignments, work schedules, and any limitations and restrictions as determined by the employee's health care provider.

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The schedules of employees assigned to temporary modified-duty need not be the same as those worked during the employee's regular full duty assignment and may be adjusted to suit operational needs of the department at the discretion of the Division Deputy Chief or Commander.

1029.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified-duty shall include, but are not limited to:

(a) Communicating and coordinating any required medical and physical therapy appointments in advance with their 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 assigned Lieutenant no less than once every 30 days while assigned to temporary modified-duty.

(d) Submitting a written status report to their assigned Lieutenant that contains a status update and anticipated date of return to full-duty when a temporary modified-duty request extends beyond 90 days.

Extensions beyond 90 days require the approval of the Chief of Police and as a general rule; no modified duty assignment shall exceed a total of 6 months beginning from the date of the first assignment to temporary modified-duty for the illness and/or injury giving rise to the need for the temporary modified-duty assignment. Any temporary modified-duty assignment longer than 6 months shall require approval of the Chief of Police and will be reviewed on a case by case basis.

1029.5.2 SUPERVISOR RESPONSIBILITIES

The employee's assigned Lieutenant shall monitor and manage the work schedule of those assigned to temporary modified-duty.

The responsibilities of the Lieutenant shall include, but not be limited to:

(a) Periodically apprising the Division Deputy Chief or Commander of the status and performance of employees assigned to temporary modified-duty.

(b) Notifying the Division Deputy Chief or Commander and ensuring that the required documentation facilitating a return to full duty is received from the employee.

(c) Ensuring that employees returning to full duty have completed any required training and certification as outlined in this policy.

1029.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department reserves the right to require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

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1029.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

The provisions in this section will be in compliance with the following:

- Federal Pregnancy Discrimination Act (PDA)
- Federal Family Medical Leave Act (FMLA)
- FLSA 29 USC Sec 207
- Family Leave - RCW 49.78
- Workplace pregnancy accommodations-Unfair practices-RCW 43.10.005
- Discrimination - Human Rights Commission - RCW 49.60
- Pregnancy, childbirth, and pregnancy related conditions - WAC 162-30-020,
- Kirkland Police Guild Collective Bargaining Agreements (CBA)
- Family Medical Leave Act - City of Kirkland Administrative Policy Chapter 4, Policy 4-25
- Reasonable Accommodation - City of Kirkland Administrative Policy Chapter 4, Policy 4-3
- Return to Work Program - City of Kirkland Administrative Policy Chapter 4, Policy 4-40
- Temporary Modified-Duty Assignments Policy
- Lactation Break Policy Policy

Nothing in this policy limits a pregnant employee’s right to a temporary modified-duty assignment if required under RCW 43.10.005

1029.7.1 NOTIFICATION

When a pregnant Department employee notifies her immediate supervisor of her pregnancy, the employee will also advise whether and when a temporary modified-duty assignment may be desired, as dictated by her pregnancy. The employee will be provided with a physician's estimate of physical capacities form to apply for temporary modified-duty at a later date.

The Department employee is responsible for providing a copy of her job description to her doctor. If a pregnant Department employee is seeking a temporary modified-duty assignment because of a medical condition or temporary disability due to her pregnancy, then the pregnant Department employee shall provide to her immediate supervisor a completed physician's estimate of physical capacities form requesting temporary modified-duty that outlines duty restrictions.

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The Department will make a reasonable effort to provide a temporary modified-duty assignment for a pregnant Department employee consistent with operational needs as determined by the Chief of Police.

The Department will not require a pregnant Department employee to be reassigned to a temporary modified-duty position unless, consistent with the Collective Bargaining Agreement and federal and state law, the Chief of Police determines, upon medical consultation, there is a business necessity because the pregnant employee is unable to perform her essential functions.

1029.7.2 SUPERVISOR'S RESPONSIBILITY
Upon receiving the completed physician's estimate of physical capacities form requesting temporary modified-duty, the supervisor shall notify the Division Deputy Chief or Commander via their Chain of Command. The Division Deputy Chief or Commander will determine what temporary 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. All temporary modified-duty assignments are subject to the approval of the Chief of Police or his/her designee.

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.

1029.8 PROBATIONARY EMPLOYEES

When any probationary employee misses more than 30 days in a row, including modified duty time, his or her probationary period shall be extended the same number of days he or she was absent.

1029.9 RETURN TO FULL DUTY

Upon returning to full duty status after an extended absence, the Department expects its employees to bring their job knowledge and skills up-to-date. Employees returning to full duty from an extended absence are to be governed by this procedure.

Any employee absent from full duty for 6 months or more will report to the Training Unit on the first day of his/her return to receive updated training and to review and update personnel records. Employees will provide current physician certification of ability to return to full duty.

Training may include, but is not limited to:

(a) Firearm's qualifications

(b) Defensive tactics refresher training

(c) Policy and procedure review

(d) Certification lapsed during their absence

(e) Other mandatory in-service training missed during their absence.

Personnel records update will include, but is not limited to:

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(a) Updating Department personnel records

(b) Updating emergency notification forms

(c) Review of other changes in protocol or business practices

Uniforms and equipment will be checked and reissued if necessary. The employee's Division Lieutenant is responsible for notifying the Training Unit as timely as possible of the anticipated return date and need for updating training and personnel records review and/or updating. Returning employees are instructed to contact the Training Unit before the first date of their return for instruction on what equipment is needed for training sessions and what documents are needed for personnel records update.

1029.10 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

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Personnel Early Warning System

1030.1 PURPOSE AND SCOPE

The Kirkland Police Department will maintain a Personnel Early Warning System (EWS) in order to provide a systematic review of specific, significant events involving department employees. This system is necessary for the Department to exercise its responsibility to evaluate, identify and assist employees who exhibit signs of performance and/or stress related problems. The Personnel Early Warning System is one method by which employees may be identified as possibly needing assistance with performance and/or stress related problems. The system is intended to serve as a systematic approach to highlight tendencies that may otherwise be overlooked.

EWS is a collection of data designed to assist supervisors in evaluating the performance of their employees. EWS can help identify potential issues, as well as provide for early recognition of potential training needs. While it is understood that the statistical compilation of data may be helpful to supervisors, it cannot account for, and must be carefully balanced with the many variables in law enforcement such as:

- An officer's ability to detect crime.
- An officer's work ethic.
- An officer's work assignment and shift.
- An officer's physical abilities, stature, etc.
- Randomness of events.

1030.1.1 DEFINITION

Personnel Early Warning System (EWS): A time sensitive system designed to effectively organize critical performance and evaluation data in a format conducive to promptly identify early indicators of certain performance and/or stress related problems and to facilitate any necessary or appropriate follow-up activities.

EWS Activation: When the activities tracked by EWS exceed the preset thresholds for an officer, either in an individual category or an overall combination.

1030.2 RESPONSIBILITIES

Under the authority of the Professional Standards Deputy Chief, the Risk Management Lieutenant is responsible for the overall monitoring of the Early Warning System. The Risk Management Lieutenant shall provide a quarterly report for each commissioned and special commissioned officer to the Professional Standards Deputy Chief. Though generated quarterly, each report will contain data from a one-year time period.

As part of the Department's ongoing evaluation of its employees, supervisors shall continually monitor the actions and behaviors of all employees under their direction. This includes monitoring the department's electronic collection of EWS indicators.

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1030.3 COMPONENTS OF PERFORMANCE HISTORY AUDITS

The Personnel Early Warning System will include the following components:

- Early Warning indicators
- Data analysis
- Supervisor and employee review
- Follow-up actions

1030.4 PERFORMANCE INDICATORS

Early Warning indicators represent the categories of employee performance activity that the Chief of Police of the Kirkland Police Department has determined to be relevant data in the analysis of the Personnel Early Warning System. Early Warning indicators may include but are not limited to:

(a) The frequency and findings of use of force incidents.

(b) Frequency of involvement and conduct during vehicle pursuits.

(c) Frequency and findings of citizen complaints.

(d) Internal Affairs investigations.

(e) Intentional or accidental firearm discharges (regardless of injury).

(f) Vehicle collisions.

Involvement in multiple citizen complaints, administrative investigations, on-duty traffic collisions, vehicular pursuits and/or use of force incidents may be indicative of an employee who is in need of intervention and activation of the Personnel Early Warning System.

1030.4.1 PERFORMANCE INDICATORS

Performance indicators represent the categories of employee performance activity that the Chief of Police has determined may be relevant data for the generation and analysis of performance history audits. These indicators may include, but are not limited to, the frequency and/or number of:

(a) Use of force incidents.

(b) Involvement and conduct during vehicle pursuits.

(c) Personnel complaints, including the findings.

(d) Commendations, compliments and awards from the Department and the public.

(e) Canine bite incidents.

(f) Personnel investigations.

(g) Prosecuting attorney case rejections and the reasons.

(h) Intentional or unintentional firearm discharges (regardless of injury).

(i) Vehicle collisions.

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(j) Missed court appearances.

(k) Documented counseling.

1030.4.2 DATA ANALYSIS

The Professional Standards Deputy Chief will review each performance history audit report and determine whether it should be provided to the officer's immediate supervisor for further consideration.

1030.4.3 EMPLOYEE REVIEW

Upon receipt of a performance history audit report, the supervisor will carefully review the report with the officer to assess any potential trends or other issues that may warrant informal counseling, additional training or a recommendation for other action, including discipline. The officer shall date and sign the report and should be provided with a copy of the report upon request.

If a supervisor determines that an officer's performance warrants action beyond informal counseling, the supervisor shall advise the Deputy Chief of such recommendation. If the Deputy Chief concurs with the recommendation of the supervisor, he/she shall take steps to initiate the appropriate action.

If discipline or other adverse action is initiated against an officer as a result of a performance history audit, the an officer shall be entitled to all rights and processes set forth in the Personnel Complaints Policy.

1030.4.4 FOLLOW-UP MONITORING

Depending upon the results of each performance history audit, a determination should be made by the Professional Standards Division Captain, after discussion with the officer's immediate supervisor, about the need, type and duration of any follow-up. Performance indicators and data analysis will generally provide the basis upon which such decisions should be made.

1030.5 COMPILATION OF DATA

The Risk Management Lieutenant will utilize secure systems and other confidential methods to compile and track information regarding early warning indicators for each officer during each quarter in order to prepare the required reports.

1030.6 EMPLOYEE NOTIFICATION AND RESPONSE

All supervisors have access to those employees under their command and are to consistently monitor the Department's electronic collection of EWS indicators.

If the EWS is activated through this system, the employee's supervisor shall notify the employee, as well as their Section Lieutenant and the Risk Management Lieutenant via an e-mail.

Nothing in this section shall prevent a supervisor or a command officer from activating the EWS due to the significance of an event(s) or a pattern of observed behaviors.

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1030.7 DATA ANALYSIS AND ACTION

The officer's immediate supervisor will carefully review the EWS activation with the officer to assess any potential trends or other issues which may warrant informal counseling, additional training or a recommendation for other action, including discipline. The supervisor shall review the specific incidents that led to the activation and may review the officer's training file and their supervisor file as deemed appropriate.

The supervisor shall prepare a written summary of the meeting with the employee, indicating if further inquiry is necessary. The summary should include a synopsis of the incident(s) that led to the activation, including the disposition(s) if appropriate. This shall be forwarded to the Section Lieutenant with a copy sent to the Risk Management Lieutenant.

If the supervisor determines that an officer's performance warrants action beyond informal counseling, the supervisor shall advise their Section Lieutenant of such recommendation. If the Lieutenant concurs with the recommendation of the supervisor, he/she shall take steps to initiate the appropriate action.

As the purpose of this program is to identify potential personnel problems in their initial stages in order to redirect an employee's actions and/or behaviors in a fashion consistent with departmental values and standards, supervisors are encouraged to suggest and utilize programs such as the Employee Assistance Program (EAP) and the Department's Peer Support team.

If discipline or other adverse action is initiated against an officer as a result of an EWS activation, the officer shall be entitled to all rights and processes set forth in the Conduct Policy and the Personnel Complaints Policy.

1030.8 CONFIDENTIALITY OF DATA

Information, data and copies of material compiled to administer the Department's EWS shall be considered confidential as part of the employee's personnel file and will not be subject to discovery or release except as provided by law. Access to the data in the system will be governed under the same process as access to an officer's personnel file as outlined in the Personnel Files Policy.

1030.9 RETENTION AND PURGING

Retention and purging of all information, data and copies of material compiled to administer the Department's EWS shall be governed under applicable state law.

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Peer Support Team

1031.1 PURPOSE AND SCOPE

The Kirkland Police Department will maintain a volunteer Peer Support Team for both critical incident stress management and non-incident peer support. This policy will provide criteria and procedures for automatic peer team assessment and peer team review. It will also provide information for department personnel regarding how and when to access the Peer Support Team.

The Kirkland Police Department Peer Support Team (PST) will operate under the philosophy and guidelines of the International Critical Incident Stress Foundation. The PST adheres to the ICISF Model of Critical Incident Stress Management (CISM) and Critical Incident Stress Debriefing (CISD). The PST follows procedures in the text Critical Incident Stress Debriefing: An operations manual for the prevention of traumatic stress among emergency service workers by J.T. Mitchell and G.S. Everly.

1031.1.1 DEFINITIONS

Critical Incident Stress Management: a continuum of care using a wide range of intervention strategies covering the pre-crisis, acute crisis, and post crisis phases of an event.

Individual contact: an informal discussion in which a Peer support Team member communicates by phone or in person with KPD personnel involved in a critical incident. These contacts may occur at any time during or following a critical incident.

Defusing: a small group discussion conducted by a Peer Support Team member with those immediately involved in an incident. A defusing, if an appropriate intervention, is most beneficial if held within twelve hours after an incident.

A Critical Incident Stress Debriefing (CISD): a group discussion that gives participants the opportunity to describe their own reactions and to hear the reactions of others to a critical incident. Led by an MHP and a minimum of two team members, a debriefing facilitates the normal recovery of normal people with normal reactions to abnormal events. Peer Support Team members may participate in the discussion, where appropriate. It is not counseling, psychotherapy, an operational critique, nor investigation of the critical incident. A debriefing, if an appropriate intervention, is held after at least two sleep cycles

Demobilization: a quick informational and rest session that is applied when units are released from service from major incidents, but before returning to normal duties. Major incidents can be defined as those that involve more than 100 personnel.

A Crisis Management Briefing (CMB): a large group crisis intervention technique that is designed for use with large groups of primary victims. The goal of a CMB is to provide information, rumor control, reduce the sense of chaos, and to provide coping resources. The makeup of a CMB is typically the team leader, two peer support members to help with the presentation, a credible representative from the department, the team MHP and enough peer support members to achieve a 1:10-15 ratio for those involved.

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1031.2 POLICY

The Kirkland Police Department will strive to provide critical incident stress management for department personnel and 24-hour access to trained volunteer peer support counselors for all members experiencing a professional crisis or personal crisis affecting their ability to work. The team will consist of a minimum of a team leader and four peer counselors.

Peer Support Team members assigned or designated as such for an incident are required to maintain strict confidentiality unless they believe that the employee is an imminent threat to themselves or others or if they receive reports of either elder abuse or child abuse. These situations will be reported directly to the Team Mental Health Professional and the Team's established Chain of Command. In all other situations, if the assigned Peer Support Team Member violates the confidentiality of an employee they will be removed from the team, and will be subject to discipline, up to and including termination.

All employees may utilize the services of the Peer Support Team directly for both incident and non-incident peer support.

1031.3 TEAM STRUCTURE AND SELECTION PROCESS

1031.3.1 TEAM LEADER'S RESPONSIBILITIES

The team leader will be appointed by the Chief of Police and act as a liaison between team members and command staff. This person will be of a supervisory rank. The team leader will be responsible to manage the program and personnel including but not limited to:

(a) Assisting the Professional Standards Lieutenant and team MHP with program development.

(b) Maintain a quarterly training schedule, and assist in the program's educational program in a support role. Training will be submitted in December of each calendar year for the following year to be approved by the Professional Standards Lieutenant.

(c) Maintaining records of all Peer Support Team activities including a case log.

(d) Provide logistics of intervention with the assistance of other team members.

(e) Maintain an updated list of the Peer Support Team Members for all KPD units.

(f) Mobilizes team members for response to an incident.

1031.3.2 TEAM MENTAL HEALTH PROFESSIONAL (MHP)

The team MHP is a licensed mental health professional with specific experience working with public safety professionals, specific training on the ICISF Model of CISM/CISD, training and experience in post traumatic stress, and available to be on call 24 hours a day. The Team MHP is responsible for, but not limited to the following:

(a) Peer Support Team Member Training.

(b) Peer Consultation.

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(c) Program Development.

(d) Program review.

(e) Guides and ensures professionalism at debriefings.

1031.3.3 PEER SUPPORT TEAM MEMBERS

Are commissioned and non-commissioned employees who have completed a KPD Peer Support training seminar in effective communications, crisis intervention, and helping skills. They will utilize these skills to aid and advise personnel both with personal and professional problems; and to assist and evaluate the need for Critical Incident Stress Management. The Peer Support Team Members are responsible for:

(a) Being able to respond when needed.

(b) Declining to participate in a Peer Support role whenever a conflict of interest exists. This may include but is not limited to current operational involvement in the critical incident; or their objectivity is otherwise compromised to a significant degree by the critical incident, conflicting roles or responsibilities or their personal lives.

(c) Listening, assessing, and whenever necessary, referring KPD members to professional counselors. Peer Support Team members should never be used as a replacement for licensed, professional care.

(d) Being trained to assist in Critical Incident Stress Management services as directed by the established chain of command and the program MHP.

(e) Remaining up to date with current Peer Support Team standards and practices.

(f) Attending quarterly training meetings.

(g) Maintaining strict confidentiality outside the team regarding sensitive defusing or debriefings. If this confidentiality is breached, the team member will be removed from the program.

(h) In order to evaluate the frequency of use, determine training needs, and measure effectiveness, team members will provide the Team Leader the following information:

1. Date and time of contact
2. Amount of time of consultation
3. General topic of discussion
4. This should be done as soon as practical after the consultation, while carefully maintaining the confidentiality of the people involved.

1031.3.4 SELECTION PROCESS

The selection process will be in accordance with the Transfer and Promotional Policy, which governs selection for Temporary Positions. In addition, per the Collective Bargaining Agreement, all member selections will be mutually agreed upon by the Guild and the department.

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All members appointed to the team shall be designated in writing by the Chief of Police as a peer support group counselor. This is in accordance with RCW 5.60.060.

1031.4 TRAINING

The Peer Support team will attempt to train on a quarterly basis. The training will include, but will not be limited to, trainings conducted by the team MHP, scenario based training and joint training opportunities with area peer support teams.

Training may also include attendance at a formalized conference or other acceptable outside training opportunity as determined by the Professional Standards Lieutenant in consultation with the team leader and the training officer

1031.5 SUPERVISORS RESPONSIBILITIES

Supervisors shall contact the Peer Support Team Leader or designee when any member of the department is involved in a critical incident that includes but is not limited to any of the following factors:

(a) Line of duty death, serious injury or life threatening illness of a department member.

(b) Suicide, homicide or unexpected death of a department member or their immediate family.

(c) Any incident with an extraordinary emotional impact such as a passenger airplane crash, school shooting, or multiple fatality incident.

(d) Unusual situations involving death, violence, or serious injury to children.

(e) Officer involved shootings.

Supervisors may contact the Peer Support Team Leader or designee when any member of the department is involved in a critical incident that includes any of the following factors:

(a) Incidents involving victims or friends of department personnel.

(b) Any time when department personnel observe multiple significant behavior changes in another member. Some examples of this may include isolating behavior, increased complaints from both the public and co-workers, or increased absence from work. These situations must be evaluated thoroughly and individually before the team leader is consulted. We must balance our desire to assist co-workers with encroaching upon their right to privacy before seeking assistance.

(c) Police Department personnel are also encouraged to seek assistance from members of the Peer Support Team, the Employee Assistance Program, or the Program Mental Health Professional if a personal issue may affect their work performance.

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1031.5.1 ASSESSMENT
An assessment will automatically take place in response to any of the extraordinary critical incidents listed above. An assessment could be in the form of one on one contact, defusing, or any other informal contact with the Peer Support Team.

After the initial assessment, there will be a review conducted by the team member in conjunction with the team leader in order to determine the appropriate response to the assessment of the incident: none needed, individual intervention or group intervention. This may include the MHP and the team's established chain of command.

1031.6 TEAM ACTIVATION PROCEDURES

Supervisors shall contact the Professional Standards Lieutenant and the Peer Support Team Leader or designee to initiate the critical incident stress management program when any KPD member is involved with any of the critical incidents outlined in the above section.

The team leader or designee, when made aware of an incident, shall determine the appropriate response with the assistance of the team MHP and within the following guidelines:

(a) Automatic Response

1. Line of duty death, serious injury, or life threatening illness of an employee.
2. Suicide, homicide, or unexpected death of an employee.
3. Any incident with extraordinary emotional impact such as a passenger airplane crash, school shooting or multiple fatality incidents.
4. Officer involved shootings

(b) Automatic Review

1. Unusual situations involving death, violence or serious injury to children.

(c) Discretionary Review

1. Incidents involving victims or friends of department personnel.
2. Any time when department personnel perceive that a member may benefit from activation of the Peer Support Team.

1031.7 TEAM MEMBER RESPONSE

When team members respond to the scene of a critical incident, their sole responsibility will be peer support. Upon arrival they will check in at the command post and notify the on-scene commander of their function and receive any updates or direction. They will not take an active role in the investigation, perimeter, or any other police function. Team members called in during off-duty hours will be paid with their choice of overtime or compensatory time.

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1031.8 REPORTING REQUIREMENTS

A case log shall be maintained by Team Members through the Team Leader. It monitors only the hours and generic topics, but there is to be no mention of names. This will be completed to assess the quantity and quality of care provided by the Peer Support Team while maintaining confidentiality.

The team MHP and team leader will review information in the case log during the months of January and July. At the conclusion of the calendar year, a report of the team's activities will be forwarded to the Chief of Police via the Peer Support Team Chain of Command.

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Employee Speech, Expression and Social Networking

1032.1 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.

1032.1.1 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.

1032.2 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 made pursuant to their official duties. To achieve its mission and efficiently provide service to the public, the Kirkland 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’ duty related speech and expression.

1032.3 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 Kirkland 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

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family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

In addition, for safety and security reasons, department personnel are cautioned not to disclose their employment with this department. This would include displaying department logos, uniforms, or similar identifying items on personal web pages.

- Posting personal photographs or providing similar means of personal recognition that may cause them to be identified as a police officer of this department. Officers who are, or who may reasonably be expected to work in undercover operations, shall not post any form of visual or personal identification

1032.4 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 Kirkland Police Department or its employees.

1. As public employees, department personnel are cautioned that speech on- or off-duty, made pursuant to their official duties-that is, that owes its existence to the employee's professional duties and responsibilities-is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the department. Department personnel should assume that their speech and related activity on social media sites will reflect upon their office and this department.

(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Kirkland Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Kirkland 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.

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4. Speech containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals.

5. Speech that has both a reference to the member being affiliated with the Department and that contains content that is unbecoming an officer, or illegal, such as lewd sexual conduct, excessive alcohol consumption, or similar behaviors.

(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.

1. Members are reminded that courts may scrutinize the credibility of a witness from unintentional sources like the Internet.

(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) When using social media, department personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the department's code of conduct is required in the personal use of social media.

(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).

(g) 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.

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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).

1032.4.1 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 or purport to represent the Kirkland Police Department or identify themselves in a way that would be reasonably perceived as representing the Kirkland 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 representing this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Kirkland 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 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).

1032.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

1032.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or authorized designee should consider include:

(a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.

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(b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.

(c) Whether the speech or conduct would reflect unfavorably upon the Department.

(d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.

(e) Whether similar speech or conduct has been previously authorized.

(f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

1032.7 TRAINING

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.

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Attachments

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City Administrative Policy 4-43 Reporting Improper Governmental Actions.pdf

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Reporting Improper Governmental Action

and Protecting Employees Against Retaliation Policy Chapter 4, Personnel

Policy 4-43

Revised: November 07, 2016

PURPOSE:

It is the policy of the City (1) to encourage reporting by its employees, to the extent not expressly prohibited by law, of improper governmental action taken by City officials and employees and (2) to protect governmental actions in accordance with the City's policies and procedure(s). The purpose of this policy is to protect City employees who make good-faith reports of such improper governmental action to appropriate governmental bodies and to provide remedies for such individuals who are thereafter subjected to retaliation for having made such reports.

SCOPE:

This policy applies to all City employees and officials.

DEFINITIONS:

As used in this policy, the following terms shall have the meanings indicated:

1. "Improper governmental action" means any action by a City official or employee:

    1. That is undertaken in the performance of the official's or employee's official duties, whether or not the action is within the scope of the employee's employment; and
    2. That (i) is in violation of any federal, state, or local law or rule, (ii) is an abuse of authority, (iii) is of substantial and specific danger to the public health or safety, or (iv) is a gross waste of public funds.

    "Improper governmental action" excludes personnel actions, including but not limited to: employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, reprimands or other disciplinary actions, violations of

collective bargaining or civil service laws, or alleged violations of labor agreements or any action that may be taken under Chapters 41.08, 41.12, 41.14, 41.56, 41.59 or 53.18
RCW or RCW 54.04.170 and 54.04.180.
Except as otherwise specifically provided for herein, a properly authorized City program or activity does not become an "improper governmental action" because an employee dissents from the City policy or considers the expenditures unwise.

2. "Retaliatory action" means (a) Any adverse change in a local government employee's employment status, or the terms and conditions of employment including action taken in reprisal for a City employee's action protected under this Policy and may include, but is not limited to: denial of adequate staff to perform duties; frequent staff changes, frequent and undesirable office changes; refusal to assign meaningful work; unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations, demotion, transfer, reassignment, reduction in pay, denial of promotion, suspension, dismissal, or any other disciplinary action; or (b) hostile actions by another employee towards a local government employee that were encouraged by a supervisor or senior manager or official.

3. "Emergency" means a circumstance that if not immediately changed may cause damage to persons or property.

REFERENCES:

- R-3776 Resolution of the City Council of Kirkland dated November 24, 1992.
- Chapter 42.41 RCW, Local government whistleblower protection

POLICY:

Procedures for Reporting

1. Reporting to City

City employees who become aware of improper governmental action should raise the issue first with their supervisor. If requested by the supervisor, the employee shall submit a written report to the supervisor, or some person designated by their supervisor, stating in detail the basis for the employee's belief that an improper governmental action has occurred. Where the employee reasonably believes the improper governmental action involves his or her supervisor, the employee may raise

the issue directly with the City Manager or such other person as may be designated by the City Manager to receive reports of improper governmental actions.

In the case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, the employee may report the improper governmental action directly to the appropriate government agency with responsibility for investigating the improper actions.

2. Investigation by City

The supervisor, the City Manager or the City Manager's designee, as the case may be, shall take prompt action to assist the City in properly investigating the report of improper governmental action. City officials and employees involved in the investigation shall keep the identity of the reporting employee confidential to the extent possible under law, unless the employee authorizes the disclosure of his or her identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of a summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential to the extent allowed by law.

3. Reporting to Other Agencies

City employees may report information about improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action if the City employee reasonably believes that an adequate investigation was not undertaken by the City to determine whether an improper governmental action occurred, or that insufficient action has been taken by the City to address the improper governmental action is likely to recur.

4. Protections Limited

City employees who fail to make a good faith attempt to follow the City's procedures in reporting improper governmental action shall not receive the protections provided by the City in these procedures.

Protection Against Retaliatory Actions

1. Retaliation Prohibited

No City official or employee shall take retaliatory action against any employee on account of any activity protected by the Policy. City officials and employees are prohibited from retaliating against a City employee because he or she (1) has in good faith reported an improper governmental action in accordance with these policies and procedures, (2) cooperated in an investigation by the City related to improper governmental action, or (3) testified in a proceeding arising out of an improper governmental action.

2. Reporting Retaliation to City

Employees who believe that they have been retaliated against for reporting an improper governmental action should advise their supervisor, the City Manager or the City Manager's designee. City officials and supervisors shall take appropriate action to investigate and address complaints of retaliation.

3. Notification to City Council

If the employee's supervisor, the City Manager, or the City Manager's designee, as the case may be, does not satisfactorily resolve a City employee's complaint that he or she has been retaliated against in violation of the policy, the City employee may seek protection under this policy and pursuant to state law by delivering, no later than thirty (30) days after the occurrence of the alleged retaliatory action, a written notice to the City Council that:

1. Specifies the alleged retaliatory action, and
2. Specifies the relief requested

Delivery to the City Clerk shall constitute delivery to the City Council.

4. Copy of Retaliation Charge to be Provided to City Manager; Time for City Response

City employees shall provide a copy of their written retaliation charge to the City Manager concurrent with delivery to the City Clerk. The City shall respond within thirty (30) days to the charge of retaliatory action.

5. Request for hearing before City Hearing Examiner

After receiving either the response of the City or thirty (30) days after the delivery of the charge to the City Manager or City Clerk, as the case may be, the City employee may request a hearing before the City Hearing Examiner to determine whether a retaliatory action occurred and to obtain appropriate relief provided by law. To obtain a hearing, the employee must deliver the request for a hearing to the City Manager within fifteen (15) days of delivery of the City's response to the charge of retaliatory action, or forty-five (45) days of delivery of the charge of retaliation to the City for response.

Within five (5) working days of receipt of a proper request for hearing, the City Manager shall advise the City Hearing Examiner to schedule a hearing to the retaliation charge and request for relief.

6. Hearing Provisions

1. The City employee, as the initiating party, has the burden of proving his or her claim by a preponderance of the evidence.
2. The Hearing Examiner shall issue a final decision consisting of findings of fact, conclusions of law and judgment no later than forty-five days after the date the request for hearing was delivered to the City Manager. The Hearing Examiner may grant specific extensions of time beyond this period of time for rendering a decision at the request of either party upon a showing of good cause, or upon his or her own motion.
3. The relief that may be granted by the Hearing Examiner consists of reinstatement, with or without back pay, and such injunctive relief as may be found to be necessary in order to return the employee to the position he or she held before the retaliatory action and to prevent any recurrence of retaliatory action. The Hearing Examiner may award costs and reasonable attorneys' fees to the prevailing party.
4. If a determination is made that retaliatory action has been taken against the employee, the Hearing Examiner may, in addition to any other remedy, recommend to the City Manager that any person found to have retaliated against the employee be suspended with or without pay or dismissed or receive other appropriate discipline; provided, however, any final disciplinary decision shall be made by the City Manager.
5. The final decision of the Hearing Examiner is subject to judicial review under the arbitrary and capricious standard. Relief ordered by the Hearing Examiner may be enforced by petition to superior court.
6. Except as otherwise provided in this policy, the hearing shall be conducted according to the rules and procedures of the City Hearing Examiner.

RESPONSIBILITIES:

The City Manager is responsible for implementing the City's policies and procedures (1) for reporting improper governmental action and (2) for protecting employees against retaliatory actions. This includes ensuring that this policy and these procedures (1) are permanently posted where all employees will have reasonable access to them, (2) are made available to any employee upon request and (3) are provided to all newly-hired employees. Officials, managers, and supervisors are responsible for ensuring the procedures are fully implemented within their areas of responsibility. Violations of this policy and these procedures may result in appropriate disciplinary action, up to and including dismissal.

LIST OF AGENCIES:

City of Kirkland City Attorney 123 Fifth Avenue
Kirkland, WA 98033
(425) 587-3000

Public Health of Seattle & King County Director's Office
401 - 5th Avenue, Suite 1300
Seattle, WA 98104
206-296-4600

King County Ombudsman Office of Citizen Complaints 516 Third Ave, W1039 Seattle, WA 98104
206.205.6338
King County Prosecuting Attorney's Office Criminal Division (206) 296-9000
Fraud Division (206) 296-9010
Civil Division (206) 296-9015

King County Superior Court
King County Courthouse location (206) 296-9100 Maleng Regional Justice Center location (206) 205-2501

State of Washington Attorney General's Office
Government Compliance and Enforcement Phone: (360) 753-6200

King County
Department of Development and Environmental Services (DDES) Code Enforcement
206-296-6680
1-888-437-4771 for urgent, after-hours complaints

Puget Sound Clean Air Agency 206.343.8800
800.552.3565
800.595.4341 (air quality hotline)

TRN17-005 Cross Gender Searches in the Jail.pdf

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Sheenas Law Form 62717.pdf

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ERPO Petition LEA Addendum 06-07-2017.pdf

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Washington State Law Enforcement Records Retention Schedule.pdf

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KPD-2017-042.pdf

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FBI-CJIS policy-and-operating-manual.pdf

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U. S. Department of Justice
Federal Bureau of Investigation
Criminal Justice Information Services Division

Criminal Justice Information Services (CJIS) National Data Exchange (N-DEx)

Policy and Operating Manual

Version: 4.0
Document Date: January 26, 2016
N-DEx-DOC-09172-4.0

The N-DEx Policy and Operating Manual supersedes all pre-existing policy documentation and is the sole source for policy matters for the N-DEx system.

Change Description Form

Version / Revision	Change Description	Changed By	Date	Approved By
Initial Draft	N-DEx Policy and Operating Manual	Patrick Ringer	4/5/2011	ISNOTF
ISNOTF Approved Draft	Update to N-DEx Policy and Operating Manual	Darrin Paul	4/13/2011	INSH
INSH Approved Draft	Adoption of N-DEx Policy and Operating Manual	Darrin Paul	5/11/2011	APB Executive Committee
Version 2.0	Policy Up-date	B.T. Stout	5/30/2012	INSH Chairman
Version 2.1	Policy Up-date	Amber Fazzini	8/9/2012	INSH Chairman
Version 3.0	Policy Up-date	Amber Fazzini Darrin Paul	8/28/2013	N-DEx Chairman
Version 3.1	Policy Up-date	Darrin Paul	4/1/2014	N-DEx Chairman
Version 4.0	Policy Up-date	Darrin Paul	1/26/16	N-DEx Chairman

NATIONAL DATA EXCHANGE (N-DEx)

POLICY AND OPERATING MANUAL

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1.0 INTRODUCTION

1.1 Purpose

1.1.1 National Data Exchange (N-DEx) Mission: To provide criminal justice agencies with a powerful new investigative tool to search, link, analyze and share criminal justice information such as, incident/case reports, incarceration data, and parole/probation data on a national basis to a degree never before possible.

1.1.2 N-DEx Vision: To provide the right information (incident and case reports, arrest, incarceration and booking data, probation and parole data) to the right hands (approved criminal justice agencies), right now (near real time).

1.1.3 Scope of N-DEx policy: The N-DEx Policy and Operating Manual applies to all entities accessing data via N-DEx (i.e. both warehoused data and federated data sources). N-DEx information shall be used only for the purpose indicated by the Use Code and used consistently with the coordination required by the Advanced Permission Requirement (confirming the terms of N-DEx information use). Any subsequent use of N-DEx information inconsistent with the original Use Code or the previously conducted Advanced Permission Requirement requires re-satisfaction of the Advanced Permission Requirement.

1.1.4 The N-DEx Policy and Operating Manual integrates presidential directives, federal laws, Federal Bureau of Investigation (FBI) directives, and the Criminal Justice Information Services (CJIS) Advisory Policy Board (APB) decisions to provide criminal justice agencies with a minimum set of policy and procedural requirements for participating in N-DEx and to protect and safeguard criminal justice information. This minimum set of requirements ensures continuity of N-DEx operation and information security.

1.1.5 The N-DEx Policy and Operating Manual may be used as the sole policy and operating manual for N-DEx participating agencies. A participating agency may complement the N-DEx Policy and Operating Manual with agency specific policy and operating procedures, or the participating agency may develop their own stand-alone policy and operating manual; however, the N-DEx Policy and Operating Manual shall always be the minimum standard and participating agencies may augment, or increase the standards, but shall not detract from the N-DEx Policy and Operating Standards.

1.1.6 The N-DEx Policy and Operating Manual applies to all entities with access to, or who operate in support of, N-DEx services and information. This policy manual is subject to change as a result of presidential directives, federal laws, FBI directives, and CJIS APB decisions. The terms of any policy and procedural change preempt any existing inconsistency contained herein.

1.1.7 The N-DEx Policy and Operating Manual is an unrestricted document and can be shared without limitation.

1.2 Operational Framework

1.2.1 The N-DEx system is a system managed within the framework of the CJIS System of Services and identified within the CJIS systems User Agreement.

1.2.2 Participating agencies and users must adhere to the *CJIS Security Policy*.

1.2.3 The N-DEx system stores vast amounts of criminal justice information which may be instantly retrieved by and/or furnished to any authorized agency.

1.2.4 N-DEx is restricted to documented criminal justice information obtained by criminal justice agencies in connection with their official duties administering criminal justice.

1.2.5 Within the context of N-DEx, leveraging refers to the capability to access CJIS Systems of Service and Non-CJIS criminal justice data sources via web services. CJIS Systems are only available if the CJIS Systems Agency (CSA) authorizes this capability.

1.2.6 N-DEx will not contain criminal intelligence data as defined by Title 28, Code of Federal Regulations (C.F.R.), Part 23.

1.2.7 In accordance with the *CJIS Security Policy* and consistent with Title 28, C.F.R., Part 20, Subpart A, N-DEx system access is restricted to "criminal justice agencies" and agencies performing the "administration of criminal justice."

1.2.8 N-DEx is an on-line real-time program and records are constantly being updated; therefore, record information can change at any time.

1.2.9 N-DEx is the national enhanced pointer and data discovery system for SBU, law enforcement sensitive, and Controlled Unclassified Information (CUI) class criminal justice data.

1.2.10 N-DEx is a fee free, secure, nationwide, computerized information sharing system established to fill an identified gap in the CJIS System of Services.

1.2.11 The N-DEx Program is a cooperative endeavor of local, state, tribal, and federal law enforcement/criminal justice entities, in which each entity is participating under its own legal status, jurisdiction and authorities. All N-DEx operations will be based upon the legal status, jurisdiction and authorities of individual participants. N-DEx is not intended, and shall not be deemed, to have any independent legal status.

1.2.12 Agencies shall participate in N-DEx in accordance with their own individual legal status, jurisdiction, restrictions, and authorities.

1.2.13 Participating agencies contribute information to N-DEx with an express promise of confidentiality.

1.2.14 N-DEx participants shall contribute or allow access to information via N-DEx, and agrees to permit the access, dissemination, and/or use of such information by other parties pursuant to the provisions of this policy. The record owning agency has the sole responsibility and accountability for ensuring that it is not constrained from permitting this access by any laws, regulations, policies, or procedures.

1.2.15 N-DEx is not created pursuant to a single federal statute; rather, N-DEx is the FBI's response to the criminal justice community's request to answer the challenge of information sharing.

1.2.16 All inquiries regarding the N-DEx system should be addressed to the FBI, CJIS Division, via e-mail: ndex@leo.gov; via telephone (304) 625-HELP [4357]: or via mail; Attention: N-DEx Program Office, Module B-3, 1000 Custer Hollow Road, Clarksburg, WV 26306-0153.

1.3 Data Use

1.3.1 The N-DEx system shall be used in accordance with the policies in this document and those of the federated CJIS System of Services operating procedures or policies. The CSA shall ensure N-DEx participating agencies have procedures to comply with the policies in this document and those of the federated CJIS system as a part of enabling user agency access of federated services, e.g., procedures to engage hit confirmation and the placing of a "locate" in accordance with NCIC policy.

1.3.2 An N-DEx result indicates that criminal justice information may exist.

1.3.3 System Access: N-DEx contains criminal justice information obtained by criminal justice agencies in connection with their official duties administering criminal justice, and N-DEx system access is restricted to criminal justice agencies and agencies performing the administration of criminal justice. Only the following agencies are authorized to access N-DEx based on the agency type Originating Agency Identifier (ORI) value as indicated by the 9th character:

1.3.3.1 Law Enforcement Agencies

- Law enforcement agencies possessing 9th character ORIs of 0 - 9 (numeric values) e.g., police, sheriff, etc.

1.3.3.2 Criminal Justice Agencies

- Prosecuting Attorney's Offices –ORIs end in an "A." This includes District Attorney's Offices, Attorney General's Offices, etc.

- Pretrial service agencies and pretrial release agencies – ORIs end in a "B."

- Correctional Institutions ORIs end in a "C." This includes jails, prisons, detention centers, etc.

- Nongovernmental railroad or campus police departments qualifying for access to III – ORIs end in an "E."

- Probation and Parole Offices – ORIs end in a "G."

- INTERPOL – ORIs end in an "I." As a foreign criminal justice agency, INTERPOL shall be a Limited System Participant. Local, state, and tribal criminal justice agency data shall not be shareable with limited system participants.

- Courts and Magistrates Offices – ORIs end in a "J."

- Custodial facilities in medical or psychiatric institutions and some medical examiners' offices which are criminal justice in function – ORIs end in an "M."

- Regional dispatch centers that are criminal justice agencies or noncriminal justice governmental agencies performing criminal justice dispatching functions for criminal justice agencies – ORIs end in an "N."

- Local, county, state, or federal agencies that are classified as criminal justice agencies by statute but do not fall into one of the aforementioned categories – ORIs end in a "Y."

1.3.4 Acceptable System Use: Personnel engaged in the following activities may be granted access by the CSA consistent with state laws:

1.3.4.1 Law enforcement investigations, i.e., to further investigations of criminal behavior based on prior identification of specific criminal activity by an agency with a statutory ability to perform arrest functions.

1.3.4.2 Pretrial release investigation, i.e., to obtain information about recently arrested defendants for use in deciding whether conditions are to be set for defendants' release prior to trial, monitor a defendant's compliance with his/her conditions of release during pretrial period, and identify offenses pending adjudication.

1.3.4.3 Intake investigation, i.e., to conduct prisoner classification and offender risk assessments to safely manage the correction population.

1.3.4.4 Correctional institution investigation, i.e., to identify and suppress criminal suspects and criminal enterprise organizations operating within correctional systems, prepare for the prosecution of crimes committed within a correctional institution, conduct criminal apprehension efforts of prison escapees, ensure inmates cannot continue their criminal activities through misuse of visitation or communication privileges, monitor out source supervision and treatment progress, conduct offender travel permit investigations, prepare for prisoner transfer, and conduct pre-release investigation to determine reentry requirements and facilitate release notification.

1.3.4.5 Pre-sentence investigation, i.e., to identify the risk of reoffense, flight, community, officer and victim safety, identify law enforcement contact not resulting in arrest, identify offenses pending adjudication, and ensure illicit income is not used for bail, bond, or criminal defense.

1.3.4.6 Supervision investigation, i.e., to identify incident information (i.e. personal conduct, contact with LEAs, offenses, gang affiliations, known associates, employment, etc.) constituting a violation of release or supervision conditions, prepare and investigate interstate transfer of adult offenders, facilitate concurrent supervision, conduct risk and needs assessments, facilitate apprehension of absconders, and identify offenses pending adjudication.

1.3.4.7 Criminal justice employment background checks, i.e., to obtain information regarding an applicant's fitness to serve as an employee within a criminal justice agency.

1.3.4.8 Data administration/management, i.e., to perform administrative role responsibilities and conduct searches of record owner contributed data as a part of internal review by a record owner. Responses for this purpose may not be disseminated for any other reason and are limited to that agency's portion of N-DEx contributed records.

1.3.4.9 Training, i.e., to educate users on the policies, services and capabilities of the N-DEx system utilizing authentic criminal justice information submitted to N-DEx by criminal justice agencies.

Training is considered to be an acceptable use of N-DEx, so long as it does not include curiosity searches, browsing, or self-queries.

1.3.5 User Identifier Requirement: A user shall provide the following user identifiers prior to accessing N-DEx:

1.3.5.1 Identity Provider ID: unique identifier that identifies the system the user utilizes to access the N-DEx system.

1.3.5.2 User ID: unique username assigned by the user's identity provider for authentication and identification.

1.3.5.3 Last Name: last name or family name of the user.

1.3.5.4 First Name: first name of the user.

1.3.5.5 Employer ORI: unique identifier assigned to the organization that is the user's assigned agency. ORIs must be a CJIS NCIC assigned ORI.

1.3.6 Use Code Requirement: The FBI's CJIS Division is required to maintain an audit trail of each search request and returned result of N-DEx data. Therefore, every N-DEx search request must include a Use Code identifying why the search was performed.

The following Use Codes are considered acceptable when searching N-DEx:

1.3.6.1 Administrative Use Code "A": Must be used when N-DEx is utilized by a record-owning agency or submitter/aggregator to retrieve and display N-DEx contributed records in association with performing the agency's data administration/management duty. Responses for this purpose shall not be disseminated for any other reason and are limited to the record-owning agency portion of N-DEx records.

1.3.6.2 Criminal Justice Use Code "C": Must be used when N-DEx is utilized for official duties in connection with the administration of criminal justice as the term is defined in 28 Code of Federal Regulations (CFR) § 20.3 (2011).

1.3.6.3 Criminal Justice Employment Use Code “J”: Must be used when N-DEx is utilized to conduct criminal justice employment background checks.

In order to use N-DEx to conduct criminal justice employment background checks, the agency must adhere to the following notice and consent, redress and audit requirements:

- Notice and Consent: The agency must provide notice to the applicant and the applicant must provide a signed consent. At a minimum one of the following or substantially similar statements must appear on an agency’s Notice and Consent form to an applicant, examples of which are provided below:

    - General Statement:

The (agency's name)'s acquisition, retention, and sharing of information related to your employment application is generally authorized under (state and federal citations). The purpose for requesting this information is to conduct a complete background investigation pertaining to your fitness to serve as a (employee type). This background investigation may include inquiries pertaining to your (employment) (education) (medical history) (credit history) (criminal history) and any information relevant to your character and reputation. By signing this form, you are acknowledging that you have received notice and have provided consent for (agency's name) to use this information to conduct such a background investigation, which may include the searching of (N-DEx) (criminal justice databases) (private databases) (public databases).

- Specific N-DEx statement:
  I authorize any employee or representative of (agency's name) to search N-DEx to obtain information regarding my qualifications and fitness to serve as a (employee type). I understand that N-DEx is an electronic repository of information from federal, state, local, tribal, and regional criminal justice entities. This national information sharing system permits users to search and analyze data from the entire criminal justice cycle, including crime incident and investigation reports; arrest, booking, and incarceration reports; and probation and parole information. This release is executed with full knowledge, understanding, and consent that any information discovered in N-DEx may be used for the official purpose of conducting a complete employment background investigation. I also understand that any information found in N-DEx will not be disclosed to any other person or agency unless authorized and consistent with applicable law. I release (agency's name) from any liability or damage that may result from the use of information obtained from N-DEx.

- Redress: The agency must provide applicants with an opportunity to challenge and/or correct records if employment is denied based on information obtained from N-DEx.

  - If employment is denied solely due to information obtained from N-DEx, and the applicant challenges the accuracy or completeness of those records, the denying agency shall provide the applicant with the contact information of the agency owning the information underlying the decision to deny. After receiving a written request from the applicant challenging the accuracy or completeness of the record used to deny employment, the record-owning agency shall then review the relevant information and advise the applicant in

writing whether it has confirmed the accuracy or completeness of its records or whether the records will be corrected. If the applicant does not receive a response from the record-owning agency within 30 days from the date of the applicant's written request, the applicant may contact the FBI CJIS Division N-DEx Unit, 1000 Custer Hollow Rd, Clarksburg, WV 26306. The FBI shall forward the challenge to the record-owning agency for verification or correction. The record-owning agency shall then review the relevant information and advise the applicant in writing whether it has verified its records or whether the records will be corrected. Agencies should inform applicants of their responsibility to provide any corrected information to the denying agency that may assist the record owning agency in its research on behalf of the applicant.

- Audit: The agency must comply with certain procedural and documentation requirements.

    - All use of N-DEx for criminal justice employment background investigations shall require Use Code "J". Agencies that contribute records to N-DEx shall be permitted and enabled to reject Use Code "J" requests. When N-DEx is searched as part of a criminal justice employment background investigation, the fact that the search was conducted must be documented in the applicant's file. If information accessed through N-DEx is viewed and used during the criminal justice employment background investigation, the agency must document in the applicant's file: (1) that the requesting agency received advanced authorization for the use of the information for employment purposes from the record-owning agency and (2) that the requesting agency has confirmed the accuracy of the information with the record-owning agency.

    - Agencies are expected to comply with the above requirements in addition to the existing N-DEx policy requirements (e.g. training, information sharing, data quality, system security) and all applicable laws and regulations. These additional requirements mitigate the privacy risks of using N-DEx to conduct criminal justice employment background checks and ensure that such use is implemented in a lawful and proper manner.

1.3.7 Search Reason Requirement: While the Use Code provides some lead information, it only provides a minimal audit trail. Therefore, all N-DEx users are required to provide the reason for every search request. This will ensure N-DEx searches are conducted for authorized uses and Use Codes are correctly applied. The Search reason shall include information, (such as, but not limited to, incident number, arrest transaction number, booking number, project name, routine activity description, and

if applicable the individual recipient/agency the search was made "on behalf of", etc.), to assist the user in accounting for appropriate system use for each transaction. Interstate Identification Index searches via N-DEx shall clearly identify the individual recipient/agency the search was made "on behalf of". The identification shall take the form of a unique identifier that shall remain unique to the individual requester and to the secondary recipient throughout the minimum one year retention period.

1.3.8 Authorized Pre-Permission Use: N-DEx information may be viewed, output, or discussed without advance authorization of the record owning agency, within the record-requesting agency or another agency, if the other agency is an authorized recipient of such information by virtue of meeting the requirements for N-DEx access and is being serviced by the record-requesting agency. However, any recipient of N-DEx data must obtain advanced permission from the record-owning agency prior to acting upon any data obtained through N-DEx.

1.3.9 Advanced Permission Requirement: Terms of N-DEx information use must be obtained from the record-owning agency prior to reliance or action upon, or secondary dissemination. N-DEx information may only be relied or acted upon, or secondarily disseminated within the limitations specified by the record-owning agency. Reliance or action upon, or secondary dissemination of N-DEx information beyond the original terms requires further permission from the record owning agency.

1.3.10 Verification Requirement: N-DEx information must be verified with the record-owning agency for completeness, timeliness, accuracy, and relevancy prior to reliance upon, action, or secondary dissemination.

1.3.11 Information returned specifically from the warehoused data of N-DEx or an N-DEx federated data source must be identified to the user as being received via N-DEx and may only be used in accordance with the N-DEx policies and CJIS System of Service policies.

1.3.12 Immediate use of N-DEx information can be made without the advanced permission of the record owning agency if there is an exigent circumstance - an emergency situation requiring swift action to prevent imminent danger to life or serious damage to property, or to forestall the imminent escape of a suspect, or destruction of evidence. The record-owning agency shall be immediately notified of any use made as a result of exigent circumstances.

1.3.13 Participating agencies are encouraged to consider how they may wish to account for use authorization requests and concurrences. While N-DEx does not systematically support nor require a log to be maintained, agencies are encouraged to consider how the advanced permission, verification, and data provision may be documented within their own organization.

1.4 Responsibility for Records

1.4.1 Record-owning agencies that make available records in the N-DEx system are responsible for their timeliness, accuracy, completeness, and providing point-of-contact information. For further explanation of timeliness, accuracy, and completeness, see section 2.5 Maintaining The Integrity of N-DEx Records.

1.4.2 Each record-owning agency controls how and with whom their data is shared, thus retaining responsibility, control, and ownership.

1.4.3 Agency-Configurable Data Sharing Controls: N-DEx is designed to allow record-owning agencies to protect their data in accordance with the laws and policies that govern dissemination and privacy for their jurisdictions. All data is presumed sharable unless the record-owning agency restricts data access, in accordance with their sharing policy. N-DEx enables data sharing at the following data item (i.e. reports) dissemination criteria values:

1.4.3.1 Green: Data is viewable.

1.4.3.2 Yellow: Data consists of record ID and record-owning agency Point of Contact (POC) information. To obtain access, contact the record-owning agency.

1.4.3.3 Red: Data is not viewable.

1.4.3.4 Record-owning agencies shall have the ability to configure sharing policy based on agency, agency type, individual users, or data characteristics to create exception groups for their data. Thus, an N-DEx record may be red to one user, yellow to a second, and green to a third. Record-owning agencies are encouraged to submit records using the green value; however if an agency must submit records using the red or yellow values, they are encouraged to make their records green for their agency to realize the full benefit of automatic entity integration, data correlation, and other tools within N-DEx, including the creation of subscriptions.

1.4.4 Pursuant to Executive Order 12958 as amended, *Classified National Security Information*, N-DEx is designated as an unclassified system. Record-owning agencies shall ensure that data contributed to and/or exchanged by N-DEx is unclassified and free of classified national security information. Information contributed to N-DEx resides on a server(s) located in FBI controlled space, containing SBU and CUI from contributing agencies with established formal agreements.

1.4.5 All participating agencies whether contributing information to N-DEx or leveraging N-DEx shall access the N-DEx server(s) and functionality via secure internet

connections (as defined by the *CJIS Security Policy*) or via the FBI's CJIS Wide Area Network.

1.4.6 The FBI CJIS Division, as manager of N-DEx, helps maintain the integrity of the system through:

1.4.6.1 Automatic computer checks which reject records with common types of errors in data.

1.4.6.2 Pre-data ingestion analysis and data inspection.

1.4.6.3 On-going manual quality control checks by FBI personnel.

1.4.6.4 Automated tool support, e.g., conformance testing assistant, for construction of data submissions.

1.4.6.5 System generated error reports for viewing by the record-owning Source Data Administrator (SDA) and CSA.

1.4.6.6 Monitoring and automated logging of all successful and unsuccessful logon attempts where CJIS is the identity provider, file access, correlations, and transaction types, regardless of access means.

1.5 System Description

1.5.1 Full system participants are local, state, tribal, and federal criminal justice agencies throughout the United States, District Of Columbia, United States territories.

1.5.2 Limited system participants are foreign criminal justice agencies. Local, state, and tribal criminal justice agency data shall not be shareable with limited system participants, i.e. foreign criminal justice agencies.

1.5.2.1 N-DEx is the technical mechanism to bi-directionally share federal government unclassified criminal justice information with foreign partners, e.g., Australian Federal Police, New Zealand Police, and United Kingdom Serious Organized Crime Agency.

1.5.3 Data contributed to the N-DEx system must meet the criteria established for the particular type of record involved as identified in the N-DEx Information Exchange Package Documentation (IEPD).

1.5.4 In accordance with the *CJIS Security Policy*, Criminal Justice Information (CJI) shall refer to all FBI CJIS provided data necessary for criminal justice agencies to perform their missions. Such information shall consist of, but not be limited to biometric, identity history, biographic, property, and case/incident history data.

1.5.5 Data contributed and/or exchanged via N-DEx is CJI, which contains Personally Identifiable Information, e.g., names, social security numbers, etc., as well as, non-identifying descriptive information e.g., offense location, weapon involved, etc., and may contain criminal history record information as defined in Title 28, C.F.R., Part 20. The collection, storage, and dissemination of information shall comply with all applicable laws and regulations.

1.5.6 In accordance with the *CJIS Security Policy*, an information exchange agreement, i.e., a formal agreement specifying security controls must be signed before exchanging criminal justice information. Formal agreements may take the form of user agreements, management control agreements, CJIS security addendum, or any other document that meets the requirements articulated in the *CJIS Security Policy*.

1.6 Policy Management

1.6.1 The CJIS APB, established by Title 28, C.F.R., Part 20.35, recommends general policy to the FBI Director with respect to the philosophy, concept, and operational principles of the N-DEx system. In its deliberations, the APB places particular emphasis on system security; and rules, regulations, and procedures to maintain the integrity of CJIS System of Services and criminal justice information.

1.6.2 Detailed information on the operation of the APB process can be found within the *Bylaws for the Criminal Justice Information Services Advisory Policy Board and Working Groups*.

1.6.3 In accordance with the *CJIS Security Policy*, the CJIS Systems Officer (CSO) or designee shall ensure a Terminal Agency Coordinator (TAC) is designated within each agency that has devices accessing CJIS systems. The TAC serves as the POC for the CSO at the local agency for matters relating to CJIS information access. The TAC administers CJIS systems programs with the local agency and oversees the agency's compliance with CJIS systems policies.

1.6.4 The CSO or designee shall ensure an N-DEx Agency Coordinator (NAC) is designated within each agency which accesses N-DEx. The NAC serves as the POC for the CSO at the local agency for matters relating to N-DEx. The NAC administers N-DEx within the local agency and oversees the agency's compliance with N-DEx system policies. The NAC may also be the agency's TAC. An agency may change its NAC at any time, but must notify the CSA in writing of the change. The following N-DEx roles may be performed by the CSO, or delegated to the NAC or other appropriate personnel within the CSA or N-DEx agency. It is recommended an alternate be assigned as a back-up to assist with performing the administrative duties in case of emergency or personnel changes. One individual may perform all administrative roles, or the roles may be assigned to several individuals.

1.6.4.1 **CSO Administrator Role** – Responsible for managing the users, audit, and training within their area of responsibility as identified by ORI. The role is

activated by the N-DEx Program Office within the N-DEx system for the CSO. Once activated, the role provides the CSO with the user, audit, and training management functionality. The CSO has the ability to assign the user, audit, and training management functionality by ORI to users/NACs at state, local, federal, and tribal agencies.

1.6.4.2 **Source Data Administrator Role** – Responsible for establishing and managing the agency's configurable data sharing controls and submitting data to N-DEx for assigned record-owning agency(ies). If the record-owning agency chooses to submit Uniform Crime Reporting / National Incident Based Reporting System (NIBRS) data via N-DEx, the Source Data Administrator's role is expanded to include responsibilities for managing the NIBRS extract authorization and monitoring the extract process. The N-DEx Program Office enables the Source Data Administrator capability within the N-DEx system.

1.6.4.3 **Automated Processing Administrator Role** – Responsible for activating, configuring, and managing the N-DEx optional automated processing capability. Automated processing enables an agency to receive reports reflecting correlations between their submissions and current N-DEx information.

1.7 System Security

1.7.1 The CSA is responsible for establishing and administering an information technology security program throughout the CSA's user community consistent with roles and responsibilities described in the *Bylaws for the CJIS Advisory Policy Board and Working Groups* and the *CJIS Security Policy*.

1.7.2 The FBI uses hardware and software controls to help ensure system security. However, final responsibility for the maintenance of the security and confidentiality of CJI rests with the individual agencies participating in the N-DEx system. Further information regarding system security can be obtained from the *CJIS Security Policy*.

1.7.3 The data stored in the N-DEx system is documented CJI and must be protected to ensure authorized, legal, and efficient dissemination and use. It is incumbent upon an N-DEx participating agency to implement procedures to make the N-DEx system secure from any unauthorized use.

2.0 QUALITY CONTROL, VALIDATION, TRAINING, AND OTHER PROCEDURES

2.1 Maintaining System Integrity

2.1.1 Responsibility To Maintain System Integrity

2.1.1.1 Pursuant to the current version of the *Bylaws Of The Criminal Justice Information Services Advisory Policy Board And Working Groups,* the CSA is

responsible for ensuring appropriate use, enforcing system discipline and security, and ensuring CJIS operating procedures are followed by all users, regardless of whether they are performed by CSA personnel, contracted support, an outside agency, etc.

2.1.1.2 A CSA may delegate responsibilities, including user management, to the NAC of subordinate agencies as outlined in the CJIS Security Policy.

2.1.1.3 The CSA may require notification of all new users given N-DEx through delegated user management. It is the CSA's responsibility to coordinate this notification process and the frequency of notification with the delegated "user management designee". This process will ensure the CSA has the desired level of involvement for user access since they remain ultimately responsible for all CJIS System of Services activities.

2.2 Security

2.2.1 Security standards are documented in the *CJIS Security Policy*.

2.3 Audit

2.3.1 Compliance audit: Compliance audit standards are documented in the *CJIS Security Policy*.

2.3.2 The FBI CJIS Division shall conduct compliance audits of CSAs that have agencies using the N-DEx system. Audits shall consist of the following:

2.3.2.1 Administrative interview with N-DEx local agency NAC.

2.3.2.2 Network inspection.

2.3.2.3 A review of random N-DEx transactions.

2.3.2.4 A review of user access.

2.3.2.5 Technical security and, if applicable, NCIC and III policies will also be assessed.

2.3.3 Audits will not include a review of data quality.

2.3.4 The FBI CJIS division shall incorporate the N-DEx audit into its existing audit cycle and audit findings will be provided to the APB for its review and appropriate action, which may include sanctions.

2.3.5 Security audits: Security audit standards are documented in the *CJIS Security Policy*.

2.3.6 Audits by the CSA: CSA audit responsibilities are documented in the *CJIS Security Policy* and Director approved APB guidance.

2.4 Training

2.4.1 CSAs may delegate N-DEx training to local agencies or regional information sharing entities.

2.4.2 Prior to searching data via N-DEx, CSAs shall ensure, directly or through local delegation, that users are trained on N-DEx policy matters, emphasizing data use rules.

2.4.3 Basic security awareness training shall be required within six months of initial assignment and biennially thereafter, for all personnel who have access to CJI.

2.4.4 Train N-DEx users granted access to federated CJIS System of Services system(s) in accordance with individual federated system training requirements.

2.4.5 Every two years, train users on N-DEx policy matters, emphasizing data use rules.

2.4.6 CSA shall ensure that all individuals with physical and logical access to N-DEx information are trained on N-DEx data use.

2.4.7 Maintain records of all training and proficiency affirmation.

2.4.8 The N-DEx PO shall make training materials available to the CSA. Training materials may take the form of any of the below:

2.4.8.1 Basic course hand out materials and curriculum.

2.4.8.2 Video training.

2.4.8.3 Computer based training modules.

2.5 Maintaining The Integrity of N-DEx Records

2.5.1 Record-owning agencies are responsible for the timeliness, accuracy, and completeness of their data. The records in the record-owning agency record/case management system are considered the source records.

2.5.2 Timeliness: Each record-owning agency shall submit data, including any updates or changes to the original submission as often as a contributor can feasibly execute them. Updates or changes shall be executed at least monthly.

2.5.3 Accuracy: Because records contributed to N-DEx will be limited to duplicates and summaries of records obtained and separately managed by the record-owning agency

within its own record/case system(s), and for which the record-owning agency is responsible, each record-owning agency shall ensure contributed data is reflected within the source system(s). The record-owning agency shall ensure contributed data is synchronized with the Agencies source system records as they are updated/changed.

2.5.4 Completeness: Each record-owning agency should submit as many N-DEx data elements as they have available or are permitted to by law.

2.6 Quality Control

2.6.1 FBI personnel periodically check records entered into the N-DEx system. Issues discovered in records are communicated directly to the CSA and NAC.

2.7 N-DEx System Maintenance

2.7.1 When scheduled maintenance is being conducted on the N-DEx system, an information page will be displayed stating the expected outage time. If the N-DEx system should become unavailable, outside of scheduled maintenance times, a warning banner will be displayed to the users. However, after a reasonable period of time and the problem is not resolved, notify the FBI CJIS, telephone 304-625-HELP [4357].

3.0 N-DEx SANCTIONS

3.1.1 In accordance with the *CJIS Security Policy*, each participating agency shall employ a formal sanctions process for personnel failing to comply with established information security policies and procedures.

3.1.2 Upon any discovery of misuse by any users or agencies granted access to the N-DEx system, notification to their NAC and CSA must take place immediately.

3.1.3 Sanctions for misuse of N-DEx shall be established by the CJIS APB.

3.1.4 Sanctions for misuse of N-DEx federated CJIS System of Services shall follow the established sanctions process for the CJIS System of Services.

3.1.5 Sanctions for *CJIS Security Policy* violations shall follow the established sanctions process.

APPENDIX A ACRONYMS

APA	Automated Processing Administrator
APB	Advisory Policy Board
CFR	Code of Federal Regulations
CHRI	Criminal History Record Information
CJI	Criminal Justice Information
CJIS	Criminal Justice Information Services
CSA	CJIS Systems Agency
CSO	CJIS Systems Officer
CUI	Controlled Unclassified Information
FBI	Federal Bureau of Investigation
IEPD	Information Exchange Package Documentation
III	Interstate Identification Index
LEA	Law Enforcement Agency
LES	Law Enforcement Sensitive
NAC	N-DEx Agency Coordinator
NCIC	National Crime Information Center
N-DEx	Law Enforcement National Data Exchange
PO	Program Office
POC	Point of Contact
SA	Security Administrator
SBU	Sensitive But Unclassified
SDA	Source Data Administrator
TA	Training Administrator
TAC	Terminal Agency Coordinator
UA	User Administrator

APPENDIX B APPROVED TECHNICAL & OPERATIONAL UPDATES

Through the CJIS Advisory Process, the following technical and operational changes have been approved or are awaiting approval of the FBI Director. Though a change may have been approved, changes do not become effective until implemented. All listed change is pending implementation.

NONE AT THIS TIME

Routine Security Video Retention Policy.pdf

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APPENDIX C.pdf

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APPENDIX C

KPD Command Officers' Checklist for
Officer Involved Critical Incident Management

Upon arrival at an officer involved critical incident the first or highest ranking Command Officer should;

1. Obtain a brief from the on scene supervisor and ensure their responsibilities have been fulfilled.
2. As soon as practical take command of incident and ensure adequate resources are present or responding.
3. Ensure that if an involved officer has been injured and transported to a medical facility that notification of the injured officer's emergency contact has been coordinated.
4. Contact the Peer Support Team Commander or if unavailable the Peer Support Team Leader.
5. Move, when practical, the involved officer(s) from the scene to the police station, accompanied by an uninvolved supervisor or officer. Ensure involved officers are transported separately if feasible.
6. Ensure, prior to transporting, that each involved officer has been given an administrative order not to discuss the incident with other involved or witnessing officers pending further direction by a supervisor or Command Officer.
7. For incidents involving the discharge of a firearm by an officer:
   a) Ensure that if an officer's weapon is taken or left at the scene (e.g., evidence), the officer(s) will be transported to the station by another officer or supervisor and provided with a comparable replacement weapon.
   b) Ensure that if an officer's weapon is secured at the station the officer(s) is provided with a comparable replacement weapon.
8. Make additional command notifications as needed and ensure PIO is en route.

Appendix A revised 5-19.pdf

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Appendix A-updated 1-19.pdf

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APPENDIX B.pdf

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APPENDIX B

KPD Supervisors' Checklist for
Officer Involved Critical Incident Management

All Supervisors' will carry a copy of this checklist with them while on-duty and will follow these guidelines to the fullest extent possible.

Upon arrival at an officer involved critical incident the first arriving supervisor will:

1. Immediately assume command of the scene and render safe.
2. Ensure medical attention for all injured individuals.
   *** If an involved officer is injured and requires immediate medical attention ***
   a) Have another officer accompany the injured officer to the hospital.
   b) Have the accompanying officer secure the injured officer's personal effects, uniform, and equipment.
3. Identify and secure inner and outer perimeters.
4. Make command notifications.
5. Appoint an officer to start a crime scene log and record all crime scene activity.
6. Establish a Command Post.
7. Assign an officer to roughly diagram the scene, identify possible evidence and take photos if practical.
8. Ensure all personnel are accounted for and all personnel on scene (police, fire, EMS, etc) are identified and logged.
9. Establish a Media area.
   A. Do not make any statements to the Media or issue any press releases. Refer all Media inquiries to the Command Officer or PIO.
10. As soon as practical, remove the involved officer from the immediate area of the incident and assign an uninvolved officer to stay with them until a command officer, or their designee, arrives and arranges for the movement of the officer to the station.
11. Attempt to obtain a brief overview of the situation from any witnessing officer(s).
12. In the event that there are no witnessing officers who can supply an adequate public safety overview the supervisor should attempt to obtain a brief voluntary public safety overview from one involved officer.
13. Supervisors will make note of the questions they ask and the answers provided by the officer.
14. Supervisors will act on the public safety information as needed.
15. If an involved officer refuses to voluntarily provide public safety information, the supervisor will administratively order (per CBA 7.7.8) the officer to immediately provide public safety information. Public safety information shall be limited to such things as:
    a) Determining the scene boundaries and securing the scene
    b) Identifying and locating outstanding suspects
    c) Determining the number and direction of shots fired (if applicable)
    d) Identifying and locating witnesses
    e) Securing evidence
    f) Determining extent of injuries and treating the injured.
    The initial on scene supervisor should not attempt to order any officer to provide other than public safety information
    **Refusing to answer public safety questions after being administratively ordered to do so by a supervisor is <u>considered insubordination</u> and may result in discipline up to and including termination
16. Provide all relevant information to responding officers, the on-scene Command Officer and NORCOM, if applicable. If feasible, sensitive information should be communicated over secure networks
17. Remain on scene and in command of the incident until relieved by a Command Officer.

KC Mental Health Crisis and Commitment Services_handout.pdf

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King County

Mental Health Crisis and Commitment Services

If you need immediate help, call the **Crisis Clinic at: 206-461-3222.** The Crisis Clinic offers telephone-based crisis intervention and information and referrals to community services for youth and adults in Seattle-King County, WA.

Crisis Clinic
Helping Lives On the Line

King County Crisis and Commitment Services (CCS)

CCS provides evaluation of people who may be a danger to self or others due to a mental disorder. This may result in an involuntary detention at a psychiatric facility. The involuntary detention due to mental illness law for adults is RCW 71.05. For youth 13 through 17 years of age the law is RCW 71.34.

King County Crisis and Commitment Services screening is available
Weekdays 8:30am-4:30pm.
Phone: 206-263-9200

After hours, please call the Crisis Clinic.

A new section of Washington State's involuntary mental health treatment law went into effect July 24, 2015. This section, known as Joel's Law, allows a person's immediate family member, legal guardian, or conservator to petition the superior court for detention if a Designated Mental Health Professional (DMHP) makes a decision not to detain an adult. There are multiple steps and considerations when filing a Joel's Law Petition. For assistance, please contact the DMHP office at (206) 263-9200, and they will help find the best approach to respond to the person in crisis.

Children's Crisis Outreach Response System (CCORS)

CCORS provides crisis services to children, youth and families in King County who are not already enrolled in the publicly funded KCBHP. CCORS also provides limited services to children and youth who are currently enrolled in the KCBHP. CCORS builds on the family's and youth's strengths to provide creative and flexible solutions that focus on teaching and modeling parenting and problem-solving skills to manage behavior and avoid out of home placement. Access to CCORS is available through the Crisis Clinic at **206-461-3222 or 1-866-4CRISIS.**

Appendix A revised 11-20.pdf

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APPENDIX A

UNIFORM AND EQUIPMENT SPECIFICATIONS

Insignia of rank

Chief of Police: It shall be three gold colored metal or gold thread stars, worn on both sides of the uniform shirt collar and on each shoulder of all other outer garments except rain gear.

Captain: It shall be two gold colored metal or gold thread bars, worn on both sides of the uniform shirt collar and on each shoulder of all other outer garments except rain gear.

Lieutenant: It shall be one gold colored metal or gold thread bar, worn on both sides of the uniform shirt collar and on each shoulder of all other outer garments except rain gear.

Sergeant: It shall be three blue chevrons with white thread trim, worn centered on each sleeve and below the Kirkland Police patch of the uniform shirt, and on all outer garments except rain gear.

Corporal: It shall be two blue chevrons with white thread trim, worn centered on each sleeve and below the Kirkland Police patch of the uniform shirt, and on all outer garments except rain gear.

UNIFORM CLASSES

Dress Uniform Jacket and Dress Uniform Shirt

The Dress uniform is to be worn by members of the command staff. It may be worn on special occasions such as funerals, graduations, ceremonies, or as directed by the Chief of Police. The dress uniform includes:

a. A navy-blue dress jacket.
b. White shirt.
c. Uniform navy necktie.
d. Uniform necktie bar.
e. Class "A" uniform trousers.
f. Black belt.
g. Dress hat.
    1. Dress hat will be an eight-point hat of navy blue cloth, with a hard black leather or vinyl bill, stiffener band, gold colored dress band and gold colored buttons.
h. All black, polished shoes.
i. Authorized equipment, apparel and accessories.

Chief of Police:

- Dress uniform jacket shall have three gold colored metallic thread braids worn on both sleeves of the dress jacket; all three braids shall be one-half (1/2) inch wide, with the first braid being 3½ inches from edge of cuff, and three gold colored metal stars on each shoulder.

- Dress uniform shirt shall have three gold colored metal stars on each side of the collar.

Captain:

- Dress uniform jacket shall have two gold colored metallic thread braids worn on both sleeves of the dress jacket; both braids shall be one-half (1/2) inch wide, with the first braid being 3½ inches from edge of cuff, and two gold colored metal bars on each shoulder.

- Dress uniform shirt shall have two gold colored metal bars on each side of the collar.

Lieutenant:

- Dress uniform jacket shall be one gold colored metallic thread braid worn on both sleeves of the dress jacket; the braid shall be (1/2) inch wide, with the braid being 3½ inches from edge of cuff, and one gold colored metal bar on each shoulder.

- Dress uniform shirt shall have a gold colored metal bar on each side of the collar.

Service Stars for Command staff:

- Gold colored metallic thread service stars will be worn on both sleeves of the dress uniform. Each gold star will represent 5 years of service in law enforcement. These stars will be sewn 1/2 inch above the highest gold colored metallic thread braid on each sleeve.

Non-Command Staff issued a Dress Uniform Jacket for assignment at the Washington State Criminal Justice Commission as a TAC Officer will have the following:

Sergeant:

- Dress uniform jacket shall have three blue chevrons with white thread trim, worn centered on each sleeve and below the Kirkland Police patch of the dress jacket.

Corporal:

- Dress uniform jacket shall have two blue chevrons with white thread trim, worn centered on each sleeve and below the Kirkland Police patch of the dress jacket.

Class A Uniforms

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 commissioned officers. The Class A uniform includes:

a. Uniform long sleeve wool blend shirt.
b. Uniform wool blend pants.
c. Uniform navy necktie.
d. Uniform necktie bar.
e. Dress hat.
    1. Dress hat will be an eight-point hat of navy blue cloth, with a hard black leather or vinyl bill; and stiffener band.
f. All black uniform boots and/or shoes with polished toes.
g. Authorized equipment, apparel and accessories.

Traffic Motorcycle Officers are allowed to wear the following:

a. Uniform long sleeve wool blend shirt.
b. Uniform navy necktie.
c. Uniform necktie bar.
d. Motorcycle breeches.
e. Motorcycle helmet.
f. All black Motorcycle boots that are polished.
    1. Boots with pointed toes are not permitted.
g. Authorized equipment, apparel and accessories.

Class B Uniforms

The Class B uniform is to be worn by uniformed personnel on a daily basis. All commissioned and corrections officers will possess and maintain a serviceable Class B uniform at all times.

The Commissioned Class B uniform includes:

a. Department-issued black Jumpsuit, worn with either long or short sleeves.
b. Black department-issued long and short sleeve shirt.
    1. The long or short sleeve shirt may be worn with the collar open.
    2. No tie is required.
    3. white or black crew neck t-shirt must be worn with the uniform.
    4. All shirt buttons must remain buttoned except for the last button at the neck.
c. Department-issued black uniform pants.
d. All black uniform boots and/or shoes with a polished toe shall be worn.
    1. Boots with pointed toes are not permitted.
e. KPD Baseball hat; KPD wool pull over cap upon request.
f. Authorized equipment, apparel and accessories.

Traffic Motorcycle Officers are allowed to wear the following:

a. Department-issued black Jumpsuit, worn with either long or short sleeves.
b. Black or yellow high visibility long and short sleeve shirt.
    1. The long or short sleeve shirt may be worn with the collar open. No tie is required.
    2. A white or black crew neck t-shirt must be worn with the uniform.
    3. All shirt buttons must remain buttoned except for the last button at the neck.
c. Motorcycle pants.
d. Motorcycle helmet.
e. All black Motorcycle boots that are polished.
    1. Boots with pointed toes are not permitted
f. Authorized equipment, apparel and accessories.

Bicycle Patrol Officers are allowed to wear the following:

a. Black long and short sleeve shirt.
    1. The long or short sleeve shirt may be worn with the collar open. No tie is required.
    2. A white or black crew neck t-shirt must be worn with the uniform.
    3. All shirt buttons must remain buttoned except for the last button at the neck.

b. Bicycle specific Patrol shorts.
c. Bicycle Patrol helmet.
d. Authorized equipment, apparel and accessories.

The Corrections Class B uniform includes:

a. Black Department-issued Jumpsuit.
b. Black long and short sleeve shirt.
    1. The long or short sleeve shirt may be worn with the collar open. No tie is required.
    2. A white or black crew neck t-shirt must be worn with the uniform.
    3. All shirt buttons must remain buttoned except for the last button at the neck.
c. Black uniform pants.
d. All black uniform boots and/or shoes with a polished toe shall be worn.
    1. Boots with pointed toes are not permitted.
e. KPD Baseball hat; KPD wool pull over cap upon request.
f. Authorized equipment, apparel and accessories.

Uniform –authorized equipment, apparel and accessories:

1. Metal Badge: Department issued medal badge shall be worn on the command officer's dress jacket, an officer's Class "A" and Class "B" uniform shirt, or an officer's load-bearing vest.
    a. It shall be centered one-quarter (1/4) inch above the left breast pocket and pinned in the space provided on the uniform shirt.
    b. It shall be carried by on-duty plainclothes personnel unless otherwise authorized by Division Lieutenant.
    c. Shall be silver colored metal for all personnel below the rank of Corporal. Corrections personnel below the rank of Corporal shall be silver colored metal without the eagle.
    d. Shall be two tone silver and gold with a silver eagle for Corporals and Detectives. Corrections Corporals and Sergeants shall be a two tone silver and gold badge without the eagle.
    e. Shall be two tone silver and gold with a gold eagle for Sergeant's.
    f. Shall be solid gold colored for Command Staff.

2. Metal Hat Badge: Shall be worn on the Class "A" uniform hat.
    a. Silver color metal hat badge for ranks of Corporal and below.
    b. Gold color metal hat badge for the ranks of Sergeant and above.

3. Metal Name Plate: Department issued metal nameplate will be centered over and one-quarter (1/4) inch above the right breast pocket. To be worn with the Class "A" uniform and Dress jacket.

4. Cloth Name Tag:

    a. Shall be worn on all outer garments, except the Class "A" uniform shirt and dress jacket, for commissioned officers and corrections officers.
    b. May be worn on jumpsuits in lieu of, but in the same location as, the uniform name plate.

c. Shall be of an appropriate colored background cloth, as designated, with white block lettering for the rank of Sergeant and below and gold block lettering for the rank of Lieutenant and above, consisting of the first initial and last name only.

5. Years of Service mark: Each service mark indicates three years of service in law enforcement. The correct number of service marks shall be worn on the left sleeve of the long-sleeve uniform shirt, along the sleeve cuff, and one-half (1/2) inch to the right of the sleeve press line. They shall be sewn on with matching thread. The entire strip shall be replaced when adding a mark

6. Uniform tie clasp shall be a straight bar design with the seal of the State of Washington centered on the bar, and bearing the engraved inscription, "Police Dept." This will be worn centered on the necktie.

7. Buckles, buttons, snaps, tie clasps, and other like metal accessories shall be:
    a. Silver color for personnel in the rank of Corporal and below.
    b. Gold color for personnel in the rank of Sergeant and above.

8. Kirkland Police Shoulder patch: The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and uniform jackets, three-quarters of an inch below the shoulder seam of the shirt and be bisected by the crease in the sleeve.
    a. Command Staff: The patch will have "Kirkland Police" and the City of Kirkland emblem in gold thread on a blue background and the patch will be bordered with gold thread. The Corrections Lieutenant will have the same patch other than the word Police is replaced by the word Corrections.
    b. Non-Command Staff: The patch will have "Kirkland Police" and the City of Kirkland emblem in white thread on a blue background and the patch will be bordered with white thread.
    c. Corrections Officer: The patch will have "Kirkland Corrections" and the City of Kirkland emblem in white thread on a blue background and the patch will be bordered with white thread.
    d. K9 Officer: The K9 patch will be centered on the right and left sleeves in the same position where the Kirkland Police Department shoulder patches are normally placed for patrol officers.
    e. Honor Guard: The patch will have "Kirkland Honor Guard" and the City of Kirkland emblem in white thread on a blue background and the patch will be bordered with white thread.

9. Motorcycle patch: A winged motorcycle wheel, centered directly below the Kirkland Police shoulder patch on the sleeves of the uniform shirt and jacket, and shall be worn by certified motorcycle officers only.

10. SRT patch: SRT eagle & lightning bolt patch centered on left breast of the authorized SRT uniform.

11. All cloth accessories shall be neatly and securely sewn with matching color thread.

12. All cloth badges and Department patches shall be obliterated or removed from all apparel prior to discarding the clothing.

13. Ribbons and Pins: No more than two pins may be worn at any time on a uniform, with the exception that if an officer has earned a Medal of Honor, Medal of Valor or a Distinguished Service Award, these ribbons may additionally be worn. Only pins of current assignment(s) may be worn. Pins will be worn centered over and one-quarter (1/4) inch above the nameplate. If two pins are worn, then the second pin will be worn centered and one-quarter (1/4) inch above the first pin. The one-quarter (1/4) inch spacing applies to the additional permitted pins specified above.

    a. The Medal of Valor and Distinguished Service Ribbons will be worn above all pins, except for the Flag pin which may be worn centered over and one-quarter (1/4) inch above any other service pins/ribbons.
    b. Medal of Honor: Washington State Law Enforcement Medal of Honor Committee issued Medal of Honor ribbon bar will be centered over and one-quarter (1/4) inch above the badge.
    c. Medal of Valor: Department issued medal of valor ribbon bar will be centered over and one-quarter (1/4) inch above the nameplate.
    d. Distinguished Service Award: Department issued distinguished service award ribbon bar will be centered over and one-quarter (1/4) inch above the nameplate.
    e. Field Training Officer pin: Department issued metal field training officer pin will be centered over and one-quarter (1/4) inch above the nameplate.
    f. Police Training Officer pin: Department issued metal police training officer pin will be centered over and one-quarter (1/4) inch above the nameplate.
    g. Crisis Negotiations Team pin: Department issued metal crisis negotiations team pin will be centered over and one-quarter (1/4) inch above the nameplate.
    h. Special Response Team pin: Department issued metal special response team pin will be centered over and one-quarter (1/4) inch above the nameplate.
    i. School Resource Officer pin: Department issued metal school resource officer pin will be centered over and one-quarter (1/4) inch above the nameplate.
    j. Command School pin/insignia – Department authorized pin/insignia will be centered over and one quarter (1/4) inch above the nameplate. Pin/insignia may be worn on "Class A" and "Dress" uniform.
    k. United States Flag pin – Department issued metal United States Flag pin will be centered over and one-quarter (1/4) inch above the nameplate.

14. Reliable timepiece shall be carried by all on-duty personnel.

Definitions - Authorized Equipment, Apparel and Accessories

All items of issued apparel must have the approval of the Chief of Police as to color, material, style and manufacturer or stock number if applicable. Said approval is subject to amendment from time to time.

1. Baseball caps - black in color, Department issued only.

    a. May be worn with "Class B" uniforms for commissioned officers and corrections officers. May also be worn by parking enforcement officers and evidence technicians.

b. May be worn with the jumpsuit, uniform jackets, rain gear, or when deemed appropriate by one's Division Lieutenant.

2. KPD wool pull over cap – Stocking hat, black in color, shall have Kirkland Police centered on the front.

    a. May be worn with "Class B" uniforms for commissioned officers and corrections officers. May also be worn by parking enforcement officers and evidence technicians.

    b. May be worn with the jumpsuit, uniform jackets, rain gear, or when deemed appropriate by one's Division Lieutenant.

3. Uniform Jackets – Uniform jackets will be Department issued weather resistant coats as approved by the Chief of Police. The coat should have reflective properties built into the design. Commissioned uniform jackets shall have the words KIRKLAND POLICE on the back, while corrections uniform jackets shall have the words KIRKLAND CORRECTIONS on the back.

4. Holsters – Only authorized holsters shall be worn by personnel.

5. Uniform footwear for commissioned and non-commissioned personnel is defined as:

    a. The authorized footwear to be worn with the department issued uniform shall be an all black boot and/or shoe with a polished toe.

    b. Motorcycle officer's uniform footwear is defined as being protective motorcycle boots of plain black leather.

    c. Bicycle Patrol officers' footwear will be black shoes that conform to the pedal retention system.

    d. For Police Support Associates, the footwear shall be black or brown in color; no running-type shoes or flip flops are allowed.

6. Uniform gloves - Wrist-length black gloves may be worn with any uniform. Bicycle officers may wear black or dark gray bicycle gloves.

7. Belts – The uniform trouser belt shall be of black leather or nylon. Police Support Associates may wear brown or black belts.

8. Uniform duty belt/Load-bearing vest – Only authorized/required equipment listed shall be worn on the duty belt or load-bearing vest; nylon items shall be made of black nylon of like color and design:

    a. Black nylon belt with plastic buckle
    b. Load-bearing vest (optional)
    c. Handcuff case (one or two) (LBV allowed)
    d. Key holder (LBV allowed)
    e. Magazine pouch (LBV allowed)
    f. Accepted/approved firearm holster
    g. Portable radio holder (LBV allowed)
    h. Baton holder (LBV allowed)
    i. Belt keepers (4)
    j. OC holder (LBV allowed)
    k. Glove case (LBV allowed)
    l. Accepted/approved taser holster worn on the opposite side of firearm (LBV allowed)
    m. Flashlight (LBV allowed)
    n. Opioid Case (LBV allowed)
    o. Tourniquet (LBV allowed)
    p. Optional items as approved/authorized by the command staff.

9. Mock Turtleneck shirt – This is an optional, employee purchased item that is authorized for wear. It must be black in color and may be worn by uniformed personnel with the Class "B" uniform.

10. Motorcycle breeches – cotton or wool, navy blue in color (motorcycle officers only).

11. Bicycle Patrol Shorts - black shorts which are above the knee.

12. Knives/Multi-tools – This is an optional, employee purchased item that is authorized for carry on-duty. They shall be worn where it is secure and concealed unless worn on the belt or LBV in a knife sheath. Fixed blade type designs are prohibited.

Personal Equipment Issued

It is mandatory that all uniformed personnel carry the following issued equipment while working as described below. Uniformed officers who are not on a field assignment, such as Command Staff, Training Unit, and temporary duty assignments, are not required to carry the listed equipment while working inside the Kirkland Police Department and not involved in enforcement activities.

1. Portable Radio

    a. Every commissioned and special commissioned officer in uniform will carry their assigned portable radio. Care must be taken when removing the radio from its carrier. Do not pull the radio out utilizing the antennae as this may damage it.

2. Handgun (must be worn on the belt)

3. Spare Magazines

    a. All uniformed personnel shall carry at a minimum two spare magazines in an approved magazine pouch on their belt or on their LBV.

4. Handcuffs

5. Oleoresin Capsicum (OC)

6. Asp style expandable baton.

7. Taser (if issued)

8. Tourniquet

Police Support Associate Uniforms

The Police Support Associate uniform shall consist of:

a. Polo shirt with "Kirkland Police" & "City of Kirkland" emblem embroidered on left front breast.
b. Black or Tan pants.
c. Authorized footwear.

Miscellaneous apparel for Police Support Associate shall consist of:

a. Black sweater with "Kirkland Police" o& "City of Kirkland" emblems embroidered on left front breast.
b. Black vest with "Kirkland Police" & "City of Kirkland" emblem embroidered on left front breast

Parking Enforcement Officers and Evidence Technicians Uniforms

The Parking Enforcement Officers and Evidence Technicians uniform shall consist of:

a. Polo shirt with "Kirkland Police" & "City of Kirkland" emblem embroidered on left front breast.
b. Black utility pants.
c. All black uniform boots and/or shoes with a polished toe shall be worn.
    a. Boots with pointed toes are not permitted.

Miscellaneous apparel for Parking Enforcement Officers and Evidence Technician shall consist of:

a. Black jacket with "Kirkland Police" & "City of Kirkland" emblems embroidered on left front breast.
b. Black vest with "Kirkland Police" & "City of Kirkland" emblem embroidered on left front breast
c. Baseball Hat; KPD wool pullover upon request.
d. Jumpsuits may be worn by Evidence Technicians when authorized by a supervisor.

Retired Officers' Command Dress and Class A Uniforms and Equipment List

Per policy 1024-Uniforms, with authorization from the Chief of Police, commissioned personnel **retiring** from the Kirkland Police Department may request to keep the following previously issued items. No new items will be issued upon retirement:

Command Dress Uniform:
8-point hat/hat badge
Dress coat
Wool Slacks
White shirt
Tie/tie bar
Leather trouser belt
Rank insignia/pins/medals
Holster for duty weapon worn with Command uniform

Class A:
8-point hat/hat badge
Class A wool shirt
Class A slacks
Tie/tie bar
Pins earned-i.e. command school, awards/specialties
Duty belt and inner belt
Holster for duty weapon
Magazine pouch

Report of Threatened or Attempted Suicide to Law Enforcement.pdf

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170508_Opioid_Overdose_Incident_Form.pdf

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